



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

August 9, 1978

ATTORNEY GENERAL OPINION NO. 78- 255

Ms. Marty Tucker
Assistant State Librarian
Kansas State Library
535 Kansas Avenue
Topeka, Kansas 66603

Re: Libraries--Powers--Disclosure of Information

Synopsis: There being no controlling statute, the governing body of a library organized under K.S.A. 12-1220 et seq., K.S.A. 12-1231 et seq., K.S.A. 12-1236 et seq., and K.S.A. 72-1623 may adopt an appropriate policy as an administrative decision either authorizing or prohibiting the disclosure of the names of library card holders and the titles of books and other materials checked out by particular patrons.

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Dear Ms. Tucker:

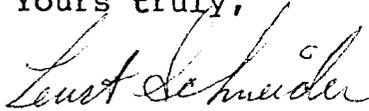
You inquire whether the librarian of a public library in Kansas, established under K.S.A. 12-1220 et seq., K.S.A. 12-1231 et seq., K.S.A. 12-1236 et seq., and K.S.A. 72-1623, has the "right to withhold the names of library card holders and/or the specific titles of books and other materials checked out by a patron."

The referenced statutory enactments are silent on the question. Under K.S.A. 12-1225(a), the library board has the power "[t]o make and adopt rules and regulations for the administration of the library." These powers are incorporated by reference at K.S.A. 12-1233 and K.S.A. 12-1245. In the absence of a controlling statute, the policy of disclosure or nondisclosure of the names of library card holders and the specific titles of books

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and other materials checked out by particular patrons is an administrative matter, which rests in the sound discretion of the governing body of the library. Absent some specific direction from the library board, the librarian is free to adopt any policy which he or she deems reasonable in the matter. I find no statute which compels such disclosure and likewise, no statute which prohibits it. Thus, as an administrative decision, either the board or the librarian may adopt an appropriate policy either authorizing or prohibiting such disclosures.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj