

NEW MEXICO

CHAPTER 18. LIBRARIES AND MUSEUMS

ARTICLE 9. LIBRARY PRIVACY

N.M. Stat. Ann. § 18-9-1

§ 18-9-1. Short title

This act [18-9-1 to 18-9-6 NMSA 1978] may be cited as the "Library Privacy Act".

§ 18-9-2. Purpose

The purpose of the Library Privacy Act [18-9-1 to 18-9-6 NMSA 1978] is to preserve the intellectual freedom guaranteed by Sections 4 and 17 of Article 2 of the constitution of New Mexico by providing privacy for users of the public libraries of the state with respect to the library materials that they wish to use.

§ 18-9-3. Definitions

As used in the Library Privacy Act [18-9-1 to 18-9-6 NMSA 1978]:

A. "library" includes any library receiving public funds, any library that is a state agency and any library established by the state, an instrumentality of the state, a local government, district or authority, whether or not that library is regularly open to the public; and

B. "patron record" means any document, record or other method of storing information retained by a library that identifies, or when combined with other available information identifies, a person as a patron of the library or that indicates use or request of materials from the library. "Patron record" includes patron registration information and circulation information that identifies specific patrons.

§ 18-9-4. Release of patron records prohibited

Patron records shall not be disclosed or released to any person not a member of the library staff in the performance of his duties, except upon written consent of the person identified in the record, or except upon court order issued to the library. The library shall have the right to be represented by counsel at any hearing on disclosure or release of its patron records.

02/03

§ 18-9-5. Exceptions

The prohibition on the release or disclosure of patron records in Section 4 [18-9-4 NMSA 1978] of the Library Privacy Act shall not apply to overdue notices or to the release or disclosure by school libraries to the legal guardian of the patron records of unemancipated minors or legally incapacitated persons.

HISTORY: Laws 1989, ch. 151, § 5.

§ 18-9-6. Violations; civil liability

Any person who violates Section 4 [18-9-4 NMSA 1978] of the Library Privacy Act shall be subject to civil liability to the person identified in the released records for damages and costs of the action as determined by the court.

02/03