

NH RSA 201-D Library Records Confidentiality

NH RSA 201-D — Library Records Confidentiality (Primer for Trustees)

Source: New Hampshire Statutes, RSA 201-D — *Public Libraries and Library Cooperatives*

Section of primary interest: RSA 201-D:11 — Library User Records; Confidentiality

What RSA 201-D:11 Says

NH RSA 201-D:11 establishes that **library user records are confidential** and may not be disclosed except under narrowly defined circumstances. The statute reads, in essence:

Library records which contain the names or other personal identifying information regarding the users of public or other than public libraries shall be confidential and shall not be disclosed except as follows:

- **1. With the written consent** of the user;
- **2. Pursuant to a court order**; or
- **3. As otherwise required by law.**

The statute applies to **all** records containing personally identifiable information about library users, including:

- Circulation records (what a patron has checked out)
 - Reference inquiries
 - Interlibrary loan requests
 - Computer use records and sign-up logs
 - Database search histories
 - Registration information
 - Program registration records
 - Meeting room reservation records (where the user is identifiable)
 - Online catalog account activity
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Why This Statute Matters

RSA 201-D:11 is one of the strongest library confidentiality statutes in the country. It creates a **specific carve-out from RSA 91-A** — the Right-to-Know Law — meaning patron records that would otherwise be subject to public records requests are protected.

For trustees, this means:

- **1. No third party** (including town officials, law enforcement without a court order, family members, or media) is entitled to patron records.
 - **2. The library cannot voluntarily share** these records, even if asked politely or under pressure.
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- **3. Staff who improperly disclose** records may expose the library to legal liability.
 - **4. Vendors that touch patron data** (ILS, e-resource platforms, AI tools, payment processors) must contractually meet the same confidentiality standard.
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Why This Connects to Multiple Policy Types

A trustee board drafting **any** of the following policies should reference RSA 201-D:11 directly:

- **Confidentiality of Library Records Policy** (primary home for the statute)
- **Computer and Internet Use Policy** (computer logs are records)
- **Meeting Room Use Policy** (reservation records are records)
- **Programming Policy** (registration is a record)
- **Vendor Procurement / Contracts Policy** (data-handling expectations)
- **Social Media Policy** (private messages from patrons are records)
- **Records Retention Policy** (what to retain, what to dispose of, and how)
- **AI / Artificial Intelligence Use Policy** (entering patron data into AI tools is a disclosure)
- **Photography / Videography in the Library Policy** (images that identify patrons are sensitive)

This is one of the strongest practical arguments for using NotebookLM to develop library policies: a single statute touches roughly a dozen separate policy documents. A grounded AI assistant can ensure consistent treatment across all of them.

Practical Implications

For Day-to-Day Operations

- Staff should never discuss what a specific patron has checked out, even casually.
- Reference questions are confidential — the *content* of what a patron asked is protected.
- Computer sign-up logs should be purged on a regular schedule.
- Donor lists and patron-event photo releases require explicit written consent.

For Vendor Relationships

- Library Service Platforms (ILS, integrated library systems) must meet RSA 201-D:11 standards.
- E-book and audiobook platforms (Libby/OverDrive, hoopla) collect usage data — verify what flows back.
- Programming and event-registration platforms (LibCal, Eventbrite, etc.) must be evaluated.
- AI-enabled tools that ingest, store, or transmit patron data are particularly sensitive.

For Public Records Requests

When a request arrives that touches patron records:

- 1. Confirm the records actually exist
 - 2. Determine whether they contain PII
 - 3. If yes, **decline** the request citing RSA 201-D:11
 - 4. Document the request and response
 - 5. Consult counsel for any unusual or court-ordered request
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Sample Policy Language Building Blocks

A Confidentiality of Library Records Policy typically includes:

- **1. Statement of principle** — Citing both RSA 201-D:11 and ALA Library Bill of Rights Article VII.
 - **2. Definition of "records"** — What's covered.
 - **3. Exceptions** — The three statutory exceptions, written plainly.
 - **4. Staff responsibilities** — No discussion, no informal disclosure.
 - **5. Court order procedure** — Who reviews, who notifies counsel, who responds.
 - **6. Vendor and contract requirements** — Confidentiality language in agreements.
 - **7. Records retention** — Schedule for purging records that are no longer needed.
 - **8. Patron access to their own records** — The user can always see their own.
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Caveats

- This primer is a high-level summary, **not legal advice**.
- The exact statutory text should be verified against the current NH General Court website before any policy quoting the statute is adopted.
- Town counsel or library counsel should review any policy that interprets or applies RSA 201-D:11.
- The statute interacts with federal law (subpoenas under the Patriot Act, court orders, ECPA) in ways that benefit from professional legal review.