

HCS HB 1085 -- DISCLOSURE OF LIBRARY RECORDS

SPONSOR: McCaherty

COMMITTEE ACTION: Voted "Do Pass by Consent" by the Committee on Local Government by a vote of 20 to 0.

This bill defines "E-book" and "digital resource or material" and adds them to the definition of "library material."

Currently, an employee or agent of a library cannot be required to release all or a portion of a library record to anyone except the person identified in the record or by court order. The bill adds any third party contracted by a library that receives, transmits, maintains, or stores a library record to the list of those who cannot release a record.

A person whose privacy is compromised due to the release of a record may file a written complaint within 180 days of the alleged violation with the Office of the Attorney General describing the facts surrounding the alleged violation. Upon receipt of the complaint, the Attorney General must review each complaint and may initiate legal action if appropriate.

A person whose privacy is compromised may also bring a private civil action in the circuit court of the county in which the library is located to recover damages. The court may award punitive damages and attorney fees to the prevailing party but attorney fees may be awarded to a prevailing respondent only upon a showing that the case is without foundation.

PROPOSERS: Supporters of the bill say that libraries are concerned about respecting the privacy of their patrons. Much of the online content is provided by third-party vendors who have requested to see specific provisions in law requiring them to maintain confidentiality.

Testifying for the bill were Representative McCaherty; Pam Klitsch, Jefferson County Library; Missouri Library Association; and John Scott, Office of the Secretary of State.

OPPOSERS: There was no opposition voiced to the committee.