

Vermont
Department of
Libraries

June 5, 2024

OVERVIEW OF
S.220 – AN ACT
*RELATING TO
PUBLIC LIBRARIES
IN VERMONT*

- About the Governor
- Strategic Priorities & Key Issues
- News & Communications
- The Governor's Office
- The Administration

Action Taken by Governor Phil Scott on Legislation - June 3, 2024

[Press Release](#)
June 3, 2024

Governor Phil Scott announced action on the following bills, passed by the General Assembly.

On June 3, Governor Scott signed bills of the following titles:

- [H.546](#), An act relating to administrative and policy changes to tax laws
- [H.657](#), An act relating to the modernization of Vermont's communications taxes and fees
- [H.707](#), An act relating to revising the delivery and governance of the Vermont workforce system
- [H.794](#), An act relating to services provided by the Vermont Veterans' Home
- [H.868](#), An act relating to the fiscal year 2025 Transportation Program and miscellaneous changes to laws related to transportation
- [H.871](#), An act relating to the development of an updated State aid to school construction program
- [S.220](#), An act relating to Vermont's public libraries
- [S.253](#), An act relating to building energy codes
- [S.254](#), An act relating to including rechargeable batteries and battery-containing products under the State battery stewardship program

Governor Scott recently discussed his decision-making approach to the bills passed by the Legislature, highlighting the challenge of balancing benefits, costs and risks, and concerns about the realities of new costs and short timelines for numerous new initiatives coming out of the Legislature. In part, Governor Scott said, "As I've always done, I will carefully weigh the good against the bad to make a decision based on whether the benefits outweigh the negative impacts for our entire state. These decisions aren't easy and they're not always popular here in Montpelier. But I'll take that heat when I believe I'm making the right choice for the everyday Vermonter." [Read his full statement here.](#)

SIGNED
JUNE 3, 2024

<https://governor.vermont.gov/press-release/action-taken-governor-phil-scott-legislation-june-3-2024>



Working Group on the Status of Libraries in Vermont Final Report

In May 2021, the Vermont State Legislature passed [Act 66 \(S.115\)](#) an act relating to making miscellaneous changes in education laws, which was signed by the Governor on June 7, 2021. This act created the Working Group on the Status of Libraries in Vermont and charges the group with studying the statewide status of libraries and submitting a report on their studies to the House and Senate Committees on Education by November 1, 2023. The Working Group was formed with the goal of strengthening and supporting libraries of all sizes and improving library services for the public.

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11.01.2023

Cover Image: Morrystown Centennial Library's All Together Now banner.
(photo courtesy of the library)



<https://libraries.vermont.gov/services/initiatives-and-projects/working-group-status-libraries-vermont>

SENATORS HARDY &
GULICK'S BILL
RESPONDS DIRECTLY
TO
RECOMMENDATIONS
IN LIBRARIES
WORKING GROUP
REPORT

EFFECTIVE DATES

JULY 1, 2024

Most sections the bill

JANUARY 1, 2025

Updated duties and functions of the Department

(e.g. authority to develop Model Policies)

JULY 1, 2025

Requirement that Public and School Libraries adopt Materials Selection Policies and procedures for reconsideration

AGENDA



**Review Current Statute
& Changes S.220
Will Bring**



**Confidentiality of Public
Library Records Age
Change**



**Public Library Materials
Selection Policy &
Retention Procedures**



Questions & Answers

SEC. 1 OF S.220:
22 V.S.A. § 67 PUBLIC
LIBRARIES
USE OF FACILITIES AND
RESOURCES

-CURRENT-

Title 22 : Libraries, History, and Information Technology

Chapter 003 : Public Libraries

Subchapter 001 : Free Public Library Service

(Cite as: 22 V.S.A. § 67)

§ 67. Public libraries; statement of policy; use of facilities and resources

(a) The General Assembly declares it to be the policy of the State of Vermont that free public libraries are essential to the general enlightenment of citizens in a democracy and that every citizen of the State of Vermont should have access to the educational, cultural, recreational, informational, and research benefits of a free public library.

(b) The trustees, managers, or directors of a public library may use library resources as a community center. Community centers may serve as forums and exhibition areas for the exchange of ideas that encourage the growth of artistic, educational, literary, and scientific knowledge as well as the intercultural understanding of the Vermont citizenry. Public libraries may cooperate with community groups to provide these services. (Added 1997, No. 73 (Adj. Sess.), § 1.)

