

Library Patron Privacy in the Age of Artificial Intelligence: An Overview of Existing Law and Policy Recommendations

LUCIE DAIGNAULT, SAMUEL LIM AND CATHERINE FERRI

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Introduction

Public libraries are a source of trust for patrons. They serve as a space for building community and supporting patrons in their thirst for knowledge. They allow patrons to gather information about various topics without fear that their research and identities will be shared with outside parties, such as law enforcement. For patrons researching immigration, book bans, or other currently politically polarized topics, their trust in libraries and library services hinges, in part, on the assurance that their library records and identities are kept confidential.

In the context of artificial intelligence (“AI”), fear of the disclosure of research inquiries is especially potent. Current library privacy laws are insufficient to regulate the vastly developing digital landscape. They fail to afford patrons the necessary protections against data collectors. Without updates to patron privacy laws, patrons will suffer First and Fourth Amendment harms, and the relationship between libraries and patrons will deteriorate.

With the expansion of the internet, information that would ordinarily be protected under existing patron privacy laws can now be more easily accessed as a result of people’s online activity. These risks grow exponentially as patrons interact with artificial intelligence on library devices under the assumption that their inquiries about books and other library materials would be held to the same confidentiality standard as would these same interactions with a member of library staff. Although the confidentiality of online data will likely vary from state to state as patron privacy laws are revisited and revised, state legislators must clarify and expand the applicability of patron privacy laws to modern technology.

By failing to update patron privacy laws in accordance with modern technology, legislators risk damaging the relationship of trust that libraries have built with their patrons. State legislators have the responsibility to protect their constituents and the relationships they have with public institutions. By expanding protections and adapting patron privacy laws to the evolving world, legislators would only be reinforcing ideas and values that already exist. Similarly, companies who interact with libraries have a responsibility to update their privacy

policies to ensure that the data being shared with them is protected. By making the necessary updates and working in tandem, legislators, companies, and libraries can guarantee increased protection of patron privacy and affirm patron trust in the library system.

This Memorandum provides a detailed overview of all fifty states' patron privacy laws and their applicability, or lack thereof, in the context of rapidly developing AI technology.

Factual Background

What constitutes AI is complicated and constantly developing. The term "AI" generally refers to "computer systems that can perform complex tasks normally done by human-reasoning, decision making, creating, etc."¹ The most well-known form of AI, both generally and in the library context, is generative AI. Generative AI uses algorithms trained on a large data set including text, audio, or visual data.² Using that data, the algorithm then creates new text, image, or audio outputs based on user instruction.³ The program engages in what is known as 'machine learning': A computer 'trains' on large amounts of data in order to 'learn' how to act in future situations without additional programmer intervention.⁴ By processing large amounts of data, the computer system is subsequently able to 'figure out' what to do when it is prompted with something similar in the future by examining its data set.⁵ Its data set is constantly growing, and each output 'teaches' the model something new about what to do.⁶

In the context of public libraries, AI offers seemingly boundless opportunities. Libraries have already begun to incorporate AI into their daily operations.⁷ It can serve as a troubleshooting or brainstorming tool.⁸ The possibilities and uses range from "categorization and cataloguing, library management tasks like staffing and decision-making, library services like referencing and information service and information literacy."⁹ It also increases productivity for patrons: It can reformat papers, summarize sources, create spreadsheets, and even offer up its own list of sources or help workshop ideas.¹⁰ As a productivity tool for patrons and staffers alike, AI's efficiency cannot be understated.

Third-party vendors with whom libraries frequently contract are also incorporating AI into their business models. Most libraries offer access to digital services like e-books, literary databases, online news sources, and other online archives.¹¹ Most of these services have

¹ *What is Artificial Intelligence?*, NASA, <https://www.nasa.gov/what-is-artificial-intelligence/> (last visited Nov. 11, 2025).

² Susan Jenkins & Borui Zhang, *The role of AI in library services*, ELSEVIER (Feb. 7, 2024), <https://www.elsevier.com/connect/the-role-of-ai-in-library-services>.

³ *Id.* Language-based generative AI assists in summarizing, revising, translating, or developing new texts, while image or sound-based generative AI can be applied to create illustrations, data visualizations, or synthesized music. *Id.* Multi-modal generative AI algorithms use text to create images. *Id.*

⁴ Alec Peters, *Machine Manipulation: Why an AI Editor Does Not Serve First Amendment Values*, 95 U. COLO. L. REV. 307, 313 (2024).

⁵ Adam Zewe, *Explained: Generative AI*, MIT NEWS (Nov. 9, 2023), <https://news.mit.edu/2023/explained-generative-ai-1109>.

⁶ *Id.*

⁷ Emily Udell, *The World of AI*, AM. LIBRS. (Mar. 1, 2024), <https://americanlibrariesmagazine.org/2024/03/01/the-world-of-ai/>.

⁸ *Id.*

⁹ See Sanjay Kumar Jha, *Application of artificial intelligence in libraries and information centers services: prospects and challenges*, LIBR. HI TECH NEWS 1 (2023).

¹⁰ Interview with Gary Price (Oct. 31, 2025); Nick Tanzi, *How Can AI Be Used in Libraries?*, THE DIGI. LIBR. (Jan. 23, 2025).

¹¹ Interview with Gary Price (Oct. 31, 2025).

already or will soon incorporate some form of AI into their platforms.¹² These companies are using AI to process user data, better predict wait times, and even provide patrons with suggestions and recommendations for books and other media based on their previous activity.¹³ Because the AI model can make suggestions from a broader data set than a human can comprehend or synthesize, the incorporation of AI into these online services can assist librarians where they may lack specific knowledge or recommendations.

However, while AI might serve as a useful tool for libraries and their patrons, it may place libraries, library personnel, and patrons at risk. AI models have a tendency to reinforce and amplify biases in its data set.¹⁴ It may plagiarize or violate copyright law.¹⁵ It might give its user false information or sources and citations that do not exist.¹⁶ It can generate low-quality literature, lurking in libraries' digital catalogues, through which librarians must constantly sort.¹⁷ Some argue that AI has endangered—or even replaced—critical thought altogether.¹⁸

Perhaps most concerning are the privacy risks AI might create for libraries and their patrons. Currently, patron privacy relies on good behavior from companies, rather than good lawmaking from legislators. There is no federal privacy statute, and state patron privacy laws leave several gaps for accessing patron data through third parties. This leaves libraries vulnerable where they rely on a third-party vendor to assist with library services or operations. For example, libraries typically use third-party services for e-books, rather than operating their own.¹⁹ In the absence of meaningful changes to state privacy laws, libraries must rely on the vendors' privacy policies and hope that these third-party vendors do not disclose their patrons' confidential information.²⁰

However, most AI companies lack meaningful privacy protection²¹ and generally do not engage in any sort of data collection minimization.²² AI has become almost ubiquitous, even in the library context—it exists in things as mundane as Microsoft Office.²³ In order to function

¹² Matt Enis, *AI on the Horizon*, LIBR. J. (Aug. 5, 2024), <https://www.libraryjournal.com/story/ai-on-the-horizon>.

¹³ OverDrive, *Libby & Artificial Intelligence*, LIBBYAPP.COM (last visited Nov. 11, 2025), <https://about.libbyapp.com/policies/artificial-intelligence>.

¹⁴ Laura Crossett & Jeanie Rose Halperin, *Hoopla's Content Problem: Strange, Skewed Results Still Dominate Catalog*, LIBRARYFUTURES.NET (Aug. 12, 2024), <https://www.libraryfutures.net/post/hooplas-content-problem>; Emily Udell, *The World of AI*, AM. LIBRS. (Mar. 1, 2024), <https://americanlibrariesmagazine.org/2024/03/01/the-world-of-ai/>.

¹⁵ Crossett, *supra* note 14.

¹⁶ *Id.*

¹⁷ Emanuel Maiberg, *AI-Generated Slop is Already in Your Public Library*, 404 MEDIA (Feb. 4, 2025), <https://www.404media.co/email/7a1109dd-e6cd-46ac-be2f-a6d6461fc2ff/?ref=daily-stories-newsletter>.

¹⁸ Carrie Smith, *Information Literacy for the ChatGPT Age*, AM. LIBRS. (June 25, 2023), <https://americanlibrariesmagazine.org/blogs/the-scoop/information-literacy-chatgpt/>

¹⁹ Catherine E. Ferri, *Book Banning Goes Digital: Libraries Suspending Their E-Book Services and the Complications It Poses for First Amendment Doctrine*, 27 STAN. TECH. L. REV. 127, 145 (2024).

²⁰ See, e.g., OverDrive, *Privacy Statement*, LIBBYAPP.COM (last accessed Nov. 11, 2025), <https://about.libbyapp.com/policies/privacy-statement>.

²¹ See, e.g., OpenAI, *Privacy Policy*, OPENAI.COM, <https://openai.com/policies/row-privacy-policy/> (admitting that OpenAI will sell data to data brokers) (last visited Nov. 11, 2025).

²² *Data Minimization*, EPIC.ORG, <https://epic.org/issues/consumer-privacy/data-minimization/> (last visited Nov. 11, 2025). Indeed, engaging in data minimization is antithetical to the AI business model, which requires data retention in order to expand and improve the AI models. OpenAI, *How your data is used to improve model performance*, OPENAI, <https://help.openai.com/en/articles/5722486-how-your-data-is-used-to-improve-model-performance> (Nov. 1, 2025).

²³ Matt Enis, *Next Gen AI: Libraries Work with ChatGPT and Other Emerging AI Tools*, LIBR. J. (Jan. 8, 2024), <https://www.libraryjournal.com/story/next-gen-ai-libraries-work-with-chatgpt-and-other-emerging-tools>.

and continue to learn and grow, AI requires data. It gets that data in part from its users.²⁴ When users provide the model information in the form of prompts, the AI model incorporates that data back into its data set in order to respond more effectively to other users.²⁵ Without policy changes from either AI companies or states, there exists a real danger that incorporating AI into libraries will drastically reduce (if not totally destroy) patron privacy, and it will do so with the help of libraries' own staff and patrons.

Also contributing to a surge of concerns surrounding AI is a lack of AI literacy, both within communities and amongst library staffers. Library staff, unless they have a specific interest, generally lack the technological literacy to ethically interact with AI models.²⁶ There is no continuing education requirement, which means librarians may not receive adequate technological training during their education and lack the structure or incentive to augment their education later on. In situations where IT responsibilities fall to the librarians due to lack of staffing or funding, this gap in knowledge means that librarians do not know how to protect themselves or their patrons.²⁷

Without AI literacy, librarians in turn lack the capability to educate the public on ethical AI usage. In order to avoid unnecessary privacy risks, patrons need AI literacy training.²⁸ Broadly speaking, the population lacks a basic understanding of what AI is and how they should be using it.²⁹ When they do interact with these tools, they might not be aware of what they are doing or the full capabilities of the product.³⁰ They might accidentally trust false or misleading information created through AI hallucinations.³¹ Absent training, patrons risk their constitutional right to privacy by divulging sensitive or otherwise privileged information to a third-party AI vendor.

Making efforts to close this AI literacy gap might help improve libraries' public perception. Generally speaking, people rely less and less on libraries with each subsequent year.³² However, while in-person visits have continued to decline, there is an increase in attendance in library programming.³³ Moreover, libraries already serve as a hub for general digital literacy training.³⁴ This suggests that libraries that shift focus to developing programs to educate their community on AI specifically would be serving a growing community purpose.³⁵ Some

²⁴ See, e.g., OpenAI, *supra* note 21.

²⁵ *Id.*

²⁶ Interview with Gary Price (Oct. 31, 2025).

²⁷ Ashley Mowreader, *Report: Defining AI Literacy for Librarians*, INSIDE HIGHER ED (Feb. 10, 2025), <https://www.insidehighered.com/news/student-success/academic-life/2025/02/10/how-librarians-can-engage-generative-ai> ("[AI] literacy is critical both for professional development of library staff to integrate tools into library services as well as community engagement, empowering librarians to guide and educate others on how to interact with AI systems.").

²⁸ *Id.* (AI literacy is the "ability to understand, use, and think critically about AI technologies and their impact on society, ethics and everyday life").

²⁹ Zach Hrynowski *Heartland Gen Zers Feel Unprepared to Use AI at Work*, GALLUP (May 7, 2025), <https://news.gallup.com/poll/660302/heartland-gen-zers-feel-unprepared-work.aspx>.

³⁰ Interview with Gary Price (Oct. 31, 2025).

³¹ Emanuel Maiberg, *AI-Generated Slop is Already in Your Public Library*, 404 MEDIA (Feb. 4, 2025), <https://www.404media.co/email/7a1109dd-e6cd-46ac-be2f-a6d6461fc2ff/?ref=daily-stories-newsletter>.

³² *Use of Public Libraries*, AM. ACAD. OF ARTS & SCI, <https://www.amacad.org/humanities-indicators/public-life/use-public-libraries> (last visited Nov. 11, 2025).

³³ *Id.*

³⁴ *New Public Library Technology Survey report details digital equity roles*, AM. LIBR. ASSOC. (July 9, 2024), <https://www.ala.org/news/2024/07/new-public-library-technology-survey-report-details-digital-equity-roles>.

³⁵ *Id.*

library advocates argue that AI programming will help keep libraries relevant, which in turn will keep them funded and existing.³⁶

Libraries now find themselves in a unique (but not unfamiliar) position within their communities. They have the opportunity to serve as a demystifying force, a source of technological literacy for the public.³⁷ But embracing that new role cannot come at the expense of patron privacy. This Memorandum will serve as a comprehensive tool for advocating for meaningful change from state legislators, library-related vendors, and library personnel. It surveys all 50 states' and the District of Columbia's patron privacy protections, discusses the gaps in federal law that endanger patron privacy in the AI context, and concludes with several policy recommendations. In doing so, this Memorandum aims to allow libraries to survive, not flee, the AI boom.

Most States Have Enacted Library Privacy Laws To Protect Confidential Patron Information

Most states have a statute designed to protect library patron privacy and to ensure the confidentiality of library records. The following section is a comprehensive survey of all fifty states, as well as the District of Columbia, and their respective patron privacy laws. With the exception of Kentucky and Hawaii, each of these states protects library patron privacy through statutory law. In Kentucky, the Attorney General has memorialized guidance regarding the confidentiality of library patron records in two opinions.³⁸ Similarly, the State of Hawaii Office of Information Practices encapsulates Hawaii's patron privacy guidance in an opinion letter.³⁹ This section will outline the patron privacy laws currently enacted in Southern, Northeastern, Mid-Atlantic, Midwestern, Mountain, and Pacific states and the extent to which they are successful in achieving their purported goal.

What Information Is Considered Private?

Generally, under state privacy provisions, circulation and registration records are private information, and therefore confidential. While the exact definition of what constitutes a registration or circulation record may vary depending on the state, these terms are used to describe records pertaining to the lending of library books, documents, or other materials which can be traced to a specific library patron. Some state library privacy laws define confidential records in a way that protects a broader range of materials. In Tennessee, for example, confidential library records include "documents[s], record[s], or other method[s] of storing information retained by a library that identifi[y] a person as having requested or obtained specific materials from such library."⁴⁰ Other states apply very precise language in defining what materials are protected from disclosure. In Arkansas, confidential records are "documents or information in any format retained in a library that identifies a patron as having requested, used, or obtained specific materials, including, but not limited to, circulation of library books, materials, computer database searches, interlibrary loan transactions, reference queries, patent searches, requests for photocopies of library materials, title reserve

³⁶ Interview with Gary Price (Oct. 31, 2025).

