

## Library Confidentiality vs. Stewardship of Public Resources

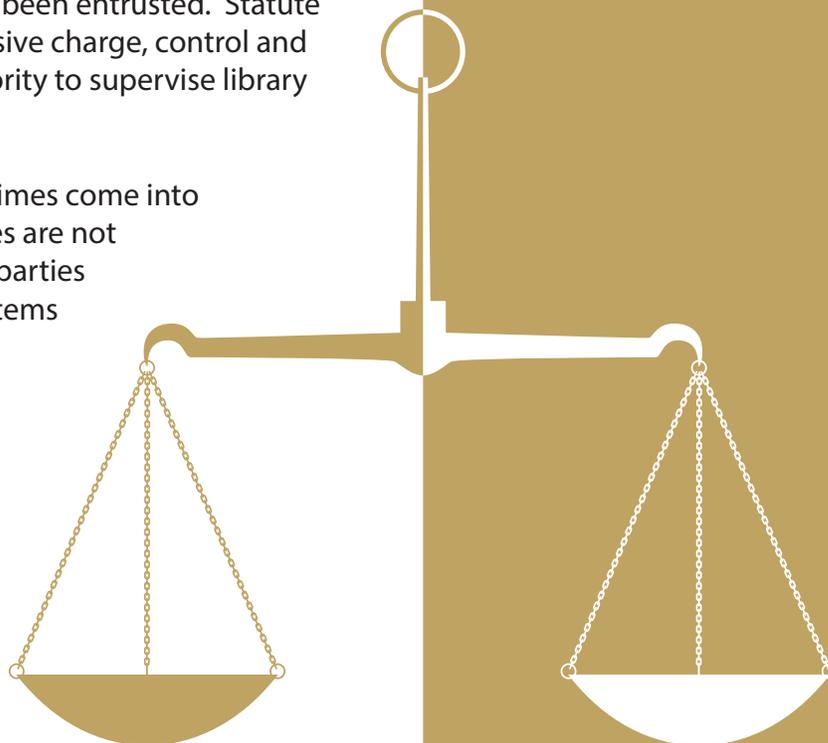
By Mark Arend, Assistant Director  
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Wisconsin has a very strong library confidentiality law. Section 43.30 of Wisconsin Statutes strictly limits disclosure of records "indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services". Maintaining confidentiality is very important to librarians. People often come to the library looking for information about deeply personal and private concerns or problems. They have to know that not only will they get the information that they need but also that their private information will be kept secure.

Library staff and trustees also have a responsibility to be good stewards of the public property with which they've been entrusted. Statute recognizes this by giving the board "exclusive charge, control and custody" of library property and the authority to supervise library administration and set library policy.

Unfortunately these two principles sometimes come into conflict because under current law libraries are not allowed to release library records to third parties for the purpose of retrieving unreturned items or the cost of replacement. This can make it difficult for libraries to retrieve overdue materials. It maintains patron privacy, but at the cost of the library's ability to be a good steward of public funds. Some libraries have gotten around this by ignoring the law and turning over enough information to initiate retrieval of materials either to local law enforcement or to a collection agency. Although this is a practical solution, ignoring the law is never a good idea.

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In early December Senator Harsdorf and Representative VanderMeer began circulating a bill (SB 466/AB 609) that would correct this situation. This would allow libraries to release information about persons with unreturned items to law enforcement or collection agencies. The information is limited to the person's name, contact information, the amount owed and the number and types of overdue materials. Libraries could not release the titles of the overdue items. Whether or not a library chooses to release patron records in this manner is a policy decision by each individual library board; the bill does not mandate use of collection agencies or law enforcement for the purpose of retrieval.

The bill has been endorsed by the Wisconsin Library Association. We believe this proposal balances the library's commitment to confidentiality with its responsibility to care for public property. We encourage library trustees to contact their state senators and representatives in support of this bill. Even if your library doesn't choose to take advantage of this change in the law, your legislators will appreciate knowing that library trustees in their district support the proposal.

## FAQ

***The local paper has asked us for a list of people who applied for our library director opening. Do we have to give them this information?***

Yes, but perhaps not the entire list. Under Wisconsin law, all governmental information is considered public record and, with some exceptions, governmental agencies must release information on request. In this case, the law requires disclosure of the top five finalists seriously considered for appointment to a job. If you interview more than five candidates, then the names of all those interviewed should be released. If fewer than five people applied for the job, the law requires disclosure of all applicants. When a person is chosen as the final candidate, that person must be identified.

You can find more information on the Wisconsin Public Records law on the Wisconsin Department of Justice website: <http://www.doj.state.wi.us/dls/open-government>

## Wild Wisconsin Winter Web Conference Returns in January

The 4th annual Wild Wisconsin Winter Web Conference will be held on 20 – 21 January. What's a Web Conference, you ask? It's a conference you can attend without going out into the cold, snowy, weather (though we haven't seen much of it yet). You attend from home, office, or wherever there's an internet connection and a computer or other device. Eight, 60-minute web presentations, focusing on public libraries, will be given over two blustery days in January. While aimed at library directors and staff, there are sessions of interest to trustees.

You can see the schedule at: <http://www.wildwiscwinterweb.com/>

The Wild Wisconsin Winter Web Conference is a state-wide virtual conference developed by the Nicolet Federated Library System and supported by 15 other library systems in Wisconsin, including the Outagamie Waupaca and Winnefox Library Systems.



## How many Trustees?

By Gerri Moeller, Director  
Outagamie Waupaca Library System

Most of you probably know the established number of trustees for your library board:

- Libraries in villages, towns, tribal governments and tribal associations have five members
- Libraries in fourth class cities (population less than 10,000) have seven members
- Libraries in second and third class cities (population between 10,000 to 150,000) have nine members
- Joint libraries have between 7 and 11 members; the exact number is spelled out in the joint library agreement.
- First class cities (currently just Milwaukee) have special requirements, spelled out in Wis. Stat. 43.54(1)(am).

However, these are essentially minimum sizes, and in some cases, library boards can be larger than specified by municipality type or size.

For five member library boards, two additional members may be appointed by the municipality, so that the board has seven members. For many municipalities, it may be possible for the county to appoint between 1 and 5 additional members. The number of possible appointees varies according to how much the county appropriates for the library, compared to how much the municipality appropriates for the library. The specific details are available from Wis. Stat. 43.60(3).

If your library would benefit from a larger library board, five-member library boards should consider working with the municipality to have two more members appointed. Library boards should check to see if county funding would allow the county to appoint additional board members.

As for the composition of the of the library board, there are a few requirements. Most members of the board must reside in the municipality, but up to two members may be residents of other municipalities. If your library is heavily used by residents of an adjoining town or village, it may be wise to have residents of those municipalities represented on the library board. Also, each library board must have a school district representative (either a school district administrator, or the administrator's representative) to represent the public school district or districts in which the public library is located. If the library's service area includes more than one school district, the school district appointment can alternate between the districts.

Keep in mind that there is no minimum age for library trustees. Many libraries would benefit from having a youth representative on their board, and it's a great way to get future citizens involved in local government.



## Library Legislative Day

Mark your calendars for the Wisconsin Library Association's 2016 Library Legislative Day: Tuesday 9 February. This is a great opportunity to meet with legislators to talk about the importance of libraries in your community. It can also be lots of fun visiting the capitol and seeing the legislative process close-up.

We will be at the Madison Concourse Hotel this year because our usual hotel, Inn on the Park, is undergoing renovation.

You can find more information on the WLA site <http://wla.wisconsinlibraries.org/legislative/legislative-day>. Hope to see you there.

### *Have questions?*

Contact us and we'll try to help.

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