<https://legislature.vermont.gov/statutes/section/22/003/00067>

22 V.S.A. § 67 PUBLIC LIBRARIES USE OF FACILITIES AND RESOURCES

c) To ensure that Vermont libraries protect and promote the principles of free speech, inquiry, discovery, and public accommodation, it is necessary that the trustees, managers, or directors of free public libraries adopt policies that comply with the First Amendment to the U.S. Constitution and State and federal civil rights and antidiscrimination laws.

SEC. 1 OF S.220:

22 V.S.A. §67
PUBLIC LIBRARIES
USE OF FACILITIES
AND RESOURCES

-ADDITION-

WHY IT MATTERS

This new section frames the work we do in public libraries: focusing on free speech, inquiry, discovery, and public accommodation. The new section reminds us that all aspects of our work need to comply with the BOTH the First Amendment to the U.S. Constitution and State and federal civil rights and antidiscrimination laws.

SEC. 1 OF S.220:

22 V.S.A. §69 PUBLIC
LIBRARIES; SELECTION
AND RECONSIDERATION
OF
LIBRARY MATERIALS

-CURRENT -

Title 22: Libraries, History, and Information Technology

Chapter 3: Public Libraries

Subchapter 1: Free Public Library Service

§§ 61-66. Repealed. 1969, No. 226 (Adj. Sess.), § 18, eff. March 31, 1970.

§ 67. Public libraries; statement of policy; use of facilities and resources

§ 68. Statutory purposes

22 V.S.A. § 69. PUBLIC LIBRARIES; SELECTION AND RECONSIDERATION OF LIBRARY MATERIALS

A public library shall adopt a library material selection policy and procedures for the reconsideration and retention of library materials that complies with the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, State laws prohibiting discrimination in places of public accommodation, and that reflect Vermont's diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs. A public library may adopt as its policy a model policy adopted by the Department of Libraries pursuant to section 606 of this title.

SEC. 1 OF S.220:
22 V.S.A. § 69 PUBLIC
LIBRARIES;
SELECTION AND
RECONSIDERATION
OF LIBRARY
MATERIALS

- ADDITION-

WHY IT MATTERS

Centers the idea that public libraries are for everyone.

Highlights the importance of prohibiting discrimination in public library collections and fostering inclusive libraries.

- Vermont leads the way.
- Reminder that both 1st Amendment and state and federal anti-discrimination laws are relevant to library service.
- Removal of a book due to a challenge may violate federal law.
- Shifts burden to person bringing challenge, libraries no longer on defense.
- Responds to national book banning campaigns, ends chilling effect.
- Does not interfere with the right to petition, right to challenge, making the law more durable.
- Requires public libraries to provide a clear structure for responding to challenges.

WHY IT MATTERS:
PUBLIC LIBRARIES;
SELECTION AND
RECONSIDERATION OF
LIBRARY MATERIALS

SEC. 3 OF S.220:
22 V.S.A. § 172 LIBRARY
RECORD CONFIDENTIALITY;
EXEMPTIONS
-CURRENT-

Title 22 : Libraries, History, and Information Technology

Chapter 004 : Library Patron Records

(Cite as: 22 V.S.A. § 172)

§ 172. Library record confidentiality; exemptions

(a) A library's patron registration records and patron transaction records shall remain confidential.

(b) Unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records except:

(1) with the written permission of the library patron to whom the records pertain;

(2) to officers, employees, volunteers, and agents of the library to the extent necessary for library administration purposes;

(3) in response to an authorized judicial order or warrant directing disclosure;

(4) to custodial parents or guardians of patrons under age 16; or

(5) to the custodial parents or guardians of a student, in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends.

(c) Statistical records pertaining to the patronage, circulation activities, and use of any service or consultation the library provides, provided that they do not contain the names of patrons or any other personally identifying information, shall be exempt from the provisions of this chapter. (Added 2007, No. 129 (Adj. Sess.), § 1.)

22 V.S.A. § 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

(b) Unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records except:

(4) to custodial parents or guardians of patrons under 12 years of age;

SEC. 3 OF S.220:

22 V.S.A. § 172 LIBRARY
RECORD
CONFIDENTIALITY;
EXEMPTIONS

-AMENDMENT-

WHY IT MATTERS

Promotes intellectual freedom, free inquiry, and a love of learning. Aligns the age of confidentiality for kids with the age at which they can make medical decisions autonomously.

SEC. 4 OF S.220:
13 V.S.A. § 1702 CRIMINAL
THREATENING
-CURRENT-

Title 13 : Crimes and Criminal Procedure

Chapter 039 : Extortion and Threats

(Cite as: 13 V.S.A. § 1702)

§ 1702. Criminal threatening

(a) A person shall not by words or conduct knowingly:

(1) threaten another person or a group of particular persons; and

(2) as a result of the threat, place the other person in reasonable apprehension of death, serious bodily injury, or sexual assault to the other person, a person in the group of particular persons, or any other person.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) A person who violates subsection (a) of this section with the intent to prevent another person from reporting to the Department for Children and Families the suspected abuse or neglect of a child shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(d) A person who violates subsection (a) of this section by making a threat that places any person in reasonable apprehension that death, serious bodily injury, or sexual assault will occur at a public or private school; postsecondary education institution; place of worship; polling place during election activities; the Vermont State House; or any federal, State, or municipal building shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(e) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence a person to prevent that person from complying with State laws or rules, State court or administrative orders, or State executive orders shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

<https://legislature.vermont.gov/statutes/section/13/039/01702>

13 V.S.A. § 1702. CRIMINAL THREATENING

(d) A person who violates subsection (a) of this section by making a threat that places any person in reasonable apprehension that death, serious bodily injury, or sexual assault will occur at a public or private independent school; postsecondary education institution; public library; place of worship; polling place during election activities; the Vermont State House; or any federal, State, or municipal building shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

SEC. 4 OF S.220:

13 V.S.A. § 1702
CRIMINAL
THREATENING

-AMENDMENT-

WHY IT MATTERS

Promotes increased safety in public library buildings by providing enhanced penalties for criminal threatening of library staff in both municipal and incorporated public libraries.

SEC. 5 OF S.220:
22 V.S.A. § 105
GENERAL POWERS

*INCORPORATED
PUBLIC LIBRARY*

-CURRENT-

Title 22 : Libraries, History, and Information Technology

Chapter 003 : Public Libraries

Subchapter 002 : Incorporation of Libraries

(Cite as: 22 V.S.A. § 105)

§ 105. General powers

The trustees, managers, or directors shall elect the officers of the corporation from their number and have the control and management of the affairs and property of the corporation, may accept donations and, in their discretion, hold the donations in the form in which they are given for the purposes of science, literature, and art germane to the objects and purposes of the corporation. They may, in their discretion, receive by loan books, manuscripts, works of art, and other library materials and hold or circulate them under the conditions specified by the owners. (Amended 1989, No. 28, § 6.)

Sec. 5. 22 V.S.A. § 105. GENERAL POWERS

(a) The trustees, managers, or directors shall:

(1) elect the officers of the corporation from their number and have the control and management of the affairs, finances, and property of the corporation;

(2) adopt bylaws and policies governing the operation of the library;

(3) establish a library budget;

(4) hold regular meetings; and

(5) ensure compliance with the terms of any funding, grants, or bequests.

(b) The trustees, managers, or directors may:

(1) accept donations and, in their discretion, hold the donations in the form in which they are given for the purposes of science, literature, and art germane to the objects and purposes of the corporation; and

(2) in their discretion, receive by loan books, manuscripts, works of art, and other library materials and hold or circulate them under the conditions specified by the owners.

SEC. 5. OF S.220:
22 V.S.A. § 105
GENERAL POWERS
*INCORPORATED
PUBLIC LIBRARY*
-AMENDMENT-

WHY IT MATTERS

Clarifies the role and duties of the board of trustees of incorporated public libraries.

SEC. 6 OF S.220:

22 V.S.A. § 143
TRUSTEES

*MUNICIPAL
PUBLIC LIBRARIES*

-CURRENT-

Title 22 : Libraries, History, and Information Technology

Chapter 003 : Public Libraries

Subchapter 003 : Municipal Libraries

(Cite as: 22 V.S.A. § 143)

§ 143. Trustees

(a) Unless a municipality which has established or shall establish a public library votes at its annual meeting to elect a board of trustees, the governing body of the municipality shall appoint the trustees. The appointment or election of the trustees shall continue in effect until changed at an annual meeting of the municipality. The board shall consist of not less than five trustees who shall have full power to manage the public library, make bylaws, elect officers, establish a library policy and receive, control and manage property which shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library. The board may appoint a director for the efficient administration and conduct of the library.