³⁷ Matt Enis, *AI and the Public*, LIBR. J. (Nov. 11, 2024), <https://www.libraryjournal.com/story/ai-and-the-public>.

³⁸ See 81 Ky. Op. Att'y Gen. 159; see also 82 Ky. Op. Att'y Gen. 149.

³⁹ See generally OIP Op. Ltr. No. 90-30.

⁴⁰ Tenn. Code Ann. § 10-8-101 (2024).

requests, or the use of audiovisual materials, films, or records,” thereby specifically including computer use.⁴¹

How and When Can Private Information Be Disclosed?

States generally allow for the disclosure of confidential patron information in at least one of two ways.

First, states will often permit disclosure when a library patron gives the library written consent to disclose their own registration and circulation records. In states where the statute does not expressly permit disclosure to a minor patron’s parent or guardian, for example, libraries may require consent by the minor patron to give the parent or guardian permission to access information contained in the minor patron’s registration or circulation records.

Second, states generally permit disclosure to law enforcement or an attorney when the library is presented with either a court order, subpoena, or warrant. Several states also authorize the disclosure of a minor child’s confidential records to that child’s parents or guardians. Library disclosure, even inadvertently, of records pertaining to vulnerable populations like children and other marginalized communities, is of particular concern when evaluating the harms resulting from privacy violations. If third parties and law enforcement are allowed access to confidential information of any library patron, but especially of vulnerable populations, they can use this information for dangerous purposes, including placing queer or trans children in unaccepting families in danger or subjecting patrons of color to violent federal immigration enforcement.⁴² Patron privacy laws also generally permit disclosure for the purpose of research and planning. The use of artificial intelligence can increase efficiency in this area. Despite this, when evaluating the current effectiveness of their state library patron laws, state legislatures must consider how easily information can be reidentified if shared with an AI company. By taking consideration of advancing technology into account when revising and developing patron privacy laws, state legislatures can ensure greater protection of personal data.

The sections below discuss each state and their individual library patron privacy protections in greater detail, as well as case law interpreting these provisions.

Alabama

In **Alabama**, “registration and circulation records and information concerning the use of the public, public school, college and university libraries of [the] state” are confidential.⁴³ “Registration records” refer to “any information which a library requires a patron to provide in order to become eligible to borrow books and other materials.”⁴⁴ “Circulation records,” comparatively, include “all information which identifies the patrons utilizing particular books and any other library materials in any medium or format.”⁴⁵ Patron information is generally

⁴¹ Ark. Code Ann. § 13-2-701 (2024).

⁴² In Texas, a private company, Bookmarked, is using Senate Bill 13 (a book regulation law passed under the guise of protecting students from harmful content) to its advantage to market its business model as a company that “flag[s] potentially problematic material from thousands of titles and give parents direct insight into their children’s reading choices.” See Bayliss Wagner, *‘Antivirus for libraries’: How a Texas startup is capitalizing on school book bans*, EXPRESS NEWS (Nov. 17, 2025, 9:42AM), <https://www.expressnews.com/politics/article/texas-school-bookmarked-book-ban-software-21065847.php>.

⁴³ Ala. Code § 41-8-10 (2024).

⁴⁴ Ala. Code § 41-8-9 (2024).

⁴⁵ *Id.*

confidential, with exceptions for disclosure to “(a) the library which manages the records; (b) the state education department for a library under its jurisdiction when it is necessary to assure the proper operation of such library; or (c) the state Public Library Service for a library under its jurisdiction when it is necessary to assure the proper operations of such library.”⁴⁶ Alabama’s library privacy law further gives permission for parents of a minor child to inspect registration and circulation records related to their child.⁴⁷ Likewise, libraries may release or use statistics developed from de-identified registration and circulation records for the purposes of research and planning.⁴⁸

Libraries or library systems, in implementing their individual privacy policies, should deliberately consider what “research and planning” means in this context. A library may wish to disclose de-identified statistics about what books patrons are checking out to an artificial intelligence company for the purpose of using the company’s technology to plan what new books the library should buy for its catalogue. In doing so, the library may argue that it is abiding by the law. However, libraries should intentionally evaluate the implications of this type of information sharing, as de-identified data can be reidentified with the right tools.⁴⁹

In 2014, the Attorney General of Alabama issued an opinion in a child pornography case considering whether a library is permitted to produce patron registration records to law enforcement if library staff have knowledge of a patron committing a crime on library property.⁵⁰ The guidance set forth by the opinion turns on legislative intent: The Attorney General found that “the Legislature did not intend to restrict library personnel from using registration records to report patrons who commit specific criminal offenses on library property to law enforcement authorities. A contrary reading would leave the library with no recourse when faced with criminal conduct.”⁵¹ Because “child pornography websites can only be accessed after circumventing the web-filter restrictions placed on the web-browser by the library and violating the library’s internet-usage policy,” they should not be categorized as library materials protected as confidential circulation records under the state’s privacy statute.⁵² For patrons interpreting this opinion and determining whether their internet use is classified as library materials, this would mean that patrons must be aware of the library’s internet usage policy and the details within it.

Under Alabama guidance, a patron who has intentionally or unintentionally violated the library’s internet-usage policy opens their internet activity to access by law enforcement and other third parties to whom the library wishes to disclose. In the context of a potential suit involving generative artificial intelligence, this guidance suggests that if a patron were to use the AI model in an effort to seek or generate obscene content or information considered to be in violation of library policy, there is the possibility that if a third party were to request the information, the library would classify the records as non-confidential in consideration of the above Attorney General opinion. This also leaves open or unclear what would happen if law enforcement simply sought the records from the AI company absent some sort of abuse.

⁴⁶ Ala. Code § 41-8-10 (2024).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Lea Kissner, *Deidentification versus anonymization* (June 18, 2019), <https://iapp.org/news/a/de-identification-vs-anonymization/>.

⁵⁰ 2014-092, Ala. Att’y Gen. Op. (2014) at *1.

⁵¹ *Id.* at *2.

⁵² *Id.*

Arizona

Arizona's patron privacy law is notable for including e-books.⁵³ Arizona does not allow disclosure of user records, including e-books, that “identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.”⁵⁴

Arizona provides four ways of disclosing records. First, records may be disclosed if they are necessary for the reasonable operation of the library.⁵⁵ Second, records may be disclosed on written consent of the user.⁵⁶ There is a question of whether such consent includes agreeing to terms by AI companies. Finally, records may be disclosed through court order or other law.⁵⁷ However, this protection may not be available for laws like the Patriot Act that do not go through the traditional judicial system.⁵⁸

Alaska

In **Alaska**, “the names, addresses, or other personal identifying information of people who have used materials made available to the public by a library shall be kept confidential.”⁵⁹ The section applies to all types of public libraries.⁶⁰ While Alaska protects personal information of patrons, the statute does not mention whether circulation records will be protected. The library records can be made available through court order.⁶¹ Parents or guardians can also access their child’s library records in public elementary or secondary school libraries.⁶²

Arkansas

In comparison to other state library privacy laws in the Southern region, **Arkansas's** definition of confidential information is very specific. Under the statute, “library records which contain names or other personally identifying details regarding the patrons of [the library] shall be confidential and shall not be disclosed except as permitted [under the statute].”⁶³ Confidential library records are “documents or information in any format retained in a library that identifies a patron as having requested, used, or obtained specific materials, including, but not limited to, circulation of library books, materials, computer database searches, interlibrary loan transactions, reference queries, patent searches, requests for photocopies of library materials, title reserved requests, or the use of audiovisual materials, films, or records.”⁶⁴

Because the text of the statute specifies that confidential library records must relate to the materials that a patron has “requested, used, or obtained” in the library, the term “computer database searches” would likely refer to online databases that allow patrons to look for

⁵³ Ariz. Rev. Stat. Ann. § 41-151.22 (2024).

⁵⁴ *Id.* at § 41-151.22(A).

⁵⁵ *Id.* at § 41-151.22(B)(1).

⁵⁶ *Id.* at § 41-151.22(B)(2).

⁵⁷ *Id.* at § 41-151.22(B)(3)-(4).

⁵⁸ See *PATRIOT Act*, ELEC. PRIV. INFO. CTR., <https://epic.org/issues/surveillance-oversight/patriot-act/> (last visited Nov. 20, 2025).

⁵⁹ Alaska Stat. § 40.25.140(a) (2024).

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Ark. Code Ann. § 13-2-703 (2024).

⁶⁴ *Id.* at § 13-2-701.

specific books or for librarians to checkout books on behalf of a patron. “Computer database searches,” therefore, would likely not refer to the use of any website by a patron or librarian, such as a non-library “owned” website, or non-library artificial intelligence platform, such as ChatGPT. An artificial intelligence program developed and operated by the library to assist patrons locate or checkout books, however, would likely fall under the definition of “computer database searches.” Alabama libraries who adhere to this guidance must conspicuously display their internet-usage policies so that patrons understand the potential consequences of their internet use and engagement with artificial intelligence technologies. Using specific language in the statute allows for greater privacy protection for library patrons. However, language concerning the use of artificial intelligence and other digital technologies must be included in the statute to ensure that patrons have clear guidance about what information is protected.

A library in Arkansas may disclose personally identifiable patron information to “(1) the patron; (2) any person with the informed, written consent of the patron; a law enforcement agency or civil court, under a search warrant; or (4) any person, including without limitation the patron, who has received an automated telephone notification or other electronic communication for overdue materials or reserve materials if the person making the request can verify the telephone number or email address to which the notice was sent.”⁶⁵ The statute also permits disclosure of confidential records to the parent or legal guardian of a patron who is a minor child.⁶⁶ As was the case in Alabama, libraries may release or use statistics developed from de-identified registration and circulation records for the purposes of research and planning.⁶⁷ Lawmakers must clarify what it means to release patron information for the purposes of “research and planning.” By intentionally revising patron privacy statutes, legislators can prevent exploitation of “research and planning” provisions and restrict widespread sharing of patron information with data brokers and artificial intelligence companies. Without clarification, libraries and librarians may be able to permissibly disclose otherwise confidential information to AI platforms.

Violators of statute are considered guilty of a misdemeanor and will be fined no more than two hundred dollars, punished by a jail sentence of no more than thirty days, or both, or punished by “a sentence of appropriate public service or education, or both.”⁶⁸ Arkansas is unique because it states that information obtained in violation of this law cannot be admitted as evidence in any trial or hearing.⁶⁹ This may motivate law enforcement to comply with the provisions and get an appropriate court order so that any evidence gathered is admissible in court.⁷⁰

California

California has a dedicated statute for library records.⁷¹ Unlike other states, California refers to library records as “patron use records.”⁷² The records include “[a]ny written or elec-

⁶⁵ *Id.* at § 13-2-704.

⁶⁶ *Id.*

⁶⁷ *Id.* at § 13-2-705.

⁶⁸ *Id.* at § 13-2-702.

⁶⁹ *Id.* at § 13-2-706.

⁷⁰ See James Huff, *Patron Confidentiality, Millennium Style*, 30(6) AM. LIBRS 86, 88 (1999), <https://www-jstor-org.gt-law.idm.oclc.org/stable/25637206?sid=primo&seq=2>.

⁷¹ Cal. Gov't Code § 7927.100, .105 (West 2024).

⁷² *Id.* at § 7927.105(a).

tronic record that is used to identify a library patron and is provided by the patron to become eligible to borrow or use books and other materials,”⁷³ including, but not limited to, “a patron’s name, address, telephone number, or email address.”⁷⁴ By including the phrase “not limited to,” California is prepared for a wide variety of records that can potentially be traced back to the patron when modern technology can reidentify a patron with limited data.⁷⁵ Patron use records also include a patron’s borrowing information or use of library information resources.⁷⁶ Again, California provides specific examples, which includes but is not limited to, “database search records, borrowing records, class records, and any other personally identifiable uses of library resources, information requests, or inquiries.”⁷⁷ “Information requests” is an interesting language, because it potentially covers use of third parties like AIs or search engines by patrons, preventing companies from using the third-party doctrine to access records.

Like other modern statutes, California ensures that its law covers electronic record or transaction of patron use records,⁷⁸ making sure that the statute is relevant in the digital age. By being comprehensive with its definition, the statute serves as a clear guide to patrons in showing what records are confidential. This ensures that third parties like AI companies do not take advantage of any blurred boundaries of the definition to access records that they do not have the right to. The section also makes it clear that patron use records do not include statistical reports of patron use or records of fines collected by a library.⁷⁹ This weakens patron privacy against AI companies because statistical reports can be traced back to individuals using modern technology.⁸⁰ Not applying confidentiality to fines also means that e-book vendors can potentially access records when dealing with their overdue materials.

Patron use records may be disclosed to a person acting within the scope of their duties for the administration of the library or if the person is authorized in writing by the patron.⁸¹ Records may also be disclosed via court order.⁸² California also has exceptions to records that are disclosable. Library circulation records kept for the purpose of identifying the borrower of items are not required to be disclosed, but this exception does not apply when it deals with “records of fines imposed on the borrowers.”⁸³

Colorado

Colorado prohibits disclosure of “any record or other information that identifies a person as having requested or obtained specific materials or service or as otherwise having used the library.”⁸⁴ Records may be disclosed under four instances. First, they may be disclosed when it is necessary for the reasonable operation of the library.⁸⁵ While the law does

⁷³ *Id.* at § 7927.105(a)(1).

⁷⁴ *Id.*

⁷⁵ See *De-Anonymization: What It is, How It Works, How it’s Used*, INVESTOPEDIA (Oct. 15, 2022), <https://www.investopedia.com/terms/d/deanonymization.asp>.

⁷⁶ Cal. Gov’t Code § 7927.105 at (a)(2) (West 2024).

⁷⁷ *Id.*

⁷⁸ Cal. Gov’t Code § 7927.105(a)(1)-(2) (West 2024).

⁷⁹ *Id.* at § 7927.105(b)(1)-(2).

⁸⁰ See *De-Anonymization*, *supra* note 5.

⁸¹ Cal. Gov’t Code § 7927.105(c)(1)-(2) (West 2024).

⁸² *Id.* at § 7927.105(c)(3).

⁸³ Cal. Gov’t Code § 7927.100(a)-(b) (West 2024).

⁸⁴ Colo. Rev. Stat. § 24-90-119(1) (2024).

⁸⁵ *Id.* at § 24-90-119(2)(a).

not specify what falls under “reasonable operation,” it is likely that this provision involves studying or evaluating circulation of materials like other states. Such activities are necessary in order to ensure libraries operate smoothly and serve patrons. However, there is a danger of third-party vendors using this exception, should a court consider them to be a part of the library ordinarily subjected to the patron privacy requirements. Next, records may also be disclosed upon written consent of the user.⁸⁶ Third-party vendors might solicit this consent, including it as a condition for agreeing to their terms of use.

Third, records may be disclosed through subpoena, court order, or where otherwise required by law.⁸⁷ Finally, a custodial parent or legal guardian may access the records of the minor.⁸⁸ The statute specifies that the access is done online, which means it is vulnerable to access by AI companies. The law discourages violation of disclosure requirements by clarifying that such violation by “any library official, employee, or volunteer” is a civil infraction that can be punished by a fine of not more than three hundred dollars.⁸⁹ The effect of the penalty is limited by the fact that it does not include third parties, such as law enforcement or AI companies. The fine may also be too small to act as a real deterrent.

The Colorado legislature has demonstrated hostility to expanding their understanding of what constitutes library records in the context of privacy. In *Brookhart v. Reaman*, the Colorado Court of Appeals held that the identity of a public library book challenger cannot be disclosed.⁹⁰ The court expanded “service” in the privacy law beyond patrons of the library to also include book challengers who sought to have books banned.⁹¹ Such expansion would bode well for protecting patron privacy in the context of third-party vendors, as it indicates that any record that is tangentially related to libraries might be grounds for protection and that Colorado courts are open to expanding their understanding of the library-patron relationship in the context of patron privacy.

However, after *Brookhart*, the Colorado legislature reversed the appellate court decision by amending the law to clarify that a written request for reconsideration of a library resource is not a protected library user record.⁹² Colorado’s reversal suggests that while courts might be open to a more liberal understanding of terminology, the legislature might be hostile to suggestions to amend or expand its patron privacy statute.

Connecticut

In **Connecticut**, library records that can be used to “identify any library user, or link any user to a library transaction, regardless of format, shall be kept confidential[.]”⁹³ As an example, Bloomfield Public Library specifies that patron email addresses and phone numbers are categorized as confidential records.⁹⁴ Libraries may disclose ordinarily confidential

⁸⁶ *Id.* at § 24-90-119(2)(b).

⁸⁷ *Id.*

⁸⁸ Colo. Rev. Stat. § 24-90-119(2)(d) (2024).

⁸⁹ *Id.* at § 24-90-119(3).

⁹⁰ *Brookhart v. Reaman*, 541 P.3d 624, 632 (Colo. App. 2023).

⁹¹ *Id.* at 631.

⁹² Colo. Rev. Stat. § 24-90-119(4) (2024).

⁹³ Conn. Gen. Stat. § 11-25(b)(1) (2024).

⁹⁴ *Privacy Policy*, BLOOMFIELD PUB. LIBR., https://bplct.org/wp-content/uploads/2023/05/doc_policy_privacypolicy2023-05-09.pdf (last visited Oct. 17, 2025).

records, however, to officers, employees, and agents of the library as needed to effectuate operation of the library.⁹⁵

Although “agent” is not defined, it is worth considering whether this term would include AI agents that have been adopted by libraries to facilitate efficiency in completing library tasks. Without clarifying what it means to be an agent of the library, libraries may be permitted to share confidential patron information with AI agents or bots and potentially the AI company at large. While the statute ensures the confidentiality of library records and related personally identifying information “regardless of format,”⁹⁶ libraries must recognize the vulnerability of the digital services they provide, as they may not be able to guarantee the same level of privacy with data transmitted over the internet as they would with physical records within the library.

Libraries and librarians may only release confidential patron information to third parties in accordance with a court order or with written consent from the library patron to whom the information pertains.⁹⁷ Connecticut libraries may publish or make publicly available “statistical reports regarding library registration and use of library materials,” as long as the reports do not contain personally identifiable information, although information can be reidentified with the use of AI.⁹⁸

Delaware

The provision discussing library patron privacy in **Delaware** is included in the section of the state’s code pertaining to Delaware’s Freedom of Information Act. Delaware code defines “public records” as “information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected, by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced.”⁹⁹ Comparatively, non-public records include “any records of a public library which contain the identity of a user and the books, documents, films, recordings or other property of the library which a patron has used[.]”¹⁰⁰

While the definition of non-public records does not explicitly include the use of AI, presumptively, any records the library makes relating to a patron’s use of artificial intelligence or of a particular computer within the library would be considered confidential if that information was also linked with “the books, documents, recordings or other property of the library which a patron has used[.]”¹⁰¹ Concern about disclosure of patron use of AI is further mitigated if the library adopts a strict data minimization policy.

District of Columbia

In the **District of Columbia**, “[c]irculation records maintained by the public library in the District of Columbia which can be used to identify a library patron who has requested, used, or borrowed identified library materials from the public library and the specific material

⁹⁵ Conn. Gen. Stat. § 11-25(b)(1) (2024).

⁹⁶ Conn. Gen. Stat. § 11-25(b)(1) (2024).

⁹⁷ *Id.* at § 11-25(2).

⁹⁸ *Id.* at § 11-25(4).

⁹⁹ Del. Code Ann. tit. 29, § 10002(o) (2024).

¹⁰⁰ Del. Code Ann. tit. 29, § 10002(o)(12) (2024).

¹⁰¹ *Id.*

that patron has requested, used, or borrowed from the public library, shall be kept confidential, except that the records may be disclosed to officers, employees, and agents of the public library to the extent necessary for the proper operation of the public library.”¹⁰² Libraries may disclose such confidential records to officers, employees, and agents of the library to effectuate proper operation of the library.¹⁰³

Libraries may not disclose these records to a third party unless the patron gives written consent or the library is presented with a court order.¹⁰⁴ This provision, however, does not prohibit the library from “disclosing relevant information on a library patron to the Corporation Counsel of the District of Columbia or legal counsel retained to represent the public library in a civil action.”¹⁰⁵ The D.C. Public Library’s privacy policy contains a provision related to third-party security.¹⁰⁶ In this provision, the library articulates that it “ensures that its contracts, licenses, and off-site computer service arrangements reflect its policies and legal obligation concerning user privacy and confidentiality.”¹⁰⁷ Further, the library recognizes that “[s]ome library users may choose to use electronic communication services from the library [...] via e-mail,” however, the library has “limited ability to protect the privacy of this information once it is outside the library’s control.”¹⁰⁸ Finally, for patrons who choose to use the library’s wireless network, “[u]sers should be aware that data accessed and sent over the library’s wireless network is not encrypted.”¹⁰⁹

This policy reflects the general scope and power of the current state of library patron privacy laws: While libraries can effectively create and enforce protection of patron records within the brick-and-mortar establishment, they often lack the power to reach beyond and protect the information once it is in the hands of data brokers or other third parties. The information included in this policy, as written, is of particular concern in relation to the use of artificial intelligence. Because libraries often cannot control information once it has extended beyond library walls, if a patron shares information about their circulation records with an AI service or other third-party technology, the library no longer has control over this information, even though this information would normally be considered confidential if kept within a brick-and-mortar library facility.

Under the law, any affected patron may file a motion in the Superior Court of the District of Columbia to request that the records remain confidential.¹¹⁰ The statute provides additional protection to patrons by notifying affected individuals within two working days after receiving a court-issued subpoena.¹¹¹ Any officer, employee, or agent of the library who violates these provisions are guilty of a misdemeanor and shall be fined no more than three hundred dollars.¹¹² Patrons affected by a violation of the statute may bring a civil action against the violator for “actual damages or [two hundred fifty dollars], whichever is greater, reasonable attorneys’ fees, and court costs.”¹¹³

¹⁰² D.C. Code § 39-108(a) (2024).

¹⁰³ *Id.*

¹⁰⁴ *Id.* at § 39-108(b)(1).

¹⁰⁵ *Id.* at § 39-108(b)(3).

¹⁰⁶ See *Privacy and Confidentiality Policy*, D.C. PUB. LIBR. (May 28, 2008), <https://www.dclibrary.org/library-policies/privacy-and-confidentiality-policy>.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ D.C. Code § 39-108(b)(2) (2024).

¹¹¹ *Id.* at § 39-108(b)(4).

¹¹² *Id.* at § 39-108(d).

¹¹³ *Id.*

Florida

Florida law makes confidential “all registration and circulation records of every public record, except statistical reports of registration and circulation[.]”¹¹⁴ “Registration records” include “any information that a library requires a patron to provide in order to become eligible to borrow books and other materials,”¹¹⁵ whereas “circulation records” include “all information that identifies the patrons who borrow particular books and other materials.”¹¹⁶

Florida law permits disclosure of confidential library records specifically for “collecting fines or recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library.” The statute permits disclosure of confidential library records to the library patron discussed in the records, the parent or guardian of a patron if the patron is less than sixteen years of age,¹¹⁷ an agency that collects fines for the library, municipal or county law enforcement officials, or judicial officials.¹¹⁸

While the language of the statute may seem initially satisfactory, it is important to consider the ways in which libraries are continuously integrating advancing technology with everyday tasks,¹¹⁹ especially when the Florida statute permits disclosure to an agency that collects fines for the library.¹²⁰ The growing use of AI for mundane tasks is particularly of concern with the development of agentic AI. Agentic AI, or “machine learning models that mimic human decision-making to solve problems in real time,” involves the use of “an artificial intelligence system [to] accomplish a specific goal with limited supervision.”¹²¹ If the library were to contract with an artificial intelligence company to use an AI agent that can assist with collecting fines or recovering overdue materials, the statute likely would permit disclosure of confidential records to that AI agent. If libraries choose to use AI in this manner and increase library efficiency, they should stringently evaluate potential vendors and, with proper contracting and guidance under legislation, ensure the AI agent is classified as a part of the library staff, and thereby a covered entity of patron privacy laws.

In 2010, the United States District Court for the Middle District of Florida addressed a request for access to library patron records arising out of a complaint alleging negligence in a motor vehicle accident.¹²² Defendants argued that, as part of discovery, they should be able to access the list of books the plaintiff’s family checked out from the library that pertain to brain injuries.¹²³ The plaintiff sought a protective order to quash subpoenas requesting such library

¹¹⁴ Fla. Stat. § 257.261(1) (2025).

¹¹⁵ *Id.* at § 257.261(2).

¹¹⁶ *Id.*

¹¹⁷ One method of patron age verification is at the time of library card registration. Alachua County Library District, as an example, requires a current photo ID when a prospective patron is registering for a library card. Prospective patrons under the age of eighteen “must be accompanied by a legal guardian as the Responsible Party.” *Get a Card*, ALACHUA CNTY. LIBR. DIST., <https://www.aclib.us/cards> (last visited Nov. 3, 2025).

¹¹⁸ Fla. Stat. § 257.261(3)(b) (2025). The statute offers carveouts for minors, in which case the library must release the information of the minor’s guardian to collection agencies and law enforcement, rather than release the minor’s information.

¹¹⁹ See e.g., Clarivate, *AI’s Role in the Future of Library Services*, LIBR. J. (May 2, 2025), <https://www.libraryjournal.com/story/ais-role-in-the-future-of-library-services-250501>.

¹²⁰ Fla. Stat. § 257.261(3)(b) (2025).

¹²¹ Cole Stryker, *What is agentic AI?*, IBM, <https://www.ibm.com/think/topics/agentic-ai> (last visited Nov. 5, 2025).

¹²² See *Riley v. Roberts Brothers Coach Leasing Co., Inc.*, Case No. 6:09-cv-2147-Orl-35DAB, 2010 WL 11626740, at *1 (M.D. Fla. Dec. 8, 2010).

¹²³ See *id.* at *2.

records.¹²⁴ The court, in granting the protective order, found that while the order did not call for privileged information, it “goes too far afield,” seeing as the plaintiff’s family would “not be able to provide expert testimony, and it [was] sufficient for impeachment purposes that they have researched the subject of brain injuries.”¹²⁵ Although this case is over a decade old, the overall principle regarding a request for extremely broad information from a library likely holds true, as permitting such requests would allow individuals to have access to a flood of information that is not explicitly related to the litigation at hand.

Georgia

Georgia’s library patron privacy law is unique because it is part of the state’s rules of evidence. In addition to creating a requirement for libraries and librarians to keep patron information confidential, the placement of this law in the code of evidence brings into question whether library records are considered privileged, in the same way that there is attorney-client privilege and spousal privilege (among other privileges) in the context of court testimony. Privileges protect certain relationships and communication within those relationships from disclosure in legal proceedings.¹²⁶ They facilitate trust within those relationships and hope to foster open communication.¹²⁷ While it is unclear why the Georgia legislature chose to include this law in the code of evidence, it is likely, based on the language used in the text, that part of the intent of writing these provisions was to have protections for library patrons similar to that of other states.

Georgia’s statute generally classifies as confidential “circulation and similar records of a library” that allow for patron identification.¹²⁸ It may be necessary for libraries and librarians to consider the scope of how similar a record must be to be classified as a “circulation [or] similar record” under the statute.¹²⁹ By identifying where the line lies, libraries can have clarity on whether a “similar record” would include a transcript of a patron conversing with an AI chatbot about what books to check out or of a librarian conversing with an AI chatbot about what books to suggest to a patron based on their past circulation history. The breadth of this provision is determinative of whether libraries and librarians can argue if certain records produced in the library can be classified as confidential records.

A Georgia library may disclose confidential patron information to “members of the library staff in the ordinary course of business,” with written consent from the patron or from the patron’s parent or guardian if the patron is a minor, or when presented with an appropriate court order or subpoena.¹³⁰ Disclosure does not “destroy the confidential nature of that material, except for the purpose for which an authorized disclosure is made.”¹³¹ Third-

¹²⁴ See *id.*

¹²⁵ *Id.* at *3.

¹²⁶ “The Third Party Doctrine asserts individuals typically have no reasonable expectation of privacy in information voluntarily provided to third parties.” *What Does Privilege Mean in a Court of Law?*, LEGALCLARITY (Aug. 23, 2025), <https://legalclarity.org/what-does-privilege-mean-in-a-court-of-law/>.

¹²⁷ See *id.*

¹²⁸ Ga. Code Ann. § 24-12-30(a) (2024).

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Ga. Code Ann. § 24-12-30(b) (2024).

party disclosure, under the third-party doctrine, would likely be considered an “authorized disclosure.”¹³²

Hawaii

Hawaii is the only state other than Kentucky¹³³ that does not have a specific statute which prohibits public access to public library circulation records.¹³⁴ The Office of Information Practices (OIP) administers the Uniform Information Practices Act (UIPA),¹³⁵ which is the public records law of the state.¹³⁶ OIP answered in an opinion whether patron circulation reports must be disclosed to the public.¹³⁷ While OIP opinions provide guidance on the UIPA, the opinions have no legally binding or precedential value.¹³⁸ Because the UIPA does not require agencies to disclose “[g]overnment records, which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy”¹³⁹ and “individuals have a significant privacy interest in information, such as Library circulation records, which reveals their thoughts, associations, or beliefs,” the OIP concluded that an individual’s privacy interest in library circulation records was not outweighed by the public interest in disclosure.¹⁴⁰ Using a balancing test from the UIPA,¹⁴¹ OIP found that “generally, the public disclosure of library circulation records would constitute a clearly unwarranted invasion of personal privacy.”¹⁴² Regarding library fines, however, the OIP concluded that under the same test the disclosure of fine amounts was not an invasion of personal privacy.¹⁴³ Other than the UIPA, the OIP relied on a similar persuasive opinion from the Kentucky Attorney General to make its decision.¹⁴⁴

Hawaii has a disadvantage of not codifying protection of library records in its statute. While the OIP was able to use its administrative authority to protect library circulation records against disclosure, the lack of statute means that the opinion can be easily overturned if the agency comes to a different decision in the future. The opinion also only protects library circulation records, which have to do with the patron’s right to receive information. It does not explicitly mention prohibiting the disclosure of personal information, which would protect the patron’s right to privacy. However, the OIP will likely protect personal information, because public interest in disclosure of personal information does not outweigh patron privacy. Due to its flexibility, the opinion has the potential to prevent improper disclosure to law

¹³² See *What Is the Third Party Doctrine for Privacy?*, LEGALCLARITY (Aug. 24, 2025), <https://legalclarity.org/what-is-the-third-party-doctrine-for-privacy/>.

