

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 265

BY SENATORS BLAIR AND SNYDER

[Introduced January 13, 2016;

Referred to the Committee on Government Organization;

and then to the Committee on the Judiciary.]

1 A BILL to amend and reenact §10-1-22 of the Code of West Virginia, 1931, as amended, relating
 2 to confidentiality of certain library records; and clarifying that unpaid library volunteers may
 3 have necessary access to user records.

Be it enacted by the Legislature of West Virginia:

1 That §10-1-22 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 1. PUBLIC LIBRARIES.

§10-1-22. Confidential nature of certain library records.

1 (a) Circulation and similar records of any public library in this state which identify the user
 2 of library materials are not public records but shall be confidential and may not be disclosed
 3 except:

4 (1) To members of the library staff in the ordinary course of business, including paid
 5 employees and unpaid volunteers;

6 (2) Upon written consent of the user of the library materials or the user's parents or
 7 guardian if the user is a minor or ward; or

8 (3) Upon appropriate court order or subpoena.

9 (b) Any disclosure authorized by subsection (a) of this section or any unauthorized
 10 disclosure of materials made confidential by that subsection (a) does not in any way destroy the
 11 confidential nature of that material, except for the purpose for which an authorized disclosure is
 12 made. A person disclosing material as authorized by subsection (a) of this section is not liable
 13 therefor.

NOTE: The purpose of this bill is to specify that library volunteers qualify as staff for the purposes of access to confidential information.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.