

H B

180

Library  
Records  
(confidential)

HOUSE BILL NO. 180, by Reps. Clackala and N. H. Miller.  
Amends Civil Code relating to evidence (AS 09.24) by adding a new section to read: "The names of people who have used water-ials made available to the public by a library shall be kept confidential and are not subject to inspection under AS 09.25.110 [Inspection and Copies of Public Records] or 09.25.120 [Inspection and Copying of Public Records]. This section applies to libraries operated by the state, a municipality, or a public school, including the University of Alaska." Does not provide an effective date (takes effect 90 days after Governor signs bill).

Introduced February 8 and referred to Judiciary.

Ferry System  
Relocation  
(Ketchikan)

HOUSE BILL NO. 181, by Reps. Taylor and Sand. Would relocate the Alaska marine highway system in Ketchikan (currently located in Juneau). Would relocate the offices of the deputy commissioner of the marine highway system, the directors of marine operations, administrative support, marketing and services, marine facilities engineering and all other offices, functions and employees of the marine highway system, except those the commissioner of transportation determines must be located outside of Ketchikan in order to maintain the current level of service. Section 2 of the bill states that the relocation would not affect a collective bargaining agreement entered into on or before this bill takes effect. Does not provide for an effective date (takes effect 90 days after Governor signs bill).

Introduced February 8 and referred to Transportation, Finance.

Unclaimed  
Property  
(disposition)

HOUSE BILL NO. 182, by the Rules Committee by Request of the Governor. Relates to the disposition of unclaimed property (see accompanying letter). Taken effect immediately.

Introduced February 8 and referred to Judiciary, Finance.

In his message introducing the bill, Governor Sheffield stated:

Under the authority of Art. III, sec. 10, of the Alaska Constitution, I am transmitting a bill relating to the disposition of unclaimed real and personal property. A detailed analysis of the bill and the relationship to current statutes follows. In addition, the official comment on the Uniform Unclaimed Property Act (1961), by the National Conference of Commissioners on Uniform State Laws (NCCUSL), should be consulted with regard to the portion of the bill that deals with unclaimed personal property.

The personal property portion of the bill is derived in large part from the Uniform Unclaimed Property Act (1961) which the NCCUSL has approved and recommended for enactment by all states. The 1961 Act is a revision of the NCCUSL's 1966 Uniform Disposition of Unclaimed Property Act.

This bill applies to a wide range of abandoned intangible personal property that does the present AS 09.20.010, and provides for simple transfer of the custody of the personal property from the holder to the state, rather than transfer of the title. Savings accounts, deposits, drafts, money orders, travelers checks, and safe deposit box contents are among the various property interests held by banks or financial organizations or by business associations which are covered by the bill (proposed AS 14.49.110, 14.49.120, 14.49.130, 14.49.140, 14.49.150, 14.49.160, 14.49.170). Also included is money owed by an insurance company, specifically including money owed under a life insurance policy or annuity agreement (proposed AS 14.49.170); deposits and refunds held by utilities (proposed AS 14.49.180); unclaimed dividends, stock, and payments relating to a debt, held by a corpora-

BILLS PASSED IN THE HOUSE (cont'd)

CSHB 157 (JUD)(AM), (cont'd)

Sec. 63. Repeals statutes related to the Alaska Council on Science and Technology, which expired June 30, 1983 under AS 44.66.010(a)(6).

Sec. 64. Adds to the Department of Natural Resources' duties the duty previously assigned to district judges and magistrates under AS 22.15.110(4), repealed by sec. 25 of this bill.

Sec. 65. Incorporates the only operative provision of obsolete AS 44.81.030, which is repealed in the next section of the bill.

Sec. 66. The section is obsolete, except for the provision amended into an "active" section by the preceding section of the bill.

Sec. 67. The section referred to in the last clause was repealed in 1980.

Sec. 68. Repeals a provision made obsolete by the repeal of AS 42.75 and AS 42.25 in 1980 and of AS 02.05 and AS 42.10 in 1984.

Sec. 69. The section, for repeal was made obsolete by the termination of the State Mortgage Association in 1975.

Sec. 70. Effective date clause.

On February 20 the Judiciary substitute was adopted. Amendment 1 by Marrou was adopted. The Marrou amendment deletes a section of the bill that repeals AS 19.40.100(b)(3) (James Dalton Highway. Use of the Highway by Industrial or Commercial Traffic. "(b) 'Industrial or commercial traffic' means (3) motor carriers engaged in commerce which are common carriers or contract carriers regulated by the Alaska Transportation Commission."), and replaces with a rewrite of that section with subsection (3) now reading: "motor carriers engaged in commerce." (reflects repeal of the Alaska Transportation Commission by initiative last November).

The bill then passed the House, 38-1-1. Nay: Furnace. Excused: Martin. The effective date clause was adopted. Rep. M. M. Miller gave notice of reconsideration, and on 2/22 reconsideration was held until 2/25.

Library  
Records  
(confidential)

CS FOR HOUSE BILL NO. 180 (JUD), (see page 233). Reported back to the House February 20 by Judiciary recommending it be replaced with a substitute and that it do pass. Concurring: M. M. Miller (Chair), Gruenberg, Clocksin, Pettyjohn and Taylor.

The Judiciary substitute provides the names, addresses, or other personal identifying information of people who have used library materials be kept confidential, except on court order (underlined language added).

On February 20 the Judiciary substitute was adopted and the bill passed, 38-1-1. Nay: Furnace. Excused: Martin. Rep. Furnace gave notice of reconsideration. Furnace brought up reconsideration on February 22 and offered an amendment that would have inserted a section allowing records of elementary or secondary school libraries identifying a minor child to be available on request to a parent or guardian. The amendment failed, 16-19-5. The bill then passed the House, 31-4-5. Nays: Boucher, Furnace, Hanley, Pignalberi. Excused: Binkley, Collins, Jenkins, Martin,

COMMITTEE REPORTS, (Senate)(cont'd)

Library CS FOR HOUSE BILL NO. 180 (JUD), (see pages 233;331;355).  
Records Reported back to the Senate on April 18 by State Affairs with  
(confidential) the committee recommending it be replaced with a Senate State  
Affairs substitute and the majority signing "do pass." Concurring:  
DeVries (Vice-Chairman), Kelly and Vic Fischer. Ray signed "no  
recommendation." To Judiciary.

The Senate State Affairs CS adds an exception: "Records of a  
public elementary or secondary school library identifying a minor  
child shall be made available on request to a parent or guardian of  
that child."

Municipal CS FOR HOUSE BILL NO. 253 (C&RA), (see pages 373;477;504).  
Property Tax Reported back to the Senate on April 19 by Community & Regional  
Exemptions Affairs with the majority signing "no recommendation."  
(fire Concurring: DeVries (Chmn.) and Sturgulewski. Coghill signed  
protection) "do pass." To Rules.

Midwifery HOUSE BILL NO. 335 (AMENDED), (see pages 532;578;593;634).  
(practice of) Reported back to the Senate on April 18 by Health, Education &  
Social Services with the committee recommending it be replaced with  
a HESS substitute, a letter of intent and that it do pass.  
Concurring: Fahrenkamp (chairman), DeVries, Sturgulewski and  
Josephson. To Rules. The letter reads:

SCS HB 335 (HESS) provides for establishment of a working  
group, appointed by the Department of Health and Social  
Services, to develop regulations governing the education,  
training, standards of practice, and discipline of persons  
engaged in the practice of lay midwifery.

It is the intent of the Legislature that working group members  
be appointed and the first meeting of the group held within 30  
days of the effective date of this act. Further, to keep  
costs of the working group to a minimum, it is intended that  
meetings will be held over the state teleconference network."

The Senate HESS CS is a completely different bill and is similar to  
Sen. Fahrenkamp's SB 239. Enacts temporary duties and prohibited  
practices for midwives until a "Lay Midwives Working Group" can  
formulate and formally adopt regulations for the registration,  
training and education requirements, standards of practice and  
disciplinary measures for lay midwives.

The Working Group would consist of three lay midwives holding  
certificates from the Midwives Association of Alaska, one  
representative from the Dept. of Health & Social Services (DH&SS),  
and one physician or nurse midwife licensed in Alaska, all  
appointed by the Commissioner of H&SS. Directs the group to report  
to the Legislature by the 10th day of the 1986 session concerning  
its proposed regulations. DH&SS could not adopt the regulations  
until after they are presented to the Legislature.

Provides that registered lay midwives are not subject to regulation  
by the state medical board. Midwives who meet the training and  
education requirements could register with the Department of Health  
and Social Services.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB-180  
 Title: ...confidentiality of...  
 Library records  
 Sponsor: Clocks in  
 Requestor: House Judiciary  
 Date of Request: 2/13/85

**FISCAL DETAIL**

Agency Affected: Education  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected: Alaska State Libraries

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

This bill has no fiscal impact on the Department.