¹³³ See *State Privacy Laws Regarding Library Records*, AM. LIBR. ASS’N (Nov. 2021), <https://www.ala.org/advocacy/privacy/statelaws>.

¹³⁴ Public Access to Library Patron Circulation and Fine Records, OIP Op. Ltr. No. 90-30 1, 1 (Oct. 23, 1990).

¹³⁵ *Home*, HAWAII.GOV, <https://oip.hawaii.gov/> (last visited Nov. 20, 2025).

¹³⁶ *UIPA*, HAWAII.GOV, <https://oip.hawaii.gov/laws-rules-opinions/uipa/> (last visited Nov. 20, 2025).

¹³⁷ See OIP Op. Ltr. No. 90-30 at 1.

¹³⁸ See *OPINIONS*, HAWAII.GOV, <https://oip.hawaii.gov/laws-rules-opinions/opinions/> (last accessed Nov. 20, 2025).

¹³⁹ Haw. Rev. Stat. § 92F-13(1) (Supp. 1989).

¹⁴⁰ OIP Op. Ltr. No. 90-30 at 2.

¹⁴¹ Haw. Rev. Stat. § 92F-14(a) (2024) (“Disclosure of a government record shall not constitute a clearly unwarranted invasion of personal privacy if the public interest in disclosure outweighs the privacy interest of the individual.”).

¹⁴² Public Access to Library Patron Circulation and Fine Records, OIP Op. Ltr. No. 90-30 1, 2 (Oct. 23, 1990).

¹⁴³ *Id.*

¹⁴⁴ *Id.* at 9 (“[T]he Kentucky Attorney General found that ‘the individual’s privacy right as to what he borrows from a public library (books, motion picture film, periodicals and any other matter) is overwhelming.’”).

enforcement or AI companies, but the lack of statute or case law means that this is difficult to predict.

Idaho

Idaho does not dedicate a statute specific to library records.¹⁴⁵ Instead, it lists library records alongside other records that are exempt from disclosure.¹⁴⁶ While not specifying what type of materials are considered library records, the law prohibits disclosure of records that, “when examined alone or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.”¹⁴⁷ Because the section does not indicate who the law applies to, an argument can be made that third-party companies, such as AI companies, face similar confidentiality requirements as libraries. The statutory language is also not clear when disclosure is allowed. Exemption from disclosure may mean that libraries cannot be required to disclose information but still have the discretion to do so if needed.¹⁴⁸

Illinois

Under **Illinois’s** Library Records Confidentiality Act,¹⁴⁹ registration and circulation records of a library are confidential information.¹⁵⁰ Registration records include “any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials.”¹⁵¹ Circulation records include “all information identifying the individual borrowing particular books or materials.”¹⁵²

Patron records may be disclosed under a court order¹⁵³ or where “it is impractical to secure a court order as a result of an emergency.”¹⁵⁴ The obtainable information is limited to “identifying a suspect, witness, or victim of a crime.”¹⁵⁵ It may not include registration or circulation records that would indicate “materials borrowed, resources reviewed, or services used at the library.”¹⁵⁶ A library may request the requesting officer to sign a form acknowledging the receipt of the information,¹⁵⁷ ensuring that the officer does not collect information without notifying the library. A library may also seek subsequent judicial review to assess whether the officer has complied with the requirements,¹⁵⁸ ensuring that a court can review the request even absent a court order.

Even though measures are in place to protect patron records from unnecessary disclosure, there are several vulnerabilities. First, the statute does not prevent a library from dis-

¹⁴⁵ Idaho Code § 74-108 (2024).

¹⁴⁶ *Id.*

¹⁴⁷ *Id.* at § 74-108(4).

¹⁴⁸ *See id.*

¹⁴⁹ 75 Ill. Comp. Stat. 70/2 (2024).

¹⁵⁰ 75 Ill. Comp. Stat. 70/1(a) (2024).

¹⁵¹ *Id.* at 70/1(c)(ii).

¹⁵² *Id.* at 70/1(c)(iii).

¹⁵³ *Id.* at 70/1(a)(1).

¹⁵⁴ *Id.* at 70/1(a)(2). This situation arises where there is an imminent danger of physical harm and a court order would take too much time.

¹⁵⁵ 75 Ill. Comp. Stat. 70/1(a)(2) (2024).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

closing “reasonable statistical reports regarding library registration and book circulation.”¹⁵⁹ Even though the statute makes it clear that “no individual is identified therein,”¹⁶⁰ modern technology, including AI, makes it easy to de-anonymize the information.¹⁶¹ Next, because a library providing information to a law enforcement under the second option is not a privacy violation or a breach of confidentiality,¹⁶² there is no private cause of action for patrons who wish to challenge such disclosure. This means that a patron whose privacy right was violated may not have a remedy if the library refuses to pursue action. It also means patrons lack any recourse where a library vendor might disclose confidential information. Finally, the statute has not been tested in courts. Without courts defining the terms “impractical,” “emergency,” and “imminent danger” in the context of libraries, officers who do not want to or who are unable to secure a warrant may abuse the ambiguities. Because courts can only review the officer’s request if a library seeks judicial review, it would be too late to protect confidential information that has already been disclosed. These gaps also incentivize law enforcement to seek confidential information from library vendors, who currently lack an affirmative obligation to protect patron information.

Indiana

Indiana does not have a library-specific confidentiality statute. Instead, it includes patron records in a list of records public agencies may not disclose absent a court order or federal statute.¹⁶³ The statute does not define library records beyond records “which can be used to identify any library patron.”¹⁶⁴ Absent a clear definition or guidance from Indiana courts, law enforcement or third parties who possess patron information (including AI companies) may argue that the information therein could not reasonably be not used to identify a patron.¹⁶⁵

Iowa

Like Indiana, **Iowa** lists library records along other confidential public records.¹⁶⁶ Library records are “the records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library.”¹⁶⁷ Patron records may be disclosed pursuant to a court order “by the lawful custodian of the records, or by another person duly authorized to release such information.”¹⁶⁸ The library records may be released to law enforcement “pursuant to an investigation of a particular person or organization suspected of committing a known crime”¹⁶⁹ after a judicial determination that a “rational connection” exists between

¹⁵⁹ *Id.* at 70/1(b).

¹⁶⁰ *Id.*

¹⁶¹ See *De-Anonymization: What It is, How It Works, How it's Used*, INVESTOPEDIA (Oct. 15, 2022), <https://www.investopedia.com/terms/d/deanonymization.asp>.

¹⁶² 75 Ill. Comp. Stat. 70/1(b-5) (2024).

¹⁶³ Ind. Code § 5-14-3-4 (2024).

¹⁶⁴ *Id.* at § 5-14-3-4(b)(16)(A).

¹⁶⁵ *Id.* at § 5-14-3-4(a)-(b).

¹⁶⁶ Iowa Code § 22.7 (2024).

¹⁶⁷ *Id.* at § 22.7(13).

¹⁶⁸ Iowa Code § 22.7 (2024).

¹⁶⁹ *Id.* at § 22.7(13).

the requested information and a legitimate end.¹⁷⁰ The need for the information also has to be cogent and compelling.¹⁷¹

Even though there are protections against law enforcement for library records, the records may still be vulnerable to collection by AI companies.¹⁷² Library records may be disclosed “by another person duly authorized to release such information,”¹⁷³ which includes patrons themselves. This means that library records will be vulnerable to disclosure when the patron releases confidential information—either intentionally or unintentionally—to third parties like AI companies. This is essentially a codification of federal third-party doctrine, which finds that patrons do not maintain a reasonable expectation of privacy when they disclose otherwise confidential information to a third party.

Kansas

Kansas does not have a statute specific to library confidentiality.¹⁷⁴ Library patron and circulation records are listed along other public records as records that, unless required by law, a public agency cannot be required to disclose.¹⁷⁵ Like Indiana, Kansas does not specifically define library records,¹⁷⁶ but protects information that “pertain[s] to identifiable individuals.”¹⁷⁷ However, there is no additional statutory detail or relevant case law detailing what records pertain to identifiable individuals.

The lack of guiding language renders Kansas’s statute open to abuse. It is unclear, for example, what precisely the legislature considered to be identifying information and whether that extends to research inquiries. Moreover, it is difficult to know whether patrons who use a service offered through a third-party vendor enjoy the same protections, particularly as it pertains to information beyond things like names or dates of birth.

Kentucky

Kentucky is one of two states that does not have a privacy statute related to library records. Instead, the state’s privacy considerations are captured in Attorney General opinions. In these opinions, the Attorney General of Kentucky recognizes the public interest in protecting patron privacy records,¹⁷⁸ although these opinions are persuasive rather than legally binding.¹⁷⁹ Despite this, public officials in Kentucky are expected to follow Attorney General opinions, and they may be cited in all Kentucky courts.¹⁸⁰

Libraries may refuse to disclose circulation records or “what [a patron] borrows from a public library (books, motion picture film, periodicals and any other matter)[.]”¹⁸¹ While

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² See Will Knight, *Generative AI Is Making Companies Even More Thirsty for Your Data*, WIRED (Aug. 10, 2023), <https://www.wired.com/story/fast-forward-generative-ai-companies-thirsty-for-your-data/>.

¹⁷³ Iowa Code § 22.7 (2024).

¹⁷⁴ Kan. Stat. Ann. § 45-221 (2024).

¹⁷⁵ *Id.* at § 45-221(a).

¹⁷⁶ *Id.* at § 45-221(a)(23).

¹⁷⁷ *Id.*

¹⁷⁸ See 81 Ky. Op. Att’y Gen. 159.

¹⁷⁹ See *Opinions of the Attorney General*, Ky.gov, <https://www.ag.ky.gov/Resources/Opinions/Pages/default.aspx> (last visited Oct. 10, 2025).

¹⁸⁰ *Id.*

¹⁸¹ See 81 Ky. Op. Att’y Gen. 159.

libraries may choose to leave the records open for inspection, the Attorney General notes that keeping such records confidential would support the public interest of supporting privacy rights.¹⁸² Because the basis for library patron privacy in Kentucky is enshrined in an Attorney General opinion that lacks the full force of law, there is neither mandatory disclosure of records nor is there any penalty if a library chooses to leave records open for public inspection.¹⁸³

While it appears that following the Attorney General opinions are generally recommended and expected, it is worthwhile to consider if the introduction of artificial intelligence and the complexities surrounding advancing technology would encourage fewer libraries to adhere to the historical trend of compliance. Libraries may decide that to accommodate the increased use of advancing technology for data analytics or other related purposes, it would be easier to establish upfront that they do not follow the Attorney General's recommendations pertaining to patron privacy. Since there is no penalty in Kentucky for libraries who choose to leave patron records open for public inspection, libraries and the Kentucky legislature might sacrifice patron privacy for hypothetical increased efficiency. Furthermore, as the role of AI expands in state economies and state governments continuously face the question of innovation versus regulation, the Attorney General may evaluate whether its previous stance on library patron privacy serves as hindrance to the evolution of technology.

Louisiana

Under **Louisiana's** library patron privacy law, confidential information includes "records of any library [...] indicating which of its documents or other materials, regardless of format, have been loaned to or used by any identifiable individual or group of individuals[.]"¹⁸⁴

Disclosure of confidential patron information is permitted in four ways under the statute: (1) to the parent or custodian of a minor child, (2) to "persons acting within the scope of their duties in the administration of the library," (3) to persons who were given written consent by the patron to access their records, or (4) by court order.¹⁸⁵ Consent in this case means "authorized in writing by the individual or group of individuals."¹⁸⁶ Section 13(D)(2) of the statute further allows libraries and librarians to disclose information including, but not limited to, "electronic data files, security surveillance video tapes, or other records or materials which may constitute evidence which would assist law enforcement officers in identifying the individual or group of individuals who may have committed criminal activity in the library."¹⁸⁷

Libraries should pay special attention to this provision in the context of artificial intelligence, specifically involving AI chatbots. If a patron is chatting with an AI chatbot on a library computer terminal, for example, to inquire about committing a criminal activity, and if a library chooses to store the data or transcripts from the conversations, they may be susceptible to permitted disclosure under the statute. In this regard, it is important for libraries to evaluate their data minimization practices.

In a nonbinding opinion, the Attorney General of Louisiana determined that "complaints about internet usage on public internet terminals are generally subject to release pur-

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ R.S. 44:13(A).

¹⁸⁵ *Id.*

¹⁸⁶ R.S. 44:13(A).

¹⁸⁷ R.S. 44:13(D)(2).

suant to the Public Records Act” and are not protected as confidential patron information under Louisiana’s library patron privacy law.¹⁸⁸ Requested information is generally considered to be public record unless it falls under the statute as exemption. An example of exempted records includes information maintained for the purpose of registration.¹⁸⁹ If the requested records identify the user of the library material, the information must be deleted from the records before they are released. Interactions with artificial intelligence, including discussions with AI chatbots, therefore, would likely be considered public record unless the information connects a user with requested library materials.¹⁹⁰

Maine

Under **Maine’s** library patron privacy law, a library record is confidential if it contains “(A) [a] library patron’s personally identifying information, including but not limited to the library patron’s name, address, phone number and e-mail address; or (B) [i]nformation that identifies a library patron as having requested, obtained or used books or other materials in any medium at the library or provided by the library.”¹⁹¹ Such confidential records may only be released with written consent from the patron; to officers, employees, volunteers, and agents of the library as needed to fulfill library administrative purposes; or at the presentation of a court order.¹⁹² Although not defined in the statute, “library administrative purposes” may include common library administrative tasks, such as charging fines for overdue materials or for handling issues related to patron misuse of books.¹⁹³ For example, Northeast Harbor Library writes in its privacy policy that “staff members are not authorized to discuss library records with anyone other than the cardholder” and that their privacy policy extends to “any individuals or organizations that are working with the library on any event or project[.]”¹⁹⁴ The use of artificial intelligence may ease the administrative burden of these tasks. In doing so, however, libraries must consider the bounds with which the information can be transmitted beyond the discrete disclosure to the artificial intelligence bot or service through stringent vendor evaluation practices.

Libraries in Maine may also release “aggregated and statistical information pertaining to library patronage, circulation activities and use of any service or consultation the library provides” without risking the release of any personally identifiable information.¹⁹⁵ It is worth noting, however, that at least for wireless users, Northeast Harbor Library specifies in its policy that “[their] network does not protect [a patron’s] machine from viruses or third party eaves-dropping.”¹⁹⁶ This disclaimer calls into question the sufficiency of Maine’s patron privacy law to protect patrons against vulnerabilities over the internet and, potentially, artificial intelligence.

