

Guidance on changes to Confidentiality statute (22 V.S.A. § 171-173)

On July 1, 2024, a section of [Vermont Act 150/S.220](#) related to confidentiality went into effect that lowered the age at which a minor's library records are confidential from 16 to 12.

The Department encourages libraries to develop new policies or evaluate current policies considering the recent changes to statute. The recent changes provide libraries the opportunity to review these policies and procedures in full to make sure their library is in compliance. If the library doesn't already have a policy in place, the department recommends starting with a basic policy that references the statute:

"The _____ Public Library respects the right of privacy of all its patrons regarding the use of this Library. Library records are protected under Vermont Statute, Title 22, Chapter 4, Sections 171-173."

Procedures can then be developed within the context of this basic policy. The department has heard that many libraries are following these general procedures:

1. Updating or creating a new policy
2. Expiring or otherwise flagging accounts for minors aged 12-15, (or all minors if no age indicated in patron record)
3. Asking minors 12-15 how they would like to be contacted moving forward
4. Redesigning the library card application to update the age range for those getting cards moving forward. (Example – [Westford public library application](#))
5. Creating a process to voluntarily authorize others to access a patron's library information. This should be in place for all patrons that need a proxy for conducting library business.

To reiterate the [Department's guidance on Act 150](#), this change matters because providing confidentiality "promotes intellectual freedom, free inquiry, and a love of learning." The change also "aligns the age of confidentiality for kids with the age at which they can make medical decisions autonomously."

State Librarian Catherine Delneo [testified to the House Government Operations Committee](#) that "This change would align the age of confidentiality in public libraries with the age at which youth are empowered by existing statute to make medical decisions on matters of drug and alcohol abuse treatment and mental health treatment. While many teens would still choose to share information about their use of public libraries with their parents, this change would enable at-risk youth to have the information they need to make personal medical decisions."

Christopher Kaufman Ilstrup, Executive Director of Vermont Humanities, [testified](#): "We know from our work with middle and high school students that their public and school

libraries are important sources of accurate information on a wide variety of topics that young people are concerned about but may not yet be ready or willing to talk about with adult caretakers or authority figures. Lowering the age of patron confidentiality assures young people that the library is a safe environment for research and learning on difficult topics and steers them towards reliable information sources rather than Google, YouTube, or Tik Tok. I can assure you that if younger patrons can't safely and confidentially access library resources they will seek the information they want from sources that may be considerably less accurate or safe."

Additional considerations for libraries

- Library patron records are not just registration or circulation records, but also encompass "an individual's activities within a library, including the materials that have been viewed in print or electronic form, research questions posed, materials in any format that the patron has requested through interlibrary loan or has borrowed, or any other library service or consultation that the patron has requested." Policies and procedures should be developed to keep *all* covered patron records confidential.

One common example of this is a caller asking if another person is currently, or was recently, in the building. Many libraries choose to respond to these inquiries by taking the name of the caller and letting the caller know that, if the person is in the building, they will reach out to the person and let them know that the caller has called.

- Community libraries (joint school/public libraries) are in a unique position vis-à-vis confidentiality, since there are one set of rules for school library confidentiality and another set for public library confidentiality. We encourage community libraries who need assistance implementing changes to reach out directly to the Department (kevin.unrath@vermont.gov) for help navigating these issues.
- Family cards, where one card serves multiple patrons, can be challenging when considered through the lens of patron confidentiality. Libraries will need to consider a procedure when issuing such cards that allows family members to waive their right of confidentiality when the card is issued or when a person listed on the card reaches the age at which confidentiality is bestowed. This could be similar to a library's procedure for indicating that one patron may pick up materials or request materials for another patron, for example.