



## North Dakota State Library Patron Privacy Policy

All records in possession of the North Dakota State Library that relate to 1) borrower registration; 2) materials checked out by borrowers, or consulted by borrowers or patrons; or 3) questions asked by borrowers or patrons - are considered exempt records. These records are not kept to monitor a borrower's or patron's reading or research. Circulation records are required to control the use of library materials both on and off the library premises. Summary statistics of library use are kept to measure organizational activity.

Any record maintained or received by the North Dakota State Library, which provides a library patron's name, or information sufficient to identify a patron together with the subject about which the patron requested information, is considered an exempt record under the public records disclosure requirements of NDCC 44-04-18, pursuant to NDCC 40-38-12. Unless otherwise provided below, exempt records shall not be made available upon request of any person other than the patron. Such records will not be released to individuals, the public, the media, or any government agency except pursuant to such process, order, or subpoenas as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.

Guardians of vulnerable adults must provide letters of guardianship to access the library records of the vulnerable adults under their care. Organizations providing assistance to vulnerable adults regarding library accounts must confirm their guardianship with library administration

Designated agents must provide proof of durable power of attorney authorizing access to access the library records of the individual(s) for whom they are the designated agent.

Parents or legal guardians, whose children or wards have overdue materials, are excepted from the requirements above. Upon the request of the parent or legal guardian, the titles and due dates of overdue materials will be provided only to ensure the overdue materials will be returned. Identification will be requested from the parent or guardian.

In accordance with NDCC §40-38-12, records of donations are exempt records if the donor of the record so requests.

Century Code references:

[NDCC §40-38-12. Library records - Open records exception](#)

Any record maintained or received by a library receiving public funds, which provides a library patron's name or information sufficient to identify a patron

together with the subject about which the patron requested information, is considered private and is excepted from the public records disclosure requirements of section 44-04-18. These records may be released when required pursuant to a court order or a subpoena.

[NDCC §44-04-18.23. Library, archive, and museum collections - Exempt records](#)

A public library, archive, or museum may designate a donated record as an exempt record if the donor of the record requests as a condition of the donation that the record not be released to the public for a specific amount of time, which may not exceed twenty years beyond the death of the donor.