(b) When trustees are first chosen, they shall be elected or appointed for staggered terms. (Amended 1989, No. 28, § 12.)

Sec. 6. 22 V.S.A. § 143. TRUSTEES

(a) Unless a municipality that has established or shall establish a public library votes at its annual meeting to elect a board of trustees, the governing body of the municipality shall appoint the trustees. The appointment or election of the trustees shall continue in effect until changed at an annual meeting of the municipality. When trustees are first chosen, they shall be elected or appointed for staggered terms.

(b) The board shall consist of not fewer than five trustees who shall have full power to:

(1) manage the public library, and any property that shall come into the hands of the municipality by gift, purchase, devise, or bequest for the use and benefit of the library;

(2) adopt bylaws, and policies governing the operation of the library;

(3) elect officers;

(4) establish a library budget for consideration by the legislative body of the municipality for inclusion in the municipality's budget;

(5) hold regular meetings; and

(6) ensure compliance with the terms of any funding, grants, or bequests.

SEC. 6 OF S.220:

22 V.S.A. § 143
TRUSTEES

*MUNICIPAL
PUBLIC LIBRARIES*

-AMENDMENT-

22 V.S.A. § 143. TRUSTEES Continued:

(c) The board may appoint a director for the efficient administration and conduct of the library. A library director shall be under the supervision and control of the library board of trustees, unless the employee relationship is otherwise specified in the municipality's charter or by written agreement between the legislative body of the municipality and the trustees.

SEC. 6 OF S.220:

22 V.S.A. § 143
TRUSTEES

*MUNICIPAL
PUBLIC LIBRARIES*

-AMENDMENT-

WHY IT MATTERS

Clarifies the role and duties of the board of trustees of municipal public libraries including the supervision of the library director.

SEC. 7 OF S:220
22 V.S.A. § 606:
OTHER DUTIES AND
FUNCTIONS

DEPARTMENT OF
LIBRARIES

-CURRENT-

Title 22 : Libraries, History, and Information Technology

Chapter 013 : Department of Libraries

Subchapter 001 : General Provisions

(Cite as: 22 V.S.A. § 606)

§ 606. Other duties and functions

The Department, in addition to the functions specified in section 605 of this title:

- (1) Shall administer any grants-in-aid to libraries which may be available from State funds, and may prepare plans and applications to obtain federal aid monies which may be available.
- (2) Shall provide consultative services to other libraries in the State, and shall encourage formation of central records of library holdings.
- (3) Shall promote improved communications among libraries in the State as well as cooperative use of facilities.
- (4) May provide facilities in cooperation with other libraries for storage of little-used materials.
- (5) May conduct seminars, workshops, and other programs to increase the professional competence of librarians in the State.
- (6) May receive and administer gifts of real and personal property accepted by the Governor on behalf of the State under 29 V.S.A. § 101.
- (7) May dispose of by sale or exchange, or may discard, material which is obsolete or has ceased to be useful, because of its physical condition or otherwise. Any proceeds from the sale or disposition of materials shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department for the purchase of library materials.
- (8) Shall be the primary access point for State information, and provide advice on State information technology policy. (Added 1969, No. 226 (Adj. Sess.), § 4, eff. March 31, 1970; amended 1995, No. 148 (Adj. Sess.), §§ 4(a), 11, eff. May 6, 1996; 1997, No. 59, § 15, eff. June 30, 1997; 2009, No. 33, § 44; 2009, No. 91 (Adj. Sess.), § 10, eff. May 6, 2010.)

The Department, in addition to the functions specified in section 605 of this title:

(5) Shall provide a continuing education program for a Certificate in Public Librarianship. The Department shall conduct seminars, workshops, and other programs to increase the professional competence of librarians in the State

(8) Shall provide advice on State information technology policy.

SEC. 7 OF S.220:

22 V.S.A. § 606
OTHER DUTIES AND
FUNCTIONS

DEPARTMENT OF
LIBRARIES

-AMENDMENT-

WHY IT MATTERS

Establishes a requirement that the Department provide continuing education for library staff. Provides the Department with the authority to issue Certificates of Public Librarianship.

- Continuing Education supports every citizen of Vermont's access to a free public library that is staffed by trained professionals.
- The Certificate of Public Librarianship provides a robust level of training geared specifically toward Vermont libraries. The new language in statute gives it more gravitas.
- The certificate program provides a path to librarianship that attracts a diverse workforce committed to careers in Vermont libraries.