¹⁸⁸ La. Op. Att’y Gen. No. 98-496, (1999).

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ Me. Rev. Stat. Ann. tit. 27, § 121(1) (2024).

¹⁹² *Id.* at § 121(2).

¹⁹³ *Circulation*, COLL. OF S. IDAHO, <https://csi.pressbooks.pub/lis/chapter/circulation/> (last visited Nov. 3, 2025).

¹⁹⁴ *Policies*, NE. HARBOR LIBR., <https://nehlibrary.org/policies/#privacy> (last visited Oct. 17, 2025).

¹⁹⁵ Me. Rev. Stat. Ann. tit. 27, § 121(3) (2024).

¹⁹⁶ *Policies*, NE. HARBOR LIBR., <https://nehlibrary.org/policies/#privacy> (last visited Oct. 17, 2025).

Maryland

Maryland's patron privacy protections are located in two sections: the Education Code¹⁹⁷ and the Public Information Act.¹⁹⁸ Under the Public Information Act, a custodian, defined as the (1) official custodian, or “an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record,” or (2) “any other authorized individual who has physical custody and control of a public record,”¹⁹⁹ shall “prohibit inspection, use, or disclosure of a circulation record of a public library or any other item, collection, or grouping of information about an individual that (1) is maintained by a library; (2) contains an individual’s name or the identifying number, symbol, or other identifying particular assigned to the individual; and (3) identifies the use a patron makes of that library’s materials, services, or facilities.”²⁰⁰ Disclosure, however, is permitted “in connection with the library’s ordinary business” and “for the purposes for which the record was created.”²⁰¹

Maryland’s Education Code further protects privacy of library patron records. “Public, school, college, or university” libraries located in Maryland are subject to the provisions of this law.²⁰² The Maryland Education Code prohibits libraries from “inspect[ing], us[ing], or grouping [...] information about an individual that: (1) [i]s maintained by the library; (2) [c]ontains an individual’s name or the identifying number, symbol, or other identifying particular assigned to the individual; and (3) [i]dentifies the use a patron makes of that library’s materials, services, or facilities.”²⁰³ Disclosure is permitted only “(1) [i]f necessary for the reasonable operation of the library; (2) [o]n written consent of the individual; or (3) [b]y subpoena or court order.”²⁰⁴

While the combination of two statutes guarantees some level of increased strength for library patron privacy, this strength does not necessarily extend to patron use of the internet or of online services provided by third parties, such as chatbots, even when on library grounds. As previously discussed, libraries do not often have control over information that ordinarily would be classified as confidential once it has moved beyond the physical library and onto the internet. In recognizing this, libraries sometimes will have notices or policies on their websites to notify patrons of the scope of the library’s protective power. Montgomery County Public Library, as an example, has an internet use policy separate from their privacy and confidentiality policy. This policy places much of the onus on the library patron to secure their internet use. The policy reads that “[t]he library is not responsible for the privacy of information you transfer over [the library’s] network, and “[the patron is] responsible for ensuring that [the patron’s] computer has security protection against viruses and other malware.”²⁰⁵ Similarly, the Prince George’s County Memorial Library System, in their guidelines for wireless access, asserts that “[t]he Library is not responsible for customer files, disks, and email accounts or for the security or privacy of online communications,” and “the Library is

¹⁹⁷ See generally Md. Code Ann., Educ. § 23-108 (West 2023).

¹⁹⁸ See generally Md. Code Ann., Gen. Provisions § 4-308 (West 2021).

¹⁹⁹ *Id.* at § 4-308(d).

²⁰⁰ *Id.* at § 4-308(a).

²⁰¹ *Id.* at § 4-308(3)(b).

²⁰² Md. Code Ann., Educ. § 23-108(a) (West 2023).

²⁰³ *Id.*

²⁰⁴ *Id.* at § 23-108(b).

²⁰⁵ *Computer, Internet, and Wireless Use Policies*, MONTGOMERY CNTY. PUB. LIBRS., <https://www.montgomerycountymd.gov/library/policies/computers.html> (last visited Oct. 19, 2025).

not responsible for viruses, malicious code or any other outcome resulting from customer Internet activity.”²⁰⁶ Both counties additionally declare that library staff is unable to provide patrons with technical assistance.²⁰⁷

Massachusetts

Massachusetts library patron privacy law recognizes as confidential the “part of the records of a public library which reveals the identity and intellectual pursuits of a person using such a library[.]”²⁰⁸ For example, Agawam Library considers “circulation and registration records identifying the names, addresses and telephone number of library patrons, as well as the materials borrowed or accessed electronically,” as non-public records.²⁰⁹ Comparatively, Boston Public Library notes that “[c]onfidentiality extends to information sought or received, and materials consulted, borrowed, and includes database search records, reference interviews, circulation records, interlibrary loan transactions, registration records, and all other personally identifiable uses of library materials, facilities, or services.”²¹⁰ Library authorities may “disclose or exchange information relating to library users for the purposes of interlibrary cooperation and coordination, including but not limited to, the purposes of facilitating the sharing of resources among library jurisdictions[.]”²¹¹ While interlibrary information sharing is a useful strategy to expand library services and access to information, libraries and librarians must take appropriate precautions to ensure that the manner in which this information is shared is secure.

Although libraries may share such information for inter-library cooperation (within certain parameters), if the method by which the information is not secure, the library risks unintentionally exposing confidential information. If libraries transmit this information through vulnerable third-party sites or unsecure systems, they may risk exposing confidential patron information beyond permitted parties to other parties such as data brokers. As written, most library patron privacy laws do not cover what third parties and vendors do with the information they acquire beyond what is in their contract with the library or library system.

Michigan

Michigan’s patron privacy statute contains six sections and is one of the most detailed library privacy laws in the United States.²¹² Last amended in 2021, the statute is modern by including the definitions of “computer” and “Internet.”²¹³ Additionally, Michigan makes it clear what records fall under “library record.”²¹⁴ A library record is “a document, record, or other method of storing information retained by a library that contains information that per-

²⁰⁶ *Public Computers & WiFi Access*, PRINCE GEORGE’S CNTY. MEM’L LIBR. SYS., <https://www.pgcmls.info/416> (last visited Oct. 19, 2025).

²⁰⁷ *Id.*; *Computer, Internet, and Wireless Use Policies*, MONTGOMERY CNTY. PUB. LIBRS., <https://www.montgomerycountymd.gov/library/policies/computers.html> (last visited Oct. 19, 2025).

²⁰⁸ Mass. Gen. Laws ch. 78, § 7 (2025).

²⁰⁹ *Privacy Policy*, AGAWAM PUB. LIBR., <https://www.agawamlibrary.org/about-2/policies/> (last visited Oct. 25, 2025).

²¹⁰ *Privacy Policy*, AGAWAM PUB. LIBR., <https://www.agawamlibrary.org/about-2/policies/> (last visited Oct. 25, 2025).

²¹¹ Mass. Gen. Laws ch. 78, § 7 (2025).

²¹² Mich. Comp. Laws §§ 397.601-606 (2024).

²¹³ Mich. Comp. Laws § 397.602(a), (h) (2024).

²¹⁴ *Id.* at § 397.602(k).

sonally identifies a library patron, including the patron's name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library.”²¹⁵ The statute also includes circulation records as a subset of library record,²¹⁶ acknowledging that specific materials requested or obtained by a patron can be identifiable information.

Library records do not include nonidentifying material that is retained for the purpose of studying or evaluating the circulation of library materials in general.²¹⁷ While the drafters may have included this exception to allow libraries to analyze and organize its collection, the exception could be a potential weakness in terms of protecting privacy. With advances in technology, it is easier to de-anonymize such nonidentifying material.²¹⁸ Second, library record does not include recorded video surveillance images made solely for security purposes.²¹⁹ By clarifying that surveillance images do not include images that identify a patron as requesting or obtaining “specific services, materials, or information resources” from a library,²²⁰ the statute balances security against patron privacy.

Section 3 involves the minutiae of disclosure. A library record cannot be disclosed through the Freedom of Information Act (FOIA),²²¹ which provides the public with access to public records of public bodies.²²² A library, which includes its employees or agents, cannot release a library record without the written consent from the person liable for “payment for or return of the materials identified in that library record.”²²³

Library records may be released by court order as long as the library is given notice and an opportunity to be heard on the request.²²⁴ A library may appear and be represented by counsel for such hearing.²²⁵ A library or an employee or agent of the library may also disclose library records if it has to do with the delinquent account or interlibrary loans.²²⁶ The library may only provide information that is necessary to “seek the return of overdue or stolen materials or to collect fines”²²⁷ or to conduct interlibrary loans.²²⁸ While the section protects library records, it does not prevent an employee or agent from “providing a sworn statement or testimony to a law enforcement officer based solely on the personal knowledge.”²²⁹ Such statement or testimony has to be limited to “a crime alleged to have occurred at the library.”²³⁰

Unlike other states, Michigan is proactive in defending patron privacy. Section 3 defines an agent of the library as “any other person who is lawfully performing services on behalf of a library under a written contract.”²³¹ This means that e-book vendors who are under contract with the library will not be able to disclose the records. Specifying that only

²¹⁵ *Id.*

²¹⁶ *See id.*

²¹⁷ *Id.* at § 397.602(k)(i).

²¹⁸ *See De-Anonymization: What It is, How It Works, How it's Used*, INVESTOPEDIA (Oct. 15, 2022), <https://www.investopedia.com/terms/d/deanonymization.asp>.

²¹⁹ Mich. Comp. Laws § 397.602(k)(ii) (2024).

²²⁰ *Id.*

²²¹ Mich. Comp. Laws § 397.603(1) (2024).

²²² *See Michigan's Freedom of Information Act (FOIA)*, MICH. DEP'T OF HEALTH & HUM. SERVS., <https://www.michigan.gov/mdhhs/bottom-nav-links/foia/michigans-freedom-of-information-act-foia>.

²²³ Mich. Comp. Laws § 397.603(2) (2024).

²²⁴ *Id.* at § 397.603(2)(a).

²²⁵ *Id.* at § 397.603(4).

²²⁶ Mich. Comp. Laws § 397.603(5)(a)-(b) (2024).

²²⁷ *Id.* at § 397.603(5)(a).

²²⁸ *Id.* at § 397.603(5)(b).

²²⁹ *Id.* at § 397.603(6).

²³⁰ *Id.*

²³¹ Mich. Comp. Laws § 397.603(7) (2024).

“a library or an employee or agent of a library” can disclose library records without a court order or written consent²³² also prevents AI companies from releasing library records that they collected. Finally, Michigan shows that it is proactive by enshrining the right of librarians to determine the selection and use of library materials in Section 5.²³³ This section goes to the heart of why there have recently been attempts to access library records, to police and censor what kind of library materials are available.²³⁴

Minnesota

While **Minnesota** has a statute dedicated to library records, the statute is short in length.²³⁵ Minnesota refers to library records as “library data.”²³⁶ Library data links a patron’s name with “materials requested or borrowed by the patron” or with “a specific subject about which the patron has requested information or materials.”²³⁷ The data also includes information that is provided to create a library card.²³⁸

Minnesota allows a family member or other person who resides with the patron to pick up reserved materials.²³⁹ To maintain confidentiality, a patron may request that reserved materials be released only to the patron.²⁴⁰ However, the fact that this is an opt-in feature (rather than an opt-out) means that it is less than perfect in protecting privacy, as some patrons may not be aware of the feature, leading to their borrowing preferences being revealed to the public.

Library data may be disclosed for library purposes or through court order.²⁴¹ However, Minnesota does not provide detail on what a library purpose entails, making the data vulnerable to disclosure by library vendors. By providing library books and materials, e-book vendors may argue that they are fulfilling a library purpose, leading them to justify disclosure as being necessary for their operations. Because e-book vendors are increasingly adopting AI tools,²⁴² this may lead to e-book vendors disclosing the data to AI companies.

Mississippi

Under **Mississippi** law, confidential library records include records containing information related to the “identity of the user, relative to the user’s use of books or other materials at the library.”²⁴³ Disclosure requires written consent by the user or a court order.²⁴⁴ The statute is not intended to prohibit or hinder libraries or businesses operating jointly with the library from disclosing information in order to collect overdue books, films, documents, or other materials that belong to the library, nor is it intended to prohibit or hinder libraries from

²³² *Id.* at § 397.603(5).

²³³ Mich. Comp. Laws § 397.605 (2024).

²³⁴ See Elizabeth A. Harris & Alexandra Alter, *Book Bans Are Rising Sharply in Public Libraries*, N.Y. TIMES (Sept. 21, 2023), <https://www.nytimes.com/2023/09/21/books/book-ban-rise-libraries.html>.

²³⁵ Minn. Stat. § 13.40 (2024).

²³⁶ *Id.* at § 13.40(2).

²³⁷ *Id.* at § 13.40(2)(1).

²³⁸ *Id.* at § 13.40(2)(2).

²³⁹ *Id.* at § 13.40(2)(2)(b).

²⁴⁰ *Id.*

²⁴¹ Minn. Stat. § 13.40(2) (2024).

²⁴² See *Libby & Artificial Intelligence*, LIBBY (Aug. 14, 2025), <https://about.libbyapp.com/policies/artificial-intelligence>.

²⁴³ Miss. Code Ann. § 39-3-365 (2024).

²⁴⁴ *Id.*

collecting fines on these overdue materials.²⁴⁵ Moreover, statistics developed from de-identified registration and circulation records may also be released or used by a library for the purposes of research and planning.²⁴⁶

As discussed previously, Mississippi libraries should consider the ways in which artificial intelligence can be or already is incorporated in completing ordinary library tasks, such as collecting fines and analyzing de-identified statistics. The Mississippi legislature should consider closing potential loopholes to provide boundaries for keeping confidential patron information within the library.

Missouri

Missouri is one of the few states that has updated its library privacy law to reflect advancing technology.²⁴⁷ However while Missouri law takes the time to define “digital resource or material” and “e-book,”²⁴⁸ the law does not expand beyond these definitions as it pertains to regulating library records.²⁴⁹ A library record is “any document, record, or other method of storing information retained, received or generated by a library that identifies a person or persons as having requested, used, or borrowed library material, and all other records identifying the names of library users.”²⁵⁰ Like Michigan, Missouri does not include nonidentifying material that may be retained for “studying or evaluating the circulation of library material in general.”²⁵¹ The law unfortunately does not define what counts under non-identifying material, meaning that a wide variety of records may be disclosed as long as the identifying feature is removed.²⁵²

In addition to prohibiting disclosure by the library or its employees and agents, Missouri specifically prevents a third party contracted by a library to maintain library records from disclosing library record, notwithstanding any other law to the contrary.²⁵³ The exception for any other law means that library records are not protected from laws like the Patriot Act, which required disclosure for non-library purposes.²⁵⁴ As a result, library records are protected against library vendors who may be careless with the confidential information. E-book vendors will be unable to rely on third-party doctrine to justify disclosure of library records. As mentioned in the summary, most state laws have failed to include a provision prohibiting disclosure by third parties.

Library records may be disclosed under two methods. First, the person identified in that record, or the patron, may provide consent through written request.²⁵⁵ The law allows

²⁴⁵ *Id.* at § 39-3-369.

