

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 265

BY SENATORS BLAIR AND SNYDER, *original sponsors*

[Passed March 10, 2016; in effect 90 days from passage]

1 AN ACT 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 providing that certain library records may
3 be disclosed to members of library staff, including paid employees and unpaid volunteers
4 upon completion of a written confidentiality agreement and the obtaining of written
5 permission from the library director.

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 upon completing a written confidentiality agreement which shall
6 prevent disclosure of circulation records, personal information, and similar records of any public
7 library except to the extent allowed under this subsection and obtaining written permission from
8 the library director of the library system wherein he or she will be working;

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

11 (3) Upon appropriate court order or subpoena.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2016.

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Governor