



BILL: Senate Bill 846 **DATE:** March 29, 2023

SUBJECT: Libraries - Circulation Records - Inspection, Use, or Disclosure Requirement Revision **COMMITTEE:** Ways and Means

SPEAKER: Irene Padilla **POSITION:** Favorable

The Maryland State Library Agency (MSLA) is in support of SB 846 and encourages a favorable review. This bill updates the language in statute 23-108 to more effectively prohibit inspection, use, or disclosure of a circulation record of a public library or any other item, collection, or grouping of information about an individual.

It is meant to ensure that library records remain confidential unless certain standards are met. This revision updates the language and builds in components of the Public Information Act contained in Title 4 of the General Provisions Article, specifically § 4-308 Library records.

This statute is relied upon by Library Directors and Library Boards for guidance in handling requests from government officials, law enforcement officials or the general public to inspect, use, or disclose a circulation record of a public library or any other item, collection, or grouping of information about an individual.

The statute allows library staff to require that law enforcement or other interested parties obtain a subpoena in order to see these records.

§ 4-308. Library records

(a) In general. -- A custodian shall prohibit inspection, use, or disclosure of a circulation record of a public library or any other item, collection, or grouping of information about an individual that:

- (1) Is maintained by a library;
- (2) Contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and
- (3) Identifies the use a patron makes of that library's materials, services, or facilities.

(b) Permissible inspection. -- A custodian shall allow inspection, use, or disclosure of a circulation record of a public library only:

- (1) In connection with the library's ordinary business; and
- (2) For the purposes for which the record was created.