²⁴⁶ *Id.* at § 39-3-367.

²⁴⁷ Mo. Rev. Stat. § 182.815 (2024).

²⁴⁸ *Id.* at § 182.815(1), (2).

²⁴⁹ Mo. Rev. Stat. § 182.817 (2024).

²⁵⁰ Mo. Rev. Stat. § 182.815(5) (2024).

²⁵¹ *Id.*

²⁵² A material being “nonidentifying” also does not mean that it is impossible for patrons to be identified. Modern technology allows nonidentifying material to be traced back to the patron. See *De-Anonymization: What It is, How It Works, How it's Used*, INVESTOPEDIA (Oct. 15, 2022), <https://www.investopedia.com/terms/d/deanonymization.asp>. Libraries have to face the harsh reality of balancing between collection development and patron privacy.

²⁵³ Mo. Rev. Stat. § 182.817(1) (2024).

²⁵⁴ See Deborah Walters, *15 Years of Fear: The ALA and the Patriot Act*, AM. LIBR. ASS'N ARCHIVES (Oct. 7, 2024), <https://www.library.illinois.edu/ala/2024/10/07/15-years-of-fear-ala-patriot-act/>.

²⁵⁵ Mo. Rev. Stat. § 182.817 (1)(1) (2024).

the library to determine what procedures and forms are followed for this method.²⁵⁶ It is important that libraries protect patron privacy by setting clear policies for patrons to follow. Otherwise, AI companies may argue that patrons provided consent when they agreed to their terms. Second, library records may be disclosed through a court order when disclosure is necessary to “protect the public safety or to prosecute a crime.”²⁵⁷ Failing to define “public safety” or limit “crime” to a library setting means that the law can potentially be abused by law enforcement when requesting information.

Finally, Missouri is noteworthy for providing a private right of action.²⁵⁸ The patron may file a written complaint to the office of the attorney general within 180 days of the alleged violation.²⁵⁹ Missouri also allows a patron to take private civil action to recover damages.²⁶⁰ By allowing patrons to pursue lawsuits without needing the attorney general’s approval, the statute provides additional incentive for library, employee, agent, or third party to protect privacy.

Montana

Like Michigan, the **Montana** Library Records Confidentiality Act is fairly comprehensive.²⁶¹ Library records are “any document, record, or any other method of storing information retained, received, or generated by a library that identifies a person as having requested, used, or borrowed library material or other records identifying the names or other personal identifiers of library users.”²⁶² Library records do not include nonidentifying material that may be used to study or evaluate the circulation of library materials in general.²⁶³ This provision may be a weakness for protecting library records, because AI companies can use advanced methods to de-anonymize the data, connecting the information to individuals.²⁶⁴ This weakness also exists when library records can be disclosed as “reasonable statistical reports regarding library registration and book circulation,” even though the statute requires that no individual is identifiable.²⁶⁵

Library records may be disclosed under three scenarios. First, the patron may provide a written request.²⁶⁶ It is important that the library provides clear guidelines on how to provide consent to prevent AI companies from taking advantage of the provision and access library records because there was “consent.” Next, library records may be disclosed following a court order from a competent jurisdiction.²⁶⁷ The law places limitations by requiring that the disclosure “clearly exceed the demand for individual privacy.”²⁶⁸ Finally, Montana allows records to be disclosed “to the extent necessary to return overdue or stolen materials or col-

²⁵⁶ *Id.*

²⁵⁷ *Id.* at § 182.817(1)(2) (2024).

²⁵⁸ Mo. Rev. Stat. § 182.817(2) (2024).

²⁵⁹ *Id.*

²⁶⁰ *Id.*

²⁶¹ Mont. Code Ann. §§ 22-1-1101 to 1103, 1111 (2024).

²⁶² Mont. Code Ann. § 22-1-1102(2) (2024).

²⁶³ *Id.*

²⁶⁴ See *De-Anonymization: What It is, How It Works, How it's Used*, INVESTOPEDIA (Oct. 15, 2022), <https://www.investopedia.com/terms/d/deanonymization.asp>.

²⁶⁵ Mont. Code Ann. § 22-1-1103(2) (2024).

²⁶⁶ Mont. Code Ann. § 22-1-1103(1)(a) (2024).

²⁶⁷ *Id.* at § 22-1-1103(1)(b).

²⁶⁸ *Id.*

lect fines.”²⁶⁹ The statute does not indicate who the records can be disclosed to, but based on other state laws the disclosure may be to the collection agency.

Montana strengthens its privacy law by including penalties for violators.²⁷⁰ The penalties are not limited to just libraries but covers “any person,”²⁷¹ meaning that AI companies are also included. The patron who had his information improperly disclosed may bring a civil action for actual damages or one hundred dollars, whichever is greater.²⁷² Reasonable attorney fees and the costs of lawsuit may also be awarded to the winning party.²⁷³ While the purpose of the section is to discourage violation of confidentiality, the low amount means that it may not be effective in deterring large AI companies.

Nebraska

Nebraska does not have a statute specifically dedicated to library records and instead lists them amongst other records that may be withheld from the public.²⁷⁴ Library records are records “kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library’s materials or services.”²⁷⁵ Library records are confidential unless otherwise publicly disclosed in an open court, open administrative proceeding, or open meeting.²⁷⁶ They may also be disclosed by a public entity pursuant to its duties.²⁷⁷ Otherwise, it is at the discretion of the lawful custodian of the records to withhold the records from the public.²⁷⁸

Nevada

Nevada has a library privacy law that is only a paragraph.²⁷⁹ Library records are any records “of a public library or other library which contain the identity of a user” and the “books, documents, films, recordings or other property of the library which were used.”²⁸⁰ A court may issue an order when the disclosure of the records is necessary to “protect the public safety or to prosecute a crime.”²⁸¹

New Hampshire

In **New Hampshire**, confidential library records include records that “contain the names or other personal identifying information regarding the users of public or other than public libraries,” including but not limited to “library, information system, and archival records related to the circulation and use of library materials or services, including records

²⁶⁹ *Id.* at § 22-1-1103(3).

²⁷⁰ Mont. Code Ann. § 22-1-1111 (2024).

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ *Id.*

²⁷⁴ Neb. Rev. Stat. § 84-712.05 (2024).

²⁷⁵ *Id.* at § 84-712.05(13).

²⁷⁶ Neb. Rev. Stat. § 84-712.05 (2024).

²⁷⁷ *Id.*

²⁷⁸ *Id.*

²⁷⁹ Nev. Rev. Stat. § 239.013 (2024).

²⁸⁰ *Id.*

²⁸¹ *Id.*

or materials that have been viewed or stored in electronic form.”²⁸² Libraries or librarians may disclose these records as needed for the successful operation of the library, with consent by the patron, or in response to the presentation of a subpoena, court order, or where otherwise required by statute.²⁸³ New Hampshire further prohibits disclosure of library records by exempting it from the provisions in its chapter pertaining to public access to government records.²⁸⁴ This provision, however, shall not be construed “to prohibit any library from releasing statistical information and other data regarding the circulation or use of library materials provided,” as long as the identities of library patrons are protected.²⁸⁵ With the rapidly evolving capabilities of AI, by making de-identified patron data available, libraries may still risk re-identification and harmful use of this data by individuals with access to advanced AI and potentially even law enforcement.

Recently, Governor Kelly Ayotte signed a law granting parents access to all of their minor child’s records, thereby reducing the level of confidentiality that New Hampshire patron privacy laws once provided.²⁸⁶ According to State Representative Mike Drago who sponsored the bill, the implementation of this law is “about ensuring parents have control over what is appropriate for their children to be reading.”²⁸⁷ Not only does this align with the recent growth of book banning, but it also has the likelihood of affecting the trust minor patrons have in their local libraries. Some Democrats raise concerns that there is no part of the law that contains mechanisms for identifying the requesting adult as the child’s parent.²⁸⁸ This law will go into effect January 1, 2026.²⁸⁹

While the identity of specific patrons must remain confidential when disclosing statistical information to the general public, libraries should consider the exact requirements for what it means for information to be de-identified, especially when the statute does not place parameters on who or what is classified as the general public. For example, if a user incorporates the statistical information into a prompt and enters it into ChatGPT, the statistics may nonetheless give the algorithm enough information to identify specific patrons, thereby exposing the information to third parties who are not regulated under the statute. In a separate statute, library records are exempted from public access to government records, thereby increasing library patron confidentiality.²⁹⁰

New Jersey

In **New Jersey**, library records are defined as “any document or record, however maintained, the primary purpose of which is to provide for control of the circulation or other public use of library materials.”²⁹¹ These records, which “contain the names or other personally identifying details regarding the users of libraries[,] are confidential and shall not be

²⁸² N.H. Rev. Stat. Ann. § 201-D:11(I) (2024).

²⁸³ *Id.* at § 201-D:11(II).

²⁸⁴ See N.H. Rev. Stat. Ann. § 91-A:5(IV) (2017).

²⁸⁵ *Id.* at § 201-D:11(III).

²⁸⁶ See 2025 NH HB273 (enacted).

²⁸⁷ William Skipworth, *New law to make New Hampshire library records available to parents*, N.H. BULL. (Aug. 4, 2025), <https://newhampshirebulletin.com/briefs/new-law-to-make-new-hampshire-library-records-available-to-parents/>.

²⁸⁸ *Id.*

²⁸⁹ N.H. Rev. Stat. Ann. § 201-D:11 (2026).

²⁹⁰ N.H. Rev. Stat. Ann. § 91-A:5(IV) (2024).

²⁹¹ N.J. Rev. Stat. § 18A:73-43.1(b) (2024).

disclosed[.]”²⁹² Libraries may not disclose these confidential records unless they are “necessary for the proper operation of the library,” the patron requests disclosure of their records, or the library is presented with a subpoena or court order.²⁹³ Without identifying the scope of disclosure “necessary for the proper operation” of the library, libraries and librarians may be able to disclose confidential patron information to artificial intelligence companies and other third-party services that are becoming integral for mundane library tasks. Contrary to some other states in this region that explicitly include a provision regarding parental or guardian access to their minor child’s records, parents or guardians may only have access to a minor child’s records if that minor child requests that their records are shared.²⁹⁴ This gives children ownership over their own records and facilitates trust in the library.

New Mexico

New Mexico aims to “preserve the intellectual freedom” guaranteed by its constitution by providing privacy for users of the public libraries with respect to the materials that they wish to use.²⁹⁵ New Mexico protects “patron record[s]”²⁹⁶ instead of library records like other states. Patron records include “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.”²⁹⁷ Patron record is a broad term that “includes patron registration information and circulation information that identifies specific patrons.”²⁹⁸ Such a broad definition ensures that all aspects of patron information are protected from disclosure to third parties like AI companies.

Patron records may only be released upon written consent of the patron or upon court order issued to the library.²⁹⁹ It is important that the libraries clarify what is considered written consent to ensure that information is not disclosed to third parties such as AI companies. It is unfortunate that the statute or case law does not clarify when a court order can be issued. This makes it easier for law enforcement to request information. When records are disclosed, New Mexico provides a way for the library to be involved by allowing it to be represented by counsel at any hearing on disclosure.³⁰⁰ There are additional exceptions to prohibition on disclosure. First, the prohibition does not apply to overdue notices.³⁰¹ This weakens patron privacy by potentially allowing e-book vendors to access records when dealing with their own overdue materials. Unlike other states, the legal guardian may access patron records for minors or legally incapacitated persons only in the context of school libraries.³⁰² This exception does not apply to public libraries. New Mexico also implements civil liability against any person who violates the law.³⁰³ The broad target means that third parties such as AI companies

²⁹² N.J. Rev. Stat. § 18A:73-43.2 (2024).

²⁹³ *Id.*

²⁹⁴ *Id.*

²⁹⁵ N.M. Stat. Ann. § 18-9-2 (2024).

²⁹⁶ § 18-9-3.

²⁹⁷ *Id.* at § 18-9-3(B).

²⁹⁸ *Id.*

²⁹⁹ N.M. Stat. Ann. § 18-9-4 (2024).

³⁰⁰ *Id.*

³⁰¹ N.M. Stat. Ann. § 18-9-5 (2024).

³⁰² *Id.*

³⁰³ N.M. Stat. Ann. § 18-9-6 (2024).

are included. Unlike other states, the penalty also has a bite by having no limit to the amount of damages and costs of the action determined by the court.³⁰⁴ This ensures that third parties are more careful when dealing with patron records.

New York

In **New York**, library patron privacy law is codified amongst the state's evidence law. Library records must be kept confidential if they contain the names or other personally identifiable information of library patrons.³⁰⁵ These records include, but are not limited to "records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records[.]"³⁰⁶ Libraries may not disclose confidential library records unless necessary for the "proper operation" of the library or at the presentation of a subpoena, court order, or where otherwise required by statute.³⁰⁷

Without a concrete definition as to what it means for disclosure to be necessary for the "proper operation" of the library, libraries and librarians may be able to disclose confidential patron information to artificial intelligence services that are being integrated into day-to-day library tasks. While libraries make reasonable efforts to ensure protection of patron privacy by having contracts and licenses with other parties reflect the library's privacy standards, there is always a limit to the protection the library can provide, particularly in relation to services that do not have strong privacy protections.³⁰⁸ If libraries are able to sufficiently negotiate patron-centered contracts with specific AI companies or facilitate the design of an internal AI resource, they may be able to mitigate potential privacy concerns.

In 1997, the Supreme Court³⁰⁹ in Saratoga County, New York, considered a matter in which the petitioner contended that a group of its employees used a library feature through the Southern Adirondack Library System ("SALS") that allowed them to use the internet for personal purposes on their work computers, an activity that is specifically prohibited by the company.³¹⁰ The petitioner then made its request under the Freedom of Information Law to SALS for the identification numbers issued by SALS to the petitioner's employees to access their online library service.³¹¹ This request was denied on the basis that this information was considered confidential under the state's library patron privacy law.³¹² The court agreed and

³⁰⁴ *Id.*

³⁰⁵ N.Y. C.P.L.R. 4509 (McKinney 2025).

³⁰⁶ *Id.* The New York Public Library, which serves as the public library system for the New York City area, collects patron information in three ways: "(1) [d]irectly from [the patron], (2) [f]rom automatically collected network logs, and (3) [t]hrough cookies." *The New York Public Library Privacy Policy*, N.Y. PUB. LIBR. (Sept. 2021), <https://www.nypl.org/help/about-nypl/legal-notices/privacy-policy>. The New York Public Library website further specifies that there are other parties, such as third-party vendors and websites, outside of the library's circulation system where "[a patron's] information would be retained or deleted under different guidelines." *Id.*

³⁰⁷ N.Y. C.P.L.R. 4509 (McKinney 2025).

³⁰⁸ *The New York Public Library Privacy Policy*, N.Y. PUB. LIBR. (Sept. 2021), <https://www.nypl.org/help/about-nypl/legal-notices/privacy-policy>.

³⁰⁹ The Supreme Court in Saratoga County, New York is a trial level court. See *Structure of the Courts*, NYCourts.gov, <https://ww2.nycourts.gov/courts/10jd/suffolk/structure.shtml> (last visited Nov. 5, 2025).