Prepared By: Steve Hole Phone: 465-2800  
 Division: Commissioner's Office Date: 2/14/85  
 Approved by Commissioner: *[Signature]* Date: 2/14/85  
 Agency: Department of Education

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

# MEMORANDUM

State of Alaska

TO: Harold Reynolds, Jr.  
Commissioner  
Department of Education

DATE: July 13, 1984

FILE NO: 166-255-84 20

TELEPHONE NO: 276-3550

FROM: Norman C. Gorsuch  
Attorney General

SUBJECT: Confidentiality of  
Library Use Records

By: *Jan Hart DeYoung*  
Jan Hart DeYoung  
Assistant Attorney General

You inquired whether the State of Alaska has any laws addressing the confidentiality of state library records. You also asked whether any state law would prohibit the use of the following statement on the patron application form used by Library Services for the Blind and Physically Handicapped:

Records relating to recipients of Library of Congress reading material are confidential.

A review of the regulations and statutes disclosed no law specifically addressing this subject. However, AS 09.25.110-.120, Alaska's Freedom of Information Act, may require disclosure of the information you seek to protect.

By enacting AS 09.25.110, Alaska has adopted a policy of open access to state records. AS 09.25.110 provides:

Unless specifically provided otherwise, the books, records, papers, files, accounts, writings, and transactions of all agencies and departments are public records and are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of costs a certified copy of the public record.

Exceptions to this right of access are few and must be expressed specifically in the law. For example, AS 09.25.120 states, in part:

Every person has a right to inspect a public writing or record in the state, including public writings and records in recorders' offices except (1) records of vital statistics and adoption proceedings which shall be treated in the manner required by AS 18.50; (2) records pertaining to juveniles; (3) medical and related public health

records; (4) records required to be kept confidential by a federal law or regulation or by state law. Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and payment of the legal fees therefore a certified copy of the writing or record . . . .

The only exception which may apply here is (4), "records required to be kept confidential by a federal law or regulation or by state law." The Library of Congress apparently endorses a rule of confidentiality for users of Library of Congress materials but leaves the issue of confidentiality to the states to resolve under state law. If federal regulation provided that library use records be kept confidential, those records would be protected under AS 09.25.120(4).

As previously stated, no state statute addresses the confidentiality of library records. The only state law which might allow the Department to protect these records from release to the public is the constitutional right to privacy in the Alaska Constitution, which states: "The right of the people to privacy is recognized and shall not be infringed." Alaska Const. Art. I, § 22. The constitutional right to privacy is not absolute. When confronted with a question whether information is protected under the right to privacy, courts engage in a balancing process, weighing the sensitivity of the information sought to be disclosed against the interest of public disclosure. See City of Kenai v. Kenai Peninsula Newspapers, Inc., 642 P.2d 1316, 1323 (1982).

Tension is inherent in the policy of open access to state records, on the one hand, and the right of privacy, on the other. We have previously stated that the Freedom of Information Act was designed to encourage informed participation of citizens in the process of government, to insure government's accountability, and to increase public confidence in the workings of the political system. It was not intended that the legislation be used as a tool to pry into the private lives of citizens. Thus, we concluded that "any analysis of the extent to which the public may have access to government records, therefore, must necessarily proceed from the hypothesis that the information revealed to the public will assist in accomplishing the legislature's general policy goal. Thus, mechanical application of the literal language in AS 09.25.110 to all requests for public disclosure is inappropriate." 1982 Inf. Op. Att'y Gen. 1 (Feb. 5; J66-314-82) (footnote omitted).

Harold Reynolds, Jr., Commissioner  
Department of Education  
166-255-84

July 13, 1984  
Page 3

Because the right to privacy is not absolute, you cannot guarantee to a user that library records will remain confidential. At the same time, the Freedom of Information Act will not automatically require that such records be disclosed upon a request. Each request will have to be examined on its peculiar facts before it can be determined whether the records should be released. The following guidelines should apply.

