



State Library of Oregon
Library Support and Development Services



Libraries, public records, and privacy in Oregon

A lightning-ish talk
OLA Support Staff Division Conference
September 11, 2026

Caveat

This is not legal advice!

The dilemma

Public records are a space where the library values of privacy, intellectual freedom, and transparency can conflict.

What's a public record?

“[A]ny writing that contains information relating to the conduct of the public's business ... prepared, owned, used or retained by a public body regardless of physical form or characteristics.

[It] does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.”

What's a public body?

“Every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.”

So what's a public record again?

- Emails
- Voicemails
- Reports
- Spreadsheets
- Instant messages
- Contracts
- Policies (internal and external)
- Meeting records (board and staff)
- Schedules
- Sign-up sheets
- Invoices
- Building plans
- Payroll records
- Criminal background checks
- Personnel files
- Equipment inventories
- Press releases
- Suggestions
- Complaints
- Flyers
- Surveys and responses
- Receipts

Library records

- Accession records
- Patron registration records
- Catalogs (public and not)
- Circulation records
- Interlibrary loan records
- Library reports
- Inventories
- Program sign-ups
- Desk schedules
- Computer sign-ups
- Communications from patrons
- Annual statistical reports
- Reading logs
- Flyers
- Handouts from programs or classes
- Student and faculty records
- Reference question notes
- Intellectual freedom challenges
- Patron surveys and responses
- Basically anything in your library management software

**The Oregon State Archives determines
how long public records must be kept.**



How long do we keep records?



<https://sos.oregon.gov/archives/records-management/Pages/records-retention-schedule.aspx>

Retention schedules differ by government type:

- State agencies, boards, and commissions
- Cities
- Counties and special districts
- Schools, school districts, and education service districts
- Community colleges

* Public universities maintain their own individual retention schedules

Library record retention minimums:

- Accession records – *Until superseded or obsolete*
- Patron registration records – *Until superseded or 1 year after expiration or non-use*
- Catalogs – *Until superseded or obsolete*
- Circulation records – *Until transaction is completed*
- Interlibrary loan records – *6 months after materials returned to owning library*
- Library reports – *2 years*
- Inventories – *Until superseded or obsolete*
- Program sign-ups – *3 years**
- State Library annual stats reports – ***FOREVER!***

*Cities only

The dilemma redux

**Oregon public records law guarantees
Oregonians the right to access and
inspect public records upon request.**

But what about privacy?

- Accession records
- **Patron registration records**
- Catalogs (public and not)
- **Circulation records**
- **Interlibrary loan records**
- Library reports
- Inventories
- **Program sign-ups**
- Desk schedules
- **Computer sign-ups**
- **Communications from patrons**
- Annual statistical reports
- **Reading logs**
- Flyers
- Handouts from programs or classes
- **Student and faculty records**
- **Reference question notes**
- **Intellectual freedom challenges**
- **Patron surveys and responses**
- **Basically anything in your library management software**

Exemptions to public records law

- Trade secrets
- Criminal investigations
- Personnel discipline actions
- Faculty research
- Security measures
- Personal medical information
- Body camera footage
- Gender-affirming care providers
- Internal advisory information
- Social security numbers
- Individuals' addresses
- Public employee personal information
- Some financial records
- Election security information
- Information about minors
- Cybersecurity measures
- Domestic violence records
- Parole board records
- Complaints
- Information about endangered species
- Archaeological information
- **Some library records**

The library exemption

“The records of a library, including:

- a) Circulation records, showing use of specific library material by a named person;
- b) The name of a library patron together with the address or telephone number of the patron; and
- c) The electronic mail address of a patron.”

The library exemption

Probably includes:

- Patron registration records
- Circulation records
- Interlibrary loan records (patron info only)
- Student and faculty records*
- Most information in your library management software

Probably *doesn't* include:

- Program sign-ups
- Communication from patrons (except circ/contact info)
- Computer sign-ups
- Reference question notes
- Intellectual freedom challenges (except circ/contact info)
- Patron surveys and response (except circ/contact info)

*Under different exemptions

Very important caveat

An exemption from public records law does **NOT mean a library **CAN'T** disclose exempt records.**

It means they **MAY deny a request and cite the exemption as a reason.**

Even exempt records must be disclosed if there's a valid order from a court with the appropriate jurisdiction.

You're not required to save everything

You can delete some records after you no longer need them:

- Patron registration records
- Circulation records

Retention schedules don't mention some types of records:*

- Computer sign-ups
- WiFi logs
- Security camera footage

If the schedules don't mention a type of records you collect, it's up to your organization about whether and how long to save them.

*Check your appropriate retention schedules to make sure

Remember

You can't disclose records you don't have.

**You don't have to create some records or
collect some information at all.**

How to protect patron privacy

1. Have a privacy policy that states you won't disclose exempt records absent a valid order from a court with of the appropriate jurisdiction.
2. Train staff on what to do if they receive a public records request, especially for sensitive patron information.
3. Destroy sensitive records that are no longer needed and past their required retention period.
4. Don't create the records if they're not necessary.

For more information about public records

Oregon Department of Justice, *Attorney General's Public Records and Meetings Manual*

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>

A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.”

—James Madison (1822)



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Questions?

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