³¹⁰ See *Quad/Graphics, Inc. v. Southern Adirondack Library System*, 664 N.Y.S.2d 225, 226 (Sup. Ct. 1997).

³¹¹ *Id.*

³¹² *Id.*

determined that if it were to allow disclosure of this information to the petitioner, there would be a risk of opening a door to similar requests being made.³¹³

An example of a similar request that could arise may include cases in which a parent seeks to learn what their child was viewing.³¹⁴ This case suggests that patron privacy extends to digital services associated with the library and that permitting what appears to be narrow access to confidential patron information may actually be a slippery slope to granting broader access to even more personal information. Under the logic of this holding, patron interactions with an AI system operated by and for the use by the patrons of a New York library system as part of a library service are more likely to be considered private, similar to the determination by the court that the use of the library feature through Southern Adirondack Library System by petitioner employees was private.

North Carolina

In **North Carolina**, libraries may not disclose library records that identify “a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library.”³¹⁵ “Library records” are any “document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific information or materials from a library” and excludes nonidentifying materials “that may be retained for the purpose of studying or evaluating circulation of library materials in general” from protection.³¹⁶ In considering the evolving breadth and growing importance of digital technology in the library space, the implications of this provision depend on the data minimization policies that a library has in place. However, under the statute, if a library stores on a server, for example, information pertaining to a patron’s use of a computer or interaction with certain websites, such as ChatGPT, this information may nonetheless be considered confidential if it “identifies a person as having requested or obtained specific information or materials from a library.”³¹⁷

The statute permits the disclosure of confidential patron information “(1) when necessary for the reasonable operation of the library; (2) upon written consent of the user; or (3) pursuant to subpoena, court order, or where otherwise required by law.”³¹⁸

North Dakota

North Dakota does not specify what types of materials fall under library records.³¹⁹ A library record is “any record maintained or received by a library receiving public funds, which provides a library patron’s name or information sufficient to identify a patron together with the subject about which the patron requested information.”³²⁰ Such information is considered

³¹³ *Id.*

³¹⁴ *Id.*

³¹⁵ N.C. Gen. Stat. § 125-18(2) (2024).

³¹⁶ N.C. Gen. Stat. § 125-19(a) (2024).

³¹⁷ *Id.*

³¹⁸ *Id.* at § 125-19(b).

³¹⁹ N.D. Cent. Code § 40-38-12 (2024).

³²⁰ *Id.*

private and not part of the public records disclosure requirements.³²¹ Library records may be disclosed through a court order or a subpoena.³²²

Ohio

Ohio is one of the few states with a detailed law on library privacy.³²³ A library record includes information that (a) is necessary to use library services or borrow materials, (b) “identifies an individual as having requested or obtained specific materials or materials on a particular subject,” and (c) is provided by an individual to assist a librarian in answering “a specific question or provide information on a particular subject.”³²⁴ Library record does not include information that is nonidentifying and retained for the purpose of studying or evaluating the use of a library.³²⁵

Ohio also takes care to distinguish “patron information” from library record.³²⁶ The statute recognizes the difference between the information a patron seeks and the information that identifies the patron as an individual. However, the line between the two is blurry. Patron information is “personally identifiable information about an individual who has used any library service or borrowed any library materials.”³²⁷ Patron information is relevant where a library has to document improper use of the internet at the library and does not include the age or gender of the patron.³²⁸

Ohio allows disclosure if the record or information pertaining to a minor is requested by the parent, guardian, or custodian³²⁹ or generally where there is a subpoena, search warrant, or other court order.³³⁰ Library record or patron information may also be released upon the request or with the consent of the patron.³³¹ Without further detail on what request or consent looks like, AI companies may argue that a patron has agreed to disclose their confidential information by agreeing to their terms. Finally, library records may be released for administrative library purposes.³³² This includes establishment of a system to manage the records, assistance in transfer of records from one system to another, compilation of statistical data on library use, and collection of fines and penalties.³³³ While a library must do its best to ensure that the records are only used for library purposes, there is a danger that the records, which includes identifying information, are unwittingly disclosed to AI companies if security is not great.

Oklahoma

In **Oklahoma**, records in a library are confidential when they indicate “which of its documents or other materials, regardless of format, have been loaned to or used by an iden-

³²¹ *Id.*

³²² N.D. Cent. Code § 40-38-12 (2024).

³²³ Ohio Rev. Code Ann. § 149.432 (West 2024).

³²⁴ *Id.* at § 149.432(A)(2)(a)-(c).

³²⁵ *Id.* at § 149.432(A)(2).

³²⁶ Ohio Rev. Code Ann. § 149.432(A)(3) (West 2024).

³²⁷ *Id.*

³²⁸ Ohio Rev. Code Ann. § 149.432(B)(5) (West 2024).

³²⁹ Ohio Rev. Code Ann. § 149.432(B)(1) (West 2024).

³³⁰ *Id.* at § 149.432(B)(2)(a).

³³¹ *Id.* at § 149.432(B)(3).

³³² Ohio Rev. Code Ann. § 149.432(B)(4) (West 2024).

³³³ *Id.*

tifiable individual or group.”³³⁴ Registration information “includes any information required of a minor in order to become eligible to borrow books, utilize library services, and other materials.”³³⁵ Records of minor patrons are protected separately in the statute.

Under this law, library patrons may disclose confidential patron information to “(1) persons acting within the scope of their duties in the administration of the library; (2) persons authorized to inspect such records, in writing, by the individual or group; or (3) by order of a court of law.”³³⁶ The same permissions for disclosure are applicable when the patron is a minor.³³⁷ Additionally, libraries or librarians must immediately report to appropriate law enforcement any suspicious requests for the records of minors if the library or librarian is led to believe these requests are indicative of criminal intent.³³⁸ The Oklahoma Attorney General found in a nonbinding opinion that the privacy statute fulfills its legislative purpose by holding confidential registries showing which computers have been assigned to identifiable individuals. Libraries may not disclose these registries without a court order (or one of the other disclosure exceptions in section 1-105(A)), even if an individual is using the computer for an illegal purpose.³³⁹ Libraries, if protecting computer use registries,³⁴⁰ as consistent with the Attorney General opinion, and deleting data related to the patron’s exact use of the computer once the patron logs out, can broaden the scope of the protections they can afford to patrons. These protections likely would not extend to the information that has been inadvertently transmitted to third parties by the patron’s use of the websites or programs themselves.

Oregon

Oregon mentions library records among other public records that are exempt from disclosure.³⁴¹ Library records include “circulation records, showing use of specific library material by a named person,” “the name of a library patron together with the address or telephone number of the patron,” and “the electronic mail address of a patron.”³⁴² Unlike other states, Oregon does not use the word “identifiable” when referring to library records. By not using the word “identifiable,” Oregon may limit what records are protected under the statute, because the current law only includes explicit mention of personal information by either name, address, telephone number, or email address.³⁴³ When only limited data is needed to reidentify a patron,³⁴⁴ it is better to have a broader definition. Third parties may also sell or otherwise disclose library records with the argument that the statute is very clear in what limited information is protected.

³³⁴ Okla. Stat. tit. 65, § 1-105(A) (2024).

³³⁵ *Id.* at § 1-105(C).

³³⁶ *Id.* at § 1-105(A).

³³⁷ *Id.* at § 1-105(C).

³³⁸ *Id.* at § 1-105(D).

³³⁹ Okla. Op. Att’y Gen. No. 05-19 (2005).

³⁴⁰ Computer use registries are registries that document which patrons are using a particular computer terminal and when. See generally Library Privacy Guidelines for Public Access Computers and Networks, ALA, <https://www.ala.org/advocacy/privacy/guidelines/public-access-computer> (last visited Nov. 9, 2025).

³⁴¹ Or. Rev. Stat. § 192.355 (2023).

³⁴² *Id.* at § 192.355(23)(a)-(c).

³⁴³ *Id.*

³⁴⁴ See *De-Anonymization: What It is, How It Works, How it’s Used*, INVESTOPEDIA (Oct. 15, 2022), <https://www.investopedia.com/terms/d/deanonymization.asp>.

Pennsylvania

Under **Pennsylvania** law, records relating to the “circulation of library materials and contain[ing] the names or other personally identifying information of the users of the materials shall be confidential and may not be made available to anyone except by a court order in a criminal proceeding[.]”³⁴⁵ The Helen Kate Furness Free Library in Wallingford, Pennsylvania, includes “patron records, circulation records, patron requests for information, materials on hold or requested through interlibrary loan, program registrations, wireless access and computer use records, and any record that can be used to identify, directly or indirectly, any library user, or link any user to a library transaction” in its definition of confidential records.³⁴⁶ This policy notably protects computer use although it is unclear as to whether this protection extends to information transmitted to third parties, such as data brokers and companies such as OpenAI or Microsoft. By narrowing access to these records only in circumstances where there is a court order as part of a criminal proceeding, Pennsylvania heavily restricts the opportunities in which the records are accessible and prevents access in civil cases. Such limitations indicate the legislative intent to protect library patron privacy outside of an active criminal case. Because of this, it may be found to be more permissible for libraries and librarians to share information with law enforcement who request patron-related information in connection with a criminal case.

Rhode Island

Rhode Island’s patron library privacy law is located within Rhode Island’s criminal code.³⁴⁷ Violations of the library patron privacy statute are a misdemeanor.³⁴⁸ Anyone who violates this provision, including firms, individuals, or corporations, will be fined no more than one thousand dollars per violation, by imprisonment of no more than six months, or both.³⁴⁹ Any individual who has been harmed because of a violation of these provisions may bring a civil action against the violator for damages, reasonable attorneys’ fees, and court costs.³⁵⁰ Despite this, the potential fines and imprisonment may not be enough to deter data brokers or large companies.

Library records that “by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials” are defined as non-public records.³⁵¹ While patron interactions with artificial intelligence in the library by themselves may not be classified as non-public records, affected patrons in a litigation may be able to argue that *in connection* with other public records, as

³⁴⁵ 24 Pa. Cons. Stat. § 9375 (2024).

³⁴⁶ *Patron Privacy & Confidentiality Policy*, THE HELEN KATE FURNESS FREE LIBR. (July 2024), <https://www.hkflibrary.org/wp-content/uploads/2024/09/Patron-Privacy-Confidentiality-Policy-1.pdf>.

³⁴⁷ See generally 11 R.I. Gen. Laws § 11-18-32 (2024).

³⁴⁸ 11 R.I. Gen. Laws § 11-18-32(c) (2024). In Rhode Island, it is unlawful for “any person to reveal, transmit, publish, or disseminate in any manner, any records which would identify the names and addresses of individuals, with the titles or nature of video films, records, cassettes, or the like, which they purchased, leased, rented, or borrowed, from libraries [...] whether or not the identities and listings are kept in a remote computing service or electronic storage or the disclosure is made through or by a remote computing service.” *Id.* at § 11-18-32(a) (2024). Records related to confidential transactions will only be released through a written waiver. *Id.* at § 11-18-32(b).

³⁴⁹ *Id.* at § 11-18-32(c).

³⁵⁰ *Id.* at § 11-18-32(d).

³⁵¹ 38 R.I. Gen. Laws § 38-2-2(4) (2024).

stated within the statute, the data from the interaction with AI may reveal the identity of “the library user requesting, checking out, or using any library materials” and, thereby, should be considered non-public records.³⁵² By classifying library records as non-public records, the statute further restricts public access through a Freedom of Information Act request.

South Carolina

In **South Carolina**, personally identifiable records related to circulation records, or “all information which identifies the patrons borrowing particular books and other materials” and registration records, or “any information which a library requires a patron to provide in order to become eligible to borrow books and other materials,” are confidential.³⁵³ Such confidential information does not include “nonidentifying administrative and statistical reports of registration and circulation.”³⁵⁴

Libraries may not disclose confidential patron records “except to persons acting within the scope of their duties in the administration of the library or library system or persons authorized by the library patron to inspect his records, or in accordance with proper judicial order upon a finding that the disclosure of the records is necessary to protect public safety, to prosecute a crime, or upon showing of good cause before the presiding Judge in a civil matter.”³⁵⁵ Libraries should evaluate their policies concerning data minimization. If South Carolina libraries have such policies, they can minimize the potential effect that this provision may have on law enforcement going to libraries to request patron conversations with AI chatbots or internet search queries.

Any person who is convicted of violating Section 60-40-10 will be fined no more than five hundred dollars or imprisoned for no more than thirty days for a first offense, no more than one thousand dollars or imprisoned for no more than sixty days for a second offense, and fined no more than two thousand dollars or imprisoned for no more than ninety days for the third or any subsequent offense.³⁵⁶

South Dakota

Like its northern counterpart, **South Dakota** has a short library privacy law.³⁵⁷ South Dakota requires that all public library records containing “personally identifiable information” remain confidential.³⁵⁸ The statute defines personally identifiable as “any information a library maintains that would identify a patron.”³⁵⁹ Courts have yet to provide case law on the statute, so it is unclear how its minimal language would hold up in a scenario involving a third-party AI company.

South Dakota allows disclosure if there is a court order or request from the parent of a minor under 18.³⁶⁰ Library officers or employees maintaining a check out system do not

³⁵² *Id.*

³⁵³ S.C. Code Ann. § 60-4-20 (1985).

³⁵⁴ *Id.* at § 60-4-10.

³⁵⁵ *Id.*

³⁵⁶ *Id.* at § 60-4-30.

³⁵⁷ S.D. Codified Laws § 14-2-51 (2024).

³⁵⁸ *Id.*

³⁵⁹ *Id.*

³⁶⁰ *Id.*

violate the section.³⁶¹ The statute does not include language pertaining to third-party contractors, suggesting the legislature either did not consider third parties or intended to allow records in the possession of third parties to be subject to disclosure. South Dakota's law thus presents a significant danger to patron privacy when involving a third party absent amendment or guidance from courts.

Tennessee

Under **Tennessee** law, confidential library records are “document[s], record[s], or other method[s] of storing information retained by a library that identify[ly] a person as having requested or obtained specific information or materials from such library.”³⁶² Libraries or librarians may disclose confidential library records with consent from the library patron, in response to a court order, or when being used “to seek reimbursement for or return of lost, stolen, misplaced or otherwise overdue library materials.”³⁶³

In a nonbinding 1988 Tennessee Attorney General opinion, the Attorney General found that the circulation procedure in which library patrons must sign a card that is put in the book after it is returned is a form of disclosure prohibited under the statute.³⁶⁴ By examining the card, anyone could discover who has requested or obtained information from that specific book. As a result, this information qualifies as a protected library record.³⁶⁵

Since this Attorney General opinion, there have been significant developments in technology, most recently in the sector of artificial intelligence. Several states have adapted their patron privacy laws to include computer use registries as part of confidential records.³⁶⁶ While computer use registries can generally be interpreted as a confidential record under existing state patron privacy laws, states should consider including explicit language pertaining to computer use to ensure utmost patron protection.