WHY IT MATTERS:
CONTINUING
EDUCATION

SEC. 7 OF S.220:
22 V.S.A. § 606 OTHER
DUTIES AND
FUNCTIONS

DEPARTMENT OF
LIBRARIES

-CURRENT-

Title 22 : Libraries, History, and Information Technology

Chapter 013 : Department of Libraries

Subchapter 001 : General Provisions

(Cite as: 22 V.S.A. § 606)

§ 606. Other duties and functions

The Department, in addition to the functions specified in section 605 of this title:

- (1) Shall administer any grants-in-aid to libraries which may be available from State funds, and may prepare plans and applications to obtain federal aid monies which may be available.
- (2) Shall provide consultative services to other libraries in the State, and shall encourage formation of central records of library holdings.
- (3) Shall promote improved communications among libraries in the State as well as cooperative use of facilities.
- (4) May provide facilities in cooperation with other libraries for storage of little-used materials.
- (5) May conduct seminars, workshops, and other programs to increase the professional competence of librarians in the State.
- (6) May receive and administer gifts of real and personal property accepted by the Governor on behalf of the State under 29 V.S.A. § 101.
- (7) May dispose of by sale or exchange, or may discard, material which is obsolete or has ceased to be useful, because of its physical condition or otherwise. Any proceeds from the sale or disposition of materials shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department for the purchase of library materials.
- (8) Shall be the primary access point for State information, and provide advice on State information technology policy. (Added 1969, No. 226 (Adj. Sess.), § 4, eff. March 31, 1970; amended 1995, No. 148 (Adj. Sess.), §§ 4(a), 11, eff. May 6, 1996; 1997, No. 59, § 15, eff. June 30, 1997; 2009, No. 33, § 44; 2009, No. 91 (Adj. Sess.), § 10, eff. May 6, 2010.)

22 V.S.A. § 606 OTHER DUTIES AND FUNCTIONS

(9) May develop and adopt model policies for free public libraries concerning displays, meeting room use, patron behavior, internet use, library materials selection, and other relevant topics, as well as procedures for the reconsideration and retention of library materials, to ensure compliance with the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, and Vermont laws prohibiting discrimination in places of public accommodation.

(10) Shall adopt a material selection policy and procedures for reconsideration and retention that reflect Vermont's diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.

(11) May develop best practices and guidelines for public libraries and library service levels.

SEC. 7 OF S.220:

22 V.S.A. § 606 OTHER
DUTIES AND
FUNCTIONS

DEPARTMENT OF
LIBRARIES

-ADDITION-

WHY IT MATTERS

Empowers the Department to provide guidelines for public library service and to develop model policies to support public libraries in their work.

SEC. 7A OF S.220:

16 V.S.A. § 1624
SCHOOL LIBRARY
MATERIAL SELECTION
POLICY

SCHOOL LIBRARIES

-CURRENT-

None.

§ 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY

(a) Each school board and each approved independent school shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title a library material selection policy and procedures for the reconsideration and retention of materials. The policy and procedures shall affirm the importance of intellectual freedom and be guided by the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, Vermont laws prohibiting discrimination in places of public accommodation, the American Library Association's Freedom to Read Statement, Vermont's Freedom to Read Statement, and reflect Vermont's diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.

(b) In order to ensure a student's First Amendment rights are protected and all students' identities are affirmed and dignity respected, the policy and procedures required under subsection (a) of this section shall prohibit the removal of school library materials for the following reasons:

(1) partisan approval or disapproval;

(2) the author's race, nationality, gender identity, sexual orientation, political views, or religious views;

SEC. 7A OF S.220:

16 V.S.A. § 1624
SCHOOL LIBRARY
MATERIAL SELECTION
POLICY

SCHOOL LIBRARIES

-ADDITION-

§ 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY Continued:

3) school board members' or members of the public's discomfort, personal morality, political views, or religious views;

(4) the author's point of view concerning the problems and issues of our time, whether international, national, or local;

(5) the race, nationality, gender identity, sexual orientation, political views, or religious views of the protagonist or other characters; or

(6) content related to sexual health that addresses physical, mental, emotional, or social dimensions of human sexuality, including puberty, sex, and relationships.