First, it must be determined whether the information requested is of the type that should be protected by the right of privacy. In other words, is the information requested sensitive. Falcon v. Alaska Public Offices Commission, 570 P.2d 469, 479 (Alaska 1977). Certain medical information, financial records, and a person's age previously have been found sufficiently sensitive to be protected from disclosure. Id.; 1982 Inf. Op. Att'y Gen. (May 25; J66-513-82); 1982 Inf. Op. Att'y Gen. (Feb. 5). Depending upon the request, disclosure of library use records could reveal the fact that one is blind or physically handicapped and the library or reading material one has consulted. It is our opinion that both of these facts are sufficiently sensitive to be protected by the right to privacy. An individual's physical ills and disabilities are among the most sensitive of personal and psychological sensibilities. See Falcon, 570 P.2d at 478, quoting Rowe v. Ingraham, 403 F.Supp. 931, 937 (S.D.N.Y. 1975) (reviewing constitutionality of legislation requiring disclosure of patients receiving prescriptions for particular drugs). We also believe that disclosing the library materials used by a person would violate this right to privacy. Knowing what a person reads could reveal the most intimate and personal facts about that person. The privacy of one's thoughts should be basic to individual liberty. As the Alaska Supreme Court recently stated, "Article I, section 22 fosters and protects those values and characteristics typical of and necessary for a free society. Some of these are the sharing of thoughts and ideas, personal trust between individuals, free expression, and individuality." City and Borough of Juneau v. Quinto, P.2d \_\_\_, Op. no. 2841 at 6 (June 29, 1984) (criminal case). We do not believe those privacy interests can be adequately protected by advising a library patron in advance that use records are public documents. Such a notice could work a subtle form of censorship, influencing the selection of books or library materials.

Second, the public's interest in the information should be examined. Possessing information on who has used certain library materials, for example, could enable the possessor to target certain individuals for harassment. Such use of public records is a clear abuse of AS 09.25.110. It does not further the statute's purpose of opening the conduct of government

Harold Reynolds, Jr., Commissioner  
Department of Education  
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business to public scrutiny. A legitimate interest, however, would be in opening the administration of the library to public view. That interest would be served by providing the records but deleting all personal references.

In sum, absent special circumstances, we find the balance weighs against disclosure of the names of persons using the library. Disclosing use records, while deleting any references which would allow the library patron to be identified, should, in most cases, satisfy the policies underlying the Freedom of Information Act without interfering with privacy interests. There may, however, be some instances in which the release of names is necessary to accomplish an important public interest. Such requests should be reviewed on a case by case basis with advice from the Department of Law.

You stated in your letter that 21 states have statutes addressing the confidentiality of library use records. - You may wish to approach the legislature and request legislation specifically addressing this issue. In the meantime, you cannot provide any absolute assurance that user records will be kept confidential. If library records are requested under AS 09.25.110-.120, I recommend that you respond by providing the records but deleting any personal references. If that response is unsatisfactory, you should refer the matter to the Department of Law to determine whether the interest in disclosure outweighs the privacy interests involved.

JHD:jg

cc: Linda Tobiska  
Rick Roberts

# MEMORANDUM

# State of Alaska

TO: Nancy Gustavson  
Government Relations Committee  
Alaska Library Association

DATE: Jan. 17, 1985

FILE NO:

TELEPHONE NO: 465-2910

FROM: Margaret Leibowitz  
Deputy Director  
Alaska State Library

SUBJECT: Confidentiality

Following is a list of twenty-three states with laws providing protections of confidentiality of library circulations/use records as of May, 1984:

California	Louisiana	New York
Colorado	Maine	Oregon
Connecticut	Maryland	Rhode Island
Delaware	Massachusetts	South Dakota
Florida	Michigan	Virginia
Illinois	Minnesota	Washington
Iowa	Nebraska	Wisconsin
Indiana	Nevada (7th to enact, 1981)	

The Library of Congress is protected by 2 USC 136, CRF 36:703.3.

For your information, AS 09.25.120 shows that the Courts have interpreted Alaska's Freedom of Information Act to include municipalities and the University of Alaska.

Attached is a memo explaining the current status of confidentiality of records.

Also attached is an editorial from the Washington Post which seems to summarize the views.

ML:tn

Attachments: 2

# MEMORANDUM

# State of Alaska

TO:  
The Honorable Don Clocksin  
Alaska House of Representatives

DATE: February 19, 1985

FILE NO:

TELEPHONE NO: 465-2910

FROM:  
Richard B. Engen, Director  
Div. of State Libraries & Museums *the*

SUBJECT: HB 180

As per your request, following yesterday's hearing on HB 180 which brought out a potential concern about this bill's fiscal impact on smaller libraries, the State Library conducted a limited telephone survey. The concensus of the librarians contacted was that the confidentiality requirement would not have a significant fiscal impact, unless very fast implementation/change were required under the law. Remarks included:

"No problem...it involves time not money"  
"Just another detail to worry about"  
can handle "as long as we have a grace period"  
"could be implemented without too much of a hassle"  
"might need a little time...agree with law--can't let day to day problems get in the way"  
"it would be nice to have an automated circulation system"

Several libraries contacted already used a system that does not have borrower's names written on book cards. These included maintaining registers of books borrowed, patron registration numbers, mechanical book chargers (numerical); and attaching book cards to a throw away patron name card. One point emphasized was need for training and assistance in meeting the requirements of the law and alternatives for charge out systems. This is a part of the on-going State Library service plan.