Texas

In **Texas**, a record that “identifies or serves to identify a person who requested, obtained, or used a library material or service” is confidential and is excepted from the requirements of the state’s “Right of Access to Certain Information” section unless it is disclosed (1) because “the library or library system determines that disclosure is reasonably necessary for the operation of the library or library system and the record is not confidential under other state or federal law;”³⁶⁷ (2) under Section 552.023, which pertains to the special right of access of confidential information by an authorized representative;³⁶⁸ or (3) to law enforcement or a prosecutor at the presentation of a court order or subpoena.³⁶⁹ The statute provides a specific procedure for what law enforcement or a prosecutor must show a district court in order to obtain a subpoena. This information includes “(A) disclosure of the record is necessary to protect public safety; or (B) the record is evidence of an offense or constitutes

³⁶¹ *Id.*

³⁶² Tenn. Code Ann. § 10-8-101(2) (2024).

³⁶³ Tenn. Code Ann. § 10-8-101(b) (2024).

³⁶⁴ Tenn. Op. Atty. Gen. No. 88-203.

³⁶⁵ *Id.*

³⁶⁶ See e.g., Okla. Op. Att’y Gen. No. 05-19 (2005).

³⁶⁷ Tex. Gov’t Code Ann. § 552.124 (2011).

³⁶⁸ See Tex. Gov’t Code Ann. § 552.023 (2011).

³⁶⁹ Tex. Gov’t Code Ann. § 552.124 (2011).

evidence that a particular person committed an offense.”³⁷⁰ Instituting a specific procedure places additional restrictions on law enforcement and prosecutors for obtaining a subpoena and gives additional assurances to patrons about the confidentiality of their information. As is generally the case with provisions with an explicit procedure for obtaining a judicial record, libraries should evaluate their policies concerning data minimization. In doing so, libraries can mitigate extremely broad law enforcement access to libraries to patron interactions with artificial intelligence or internet search queries.

A nonbinding 2024 Texas Attorney General open letter ruling notes that “only names, addresses, and other information specifically identifying library patrons may be withheld under [the section of the Texas Code pertaining to the confidentiality of library records.]”³⁷¹ Patron interaction with AI and other newly developed technologies may also classify as “information specifically identifying library patrons.” Despite this, however, this information is not always within library control. This is particularly true if the technology with which the patron is engaging is provided by an unregulated third party, such as an AI company. Texas, notably, is one of four states that have signed state AI governance legislation.³⁷²

Utah

In **Utah**, library records are “records of publicly funded libraries that when examined alone or with other records identify a patron.”³⁷³ Utah provides multiple ways to access library records. As a private record,³⁷⁴ a library record may be disclosed upon request by the patron, the parent or legal guardian of an unemancipated minor, the legal guardian of a legally incapacitated individual, any other individual with a power of attorney or notarized release from the patron.³⁷⁵ Additionally, library records can be accessed through court order or legislative subpoena.³⁷⁶ The law requires the court to limit disclosure of records in order to protect privacy interests.³⁷⁷ The interests favoring access must be greater than or equal to the interests favoring privacy.³⁷⁸ These specific requirements for court order ensure law enforcement does not abuse their request for information. Legislative subpoena is a special concern in the current political climate where libraries have become a partisan battleground. Legislators may infringe upon patron privacy by requiring disclosure of library records to advance their own political agenda. Before releasing library records, Utah requires the governmental entity to obtain evidence of the requester’s identity.³⁷⁹ Such a requirement ensures that records are only released when given direct permission by the patron. Unlike other states, Utah also allows library records to be disclosed for research purposes if the research cannot reasonably be accomplished without disclosure and the value of the research is greater than or equal to privacy.³⁸⁰

³⁷⁰ Tex. Gov’t Code Ann. § 552.124(3) (2011).

³⁷¹ Texas Attorney General Open Records Letter Ruling, OR2024-24268 (July 12, 2024).

³⁷² David Botero & Cobun Zweifel-Keegan, *US State AI Governance Legislation Tracker*, IAPP25 (Oct. 6, 2025), <https://iapp.org/resources/article/us-state-ai-governance-legislation-tracker/#state-ai-governance-law-map>.

³⁷³ *Id.* at § 63G-2-302(1)(c).

³⁷⁴ *Id.* at § 63G-2-302(1).

³⁷⁵ *Id.* at § 63G-2-202(1)(a)(i)-(iv)(B).

³⁷⁶ *Id.* at § 63G-2-202(1)(a)(v)(A)-(B).

³⁷⁷ Utah Code Ann. § 63G-2-202(7)(c) (West 2024).

³⁷⁸ *See id.* at § 63G-2-202(7)(d).

³⁷⁹ *Id.* at § 63G-2-202(6).

³⁸⁰ *Id.* at § 63G-2-202(8)(a)(i), (ii)(B).

Vermont

In **Vermont**, a library patron's registration and transaction records are confidential.³⁸¹ Within the statute, "registration records" are "library records that contain information a library patron must provide in order to be eligible for borrowing privileges at the library."³⁸² Similarly, "transaction records" are "library records that contain names or other personal identifying information that discloses an individual's activities within a library, including the materials that have been viewed in print or electronic form, research questions posed, materials in any format that the patron has requested through interlibrary loan or has borrowed, or any other library service or consultation that the person has requested."³⁸³

If Vermont libraries record and maintain data pertaining to patron interaction with AI, either on library computer terminals or on personal devices linked to library Wi-Fi, parties in a litigation may argue that this documentation, if it contains personal identifying information, classifies as "transaction records." Despite this, however, this provision is not broad enough to restrict the private AI companies from further disclosing this information, unless otherwise negotiated in a contract between the company and the library.

Statistical records "pertaining to the patronage, circulation activities, and use of any service or consultation the library provides" are not considered to be confidential information for which disclosure is prohibited, unless they contain the names of patrons or other personally identifiable information.³⁸⁴ Library officers, employees, and volunteers are not permitted to disclose confidential information unless authorized by other provisions of law or (1) with written permission of the library patron, (2) to officers, employees, volunteers, and agents of the library as necessary for the operation of the library, (3) in response to the presentation of a judicial order or warrant, (4) to parents or guardians of patrons under twelve years of age, or (5) to the parents or guardians of a student, "in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends."³⁸⁵ Notably, Vermont gives aggrieved patrons a private right of action. Under the statute, any library patron whose confidential patron information has been disclosed, unless permitted under the statute, may bring a civil action against the library that disclosed the records.³⁸⁶ This opportunity gives patrons a role in the enforcement of their privacy rights.

Virginia

Virginia lacks a dedicated library patron privacy statute. Instead, patron protections are included in a title of the Virginia Code pertaining to the administration of government. Under this statute, "information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age" must be redacted from public records.³⁸⁷ In interpreting the statute as written, it is likely to the library and library system's benefit to have data minimization policies in order to prevent having this information from patron interaction with digital services,

³⁸¹ Vt. Stat. Ann. tit. 22, § 172(a) (2025).

³⁸² Vt. Stat. Ann. tit. 22, § 171(2) (2025).

³⁸³ Vt. Stat. Ann. tit. 22, § 171(3) (2025).

³⁸⁴ Vt. Stat. Ann. tit. 22, § 172(c) (2025).

³⁸⁵ Vt. Stat. Ann. tit. 22, § 172(b) (2025).

³⁸⁶ Vt. Stat. Ann. tit. 22, § 173 (2025).

³⁸⁷ Va. Code Ann. § 2.2-3705.7(3) (2025).

such as artificial intelligence programs, in the first instance. Access to a minor child's records "shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron."³⁸⁸ The express inclusion of a parent's access to a minor child's records may influence a minor child's trust in the library and may dissuade them from checking out books they otherwise would.

Washington

Washington exempts disclosure of library records if the primary purpose of the record is "to maintain control of library materials, or to gain access to information," and the record "discloses or could be used to disclose the identity of a library user."³⁸⁹ Washington is unusual in that it acknowledges that some library records may have a different purpose than above and thus may not be covered by the statute. Washington also does not specify how law enforcement can access the records, making it difficult to determine when law enforcement have stepped out of line. In *State v. Hilton*, the court ruled that the statute "does not create a privilege, let alone a privilege exempt from judicial process," relying on *Brown* from Iowa.³⁹⁰ This shows that disclosure of library records is not prohibited when it involves judicial process. Relying on the Constitution, *Hilton* court found that subpoena allows the disclosure of library records.³⁹¹

West Virginia

In **West Virginia**, "[c]irculation and similar records of any public library in this state which identify the user of library materials are not public records but shall be confidential and may not be disclosed[.]"³⁹² Libraries may disclose confidential records to library staff "in the ordinary course of business." Library staff includes "paid employees and unpaid volunteers upon completing a written confidentiality agreement which shall prevent disclosure of circulation records, personal information, and similar records of any public library except to the extent allowed under [the statute] and obtaining written permission from the library director of the library system wherein he or she will be working."³⁹³ It is unclear whether this provision extends to individuals or services contracted to work with the library, such as if a library contracts with a specific service to provide a vetted artificial intelligence program to their patrons. If this type of disclosure is permitted, the requirement of a written confidentiality agreement may help mitigate privacy concerns. This statute also permits disclosure with written consent from the affected patron or written consent from a minor patron's parent or guardian or when presented with a court order or subpoena.³⁹⁴ Disclosure, whether authorized or unauthorized, does not destroy the confidentiality of the record.³⁹⁵

³⁸⁸ *Id.*

³⁸⁹ Wash. Rev. Code § 42.56.310 (2024).

³⁹⁰ *State v. Hilton*, 261 P.3d 683, 694 (Wash. Ct. App. 2011) (citing *Brown v. Johnston*).

³⁹¹ *Id.*

³⁹² W. Va. Code § 29-1-8c(j)(1) (2024).

³⁹³ *Id.* at § 29-1-8c(j)(1)(A).

³⁹⁴ *Id.* at § 29-1-8c(j)(1)(B)-(C).

³⁹⁵ *Id.* at § 29-1-8c(j)(2).

Wisconsin

Wisconsin provides extensive detail on what constitutes a library record and how it can be disclosed.³⁹⁶ Library records of a public library system may not be disclosed if it indicates “the identity of any individual who borrows or uses the library’s documents or other materials, resources, or services.”³⁹⁷ Including resources and services suggests that third-party vendors’ services might fall under the patron protection statute. However, the statute does not affirmatively include third-party contractors or vendors. In Wisconsin, a library may disclose records in response to a court order, where a person is acting within the scope of their duties in the administration of the library system, or where the person is authorized by the patron to inspect such records.³⁹⁸ Custodial parents or guardians may also access “all library records relating to the use of the library’s documents or other materials, resources, or services,”³⁹⁹ potentially infringing on the child’s right to receive information.

Libraries may also disclose the patron’s identity to another library for interlibrary loans.⁴⁰⁰ Such an exception may give access to third parties if the libraries rely on AI companies or other third-party vendors to conduct interlibrary loans. Like other states, Wisconsin has a way for law enforcement to bypass court order if it involves criminal conduct.⁴⁰¹ However, this access is limited to conduct alleged to have occurred at a public library, and the library may only disclose records pertinent to the conduct produced by a surveillance device.⁴⁰² A library may also disclose records from a surveillance device if it requests the assistance of a law enforcement officer.⁴⁰³

Finally, a library may provide information about delinquent accounts or the number and type of overdue materials.⁴⁰⁴ This information is limited to the name, contact information, and the amount owed.⁴⁰⁵ Unlike other states with similar laws on delinquent accounts, Wisconsin may report this information not only to a collection agency but also to law enforcement, but only if the value of the delinquent account is at least fifty dollars.⁴⁰⁶

Wyoming

Wyoming has one of the simplest library privacy laws, listing library records among other public records that the custodian may deny the right of inspection, unless provided by law.⁴⁰⁷ The statute does not define what is considered “library patron transaction” and “registration records,”⁴⁰⁸ making it difficult to determine what is protected by the privacy law. Vague language provides an opening for third parties to access patron records without worrying about violating the statute. Unlike other states, Wyoming does not require that the information has to be identifiable to the patron and does not include court order as a way to

³⁹⁶ Wis. Stat. § 43.30 (2024).

³⁹⁷ *Id.* at § 43.30(1)(m).

³⁹⁸ *Id.*

³⁹⁹ Wis. Stat. § 43.30(4) (2024).

⁴⁰⁰ *Id.* at § 43.30(2)-(3).

⁴⁰¹ *Id.* at § 43.30(5)(a).

⁴⁰² *Id.*

⁴⁰³ *Id.* at § 43.30(5)(b).

⁴⁰⁴ *Id.* at § 43.30(6)(a)(1)-(2).

⁴⁰⁵ Wis. Stat. § 43.30(6)(b) (2024).

⁴⁰⁶ *Id.* at § 43.30(6)(c)(2).

⁴⁰⁷ Wyo. Stat. Ann. § 16-4-203 (2024).

⁴⁰⁸ *Id.* at § 16-4-203(d)(ix).

allow disclosure. Instead, disclosure is allowed when it is required for administration of the library or requested by a custodial parent or guardian of his minor child.⁴⁰⁹ Not including court order means that it is easier for libraries to check abuse by law enforcement, because libraries can decide on their own, without relying on courts, whether to disclose records. This discretion can be a disadvantage if there are laws such as the Patriot Act, which allowed law enforcement to access the records without due process.⁴¹⁰

Conclusion

Artificial intelligence has brought many benefits to libraries and their patrons, from increasing productivity to improving services. However, AI has also revealed how existing privacy laws are vulnerable to access by law enforcement and third parties. Forty-eight states protect patron confidentiality through statutes, with most requiring a court order for disclosure. While these statutes have been adequate before the digital age, advancing technology means that they are no longer up to task when facing AI and third-party doctrine. The practicality and convenience of AI means that it is increasingly ubiquitous in our lives and that it is harder to remove ourselves from its influence. Libraries have not been an exception to this rule, with AI changing not only how libraries operate but transforming where their privacy laws stand. This Memorandum is a starting point for organizations who are zealous about helping libraries be proactive against the new challenges, allowing libraries to not only survive but thrive in the AI boom.

A formatted, state-by-state version of this paper is available at https://www.everylibraryinstitute.org/state_level_library_patron_privacy_laws_ai

About the Authors

Samuel Lim is a Juris Doctor graduate of Georgetown University Law Center. He was a member of the Georgetown Communications and Technology Law Clinic. As a former librarian, he is interested in the impact of artificial intelligence on libraries. He majored in political science at Yale University.

Luciette (“Lucie”) Daignault, JD (she/her) is a recent graduate of Georgetown University Law School. She was a student attorney with the Communications & Technology Law Clinic at Georgetown Law during the Fall of 2025. Her research interests include data privacy, particularly on the statewide level, and the 4th Amendment.

Catherine Ferri, JD (she/her) is a Staff Attorney and Clinical Teaching Fellow in the Georgetown Communications and Technology Law Clinic. She graduated from Colgate University in 2020 with a BA in English and Spanish Literature and the University of Colorado Law School in 2024 with a JD. Her research interests include the right to information, the censorship of public institutions, intellectual privacy and freedom, and the intersection of technology law and the First Amendment.

⁴⁰⁹ *Id.*

⁴¹⁰ See Deborah Walters, *15 Years of Fear: The ALA and the Patriot Act*, AM. LIBR. ASS’N ARCHIVES (Oct. 7, 2024), <https://www.library.illinois.edu/ala/2024/10/07/15-years-of-fear-ala-patriot-act/>.