(c) The policy and procedures required under subsection (a) of this section shall ensure that school library staff are responsible for curating and developing collections that provide students with access to a wide array of materials that are relevant to students' research, independent reading interests, and educational needs, as well as ensuring such materials are tailored to the cognitive and emotional levels of the children served by the school.

SEC. 7A OF S.220:

16 V.S.A. § 1624
SCHOOL LIBRARY
MATERIAL SELECTION
POLICY

SCHOOL LIBRARIES

-ADDITION-

WHY IT MATTERS

Centers the idea that school libraries are for everyone. Highlights the importance of prohibiting discrimination in school library collections and fostering inclusive libraries.

LIBRARY
CONFIDENTIALITY
AGE CHANGE –
A DEEPER DIVE

The statute 22 V.S.A. § 172. Library record confidentiality; exemptions

- (a) A library's patron registration records and patron transaction records shall remain confidential.
- (b) Unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records except:
 - (1) with the written permission of the library patron to whom the records pertain;
 - (2) to officers, employees, volunteers, and agents of the library to the extent necessary for library administration purposes;
 - (3) in response to an authorized judicial order or warrant directing disclosure;
 - (4) to custodial parents or guardians of patrons under ~~age 16~~ **12 years of age**; or
 - (5) to the custodial parents or guardians of a student, in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends.

CONFIDENTIALITY
AGE CHANGE -
IMPORTANT
POINTS TO
CONSIDER

- This change applies to *public* libraries – school libraries are separately covered under federal law.
- Best practice for updating library policy is to reference the statute (Cite as: 22 V.S.A. § 171-173), rather than a specific age – that way, policy will be evergreen should there be future changes.
- **Suggested language: “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.”**
- Library internal procedures can then reference the specific age.
- “Patron transaction records” are library records that contain names or other personal identifying information that discloses 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.
- If this section is violated, library can be sued in a civil action! (section 173)

Example: [Brooks Memorial Library Policy](#).

[Brooks Memorial Library - Brattleboro VT](#) > [About Us](#) > [Board of Trustees](#) > [Policies](#) > [Confidentiality of Library Records](#)

Confidentiality of Library Records

PURPOSE

The purpose of the Confidentiality of Library Records policy is to clarify the library's position regarding accessibility to library records by individuals or institutions other than library personnel.

1. The Brooks Memorial Library Board of Trustees recognizes that, in accordance with 22 V.S.A. chapter 4, its patron circulation records and transaction records identifying the names of library patrons are confidential in nature. This policy is upheld in the ALA Policy Manual, Code of Ethics, point III: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted." Confidentiality of patron records is also protected in 1 V.S.A, chapter 5, § 317 (c), paragraph 19 and 22 V.S.A. chapter 4 §171.
2. All library employees will be advised that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena 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. Should such cases arise, the Library Director will consult with legal counsel and/or the Town Attorney, who will provide advice on the correct procedure to follow.
3. [Certain records may be shared at the library's initiative in matters relating to the safety and security of library facilities, collections, personnel, and patrons, under exemptions as defined in 22 V.S.A chapter 4 § 172.](#)
4. All cases involving confidentiality shall be reported to the Town Attorney and the Board of Trustees, unless prohibited by existing federal legislation.

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[Public Access Computing Acceptable Use](#)

[Confidentiality of Library Records](#)

[Materials Selection Policy](#)

[Photography and Video Recording Policy](#)

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QUESTIONS TO
CONSIDER
WHEN
CREATING
PROCEDURES

- How does your library *currently* establish that a patron has reached the age at which confidentiality is bestowed (birthdate upon registration, asking during checkout, asking parent/guardian for age if there is an inquiry into patron record)?
- Will your procedures allow the library to easily make the shift from age 16 to age 12?
- Are there automated emails/letters/calls/texts that go to parents/guardians, which will need to be halted after a patron reaches 12? (many ILS are set up this way)
- How will you maintain confidentiality when parents/guardians inquire about overdue or lost material, or if a child is in the library? (provide number and type of items out, or visit library with the child)

FUTURE MODEL POLICIES

- The Department of Libraries *will* develop and adopt model policies for free public libraries concerning displays, meeting room use, patron behavior, internet use, library materials selection, and reconsideration and retention of library materials,
- Initial focus will be on materials selection and reconsideration policies (by January 2025)
- Will roll out additional model policies over time.
- These model policies will include language to ensure compliance with the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, and Vermont laws prohibiting discrimination in places of public accommodation.

QUESTIONS?