School and/or Public Librarians were contacted in Nome, Savoonga, Unalakleet, Seward, Lake & Peninsula School District, Ketchikan, Haines, Juneau school libraries, Centralized Correspondence Study, Wrangell, Sutton and Petersburg.

cc: Mary Hakala

February 20, 1985

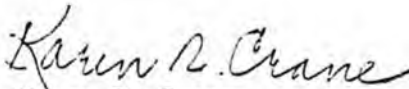
Honorable Don Clocksin  
House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Clocksin:

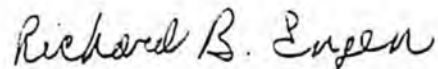
As an interested group the directors of the research and resource libraries under the state plan for library development, "Libraries for All Alaskans," would like to express support for your bill, H.B. 180, which assures the privacy of individual library records. This issue, as you are aware, has been a prime focus of librarians in our state, and your sensitivity to that focus appreciated and strongly endorsed.

Please do not hesitate to call on us for any manner of support for H.B. 180.

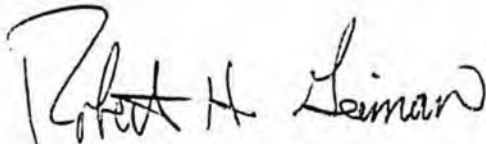
Sincerely,



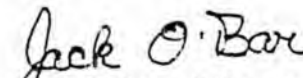
Karen R. Crane  
Executive Director, Community Services  
Fairbanks North Star Borough



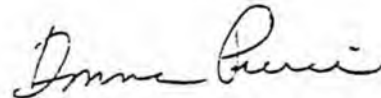
Richard B. Engen, Director  
Division of State Libraries  
and Museums



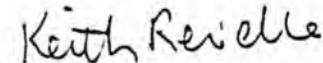
Robert H. Geiman, Director of Libraries  
University of Alaska, Fairbanks



Jack O'Bar, Library Director  
University of Alaska, Anchorage



Donna Pierce, Director  
City/Borough of Juneau Libraries



Keith Revelle, Municipal  
Librarian  
Anchorage Municipal Libraries

ARTICLE 3.

INSTRUCTIONAL STANDARDS

4 AAC 52.300 – 4 AAC 52.499  
(Reserved)

ARTICLE  
PROCEDURAL STANDARDS

Section

- 500. Complaint procedure
- 510. Parental access to records
- 520. Parental request for amendment of records
- 530. Parental consent for release of records
- 540. Parental right to independent evaluation
- 550. Availability of hearing
- 560. Impartial hearing officer
- 570. Appeal to department
- 580. Placement of child during proceedings
- 590. Appointment of surrogate parent
- 600. Qualifications and duties of surrogate parent
- 610. Removal of surrogate parent
- 620. Rights upon reaching age of majority

4 AAC 52.500. COMPLAINT PROCEDURE.

(a) The department will review, investigate, and take appropriate action on complaints alleging that a district or other educational agency is acting contrary to the requirements of this chapter.

(b) Any person may file a complaint under this section with the Department of Education, Office for Exceptional Children, Pouch F, Juneau, Alaska 99811. (Eff. 7/1/83, Reg. 86)

Authority: AS 14.07.060  
AS 14.30.180–14.30.350

4 AAC 52.510. PARENTAL ACCESS TO RECORDS.

(a) Except as provided in (c) of this section, each district shall permit a parent to inspect and review any record relating to his child which is collected, maintained, or used by the district under this chapter.

(b) A district shall

(1) provide a parent, upon request, a list of types and locations of records collected, maintained, or used by the district;

(2) respond to any reasonable request of a parent for explanation and interpretation of a record;

(3) provide a parent with a copy of a record upon request;

(4) permit a representative of the parent to inspect and review a record; and

(5) comply with a request to inspect, review, or obtain a copy of a record within a reasonable period not to exceed 10 days and, in any case, before any meeting or hearing relating to the identification, evaluation, placement, or program of a child in which the parent may participate.

(c) A district may presume that a parent has authority to inspect and review a record relating to his child unless the district has been provided reasonable grounds to believe that the parent does not have authority to do so under state or federal law.

(d) If a record includes information on more than one child, a parent may inspect and review the information relating only to his child. (Eff. 7/1/83, Reg. 86)

Authority: AS 14.07.060  
AS 14.30.180–14.30.350

4 AAC 52.520. PARENTAL REQUEST FOR AMENDMENT OF RECORDS.

(a) A parent who believes that information in a record relating to his or her child which is collected, maintained, or used by a district under this chapter is inaccurate, misleading, or otherwise in violation of rights of the child may request that the district amend the record.

(b) The district shall, within a reasonable period of time following receipt of the request, decide whether to amend the record. If the district refuses to amend the record, it shall inform the parent of the refusal and advise the parent of his or her right to a hearing under 4 AAC 52.550.

(c) If a parent requests a hearing and the hearing officer decides that the information is inaccurate, misleading, or otherwise in violation of rights of the child, the district shall amend the record.

March 12, 1985

4701 Sportsman Drive  
Anchorage AK 99502

HB 180

Dear Mr. Abood,

On a recent visit to Juneau I learned that an important bill was being held in several committees. I'd like to ask for your support as my state senator to help HB 180 proceed from committee to Senate vote. I feel access to public records in general is important but access to books checked out in libraries should be private. Governments providing access to these records are delving into private affairs that would make library users not feeling as free to check out any materials w/o fear of Big Brother government wondering why they chose to check out the books that they did.

Thank you very much for your time & your help.

Ray Myers

RECEIVED  
MAR 13 1985

SUSAN Clark  
1109 CST  
Juneau Ak 99801

Senate State Affairs  
Pouch V  
Juneau Ak 99801

HB  
180

Dear Friends,

I want to register my support  
for HB 180 relating to confidentiality of library  
records. We must have the freedom  
to read, without being singled out later  
for our choice of reading matter.

Sincerely  
Susan R. Clark

RECEIVED  
MAR 13 1985



## REPRESENTATIVE DON CLOCKSIN

Alaska House of Representatives

MAJORITY LEADER

1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-4031

WHILE IN JUNEAU:  
POUCH /  
JUNEAU, ALASKA 99811  
(907) 465-3704

FOR IMMEDIATE RELEASE

February 8, 1985

For more information, contact: Johnny Ellis 465-3718

House Majority Leader Don Clocksin, D-Anchorage, today introduced House Bill 180, which would protect the privacy of citizens when they check out materials from Alaska's public libraries. Currently, twenty-three other states have passed similar legislation. The American Library Association and the Alaska Library Association strongly support confidentiality of library records to protect individual privacy.

According to Representative Clocksin, the impetus for his legislation was the increasing number of requests nationwide being made of libraries for lists of the people who had checked out certain library materials. The American Library Association has documented cases in which information was requested for purposes other than legitimate police investigations.

Clocksin pointed out that the Alaska Constitution explicitly guarantees an individual's right to privacy. "Alaska's Freedom of Information Act was designed to inform the public and ensure the accountability of government, and not to be used as a tool to violate the privacy of individual Alaskans." Circulation records kept by public libraries are

not public records in the general sense but are similar to medical records kept by public hospitals. "These records are strictly between the institution and the individual," Clocksin said.

A July 1984 Attorney General's opinion said no state law protects library circulation records, although the constitutional right of privacy reflects a policy that they should not be disclosed.

"By filing this bill, I hope to implement that policy," Clocksin stated. "I don't feel we should rely on a court to rule favorably. Confidentiality of these records should be explicitly protected in the statutes."

# # #

Attachments (3)

# The Washington Post

AN INDEPENDENT NEWSPAPER

## The Rise in Oil Imports

**OIL IMPORTS** into the United States hit a peak in 1977, when they were nearly half of all the oil that the country consumed. The following year they started to fall as the Alaskan oil pipeline went into full operation. Then came the Iranian revolution, a huge jump in prices and two recessions. Oil consumption and imports fell for five-and-a-half years. But late last summer the pattern reversed itself. The country's dependence on foreign oil is now climbing again.

For the present, there is no great danger. Oil markets are slack and—unless the war between Iran and Iraq suddenly spreads—there is no immediate prospect of shortage or rising prices. But the oil is expensive and adds to a trade deficit already a drag on economic expansion. For the longer future, a rising trend means only trouble.

Oil imports are now up quite sharply, because oil use is up. In January 1983, Americans were burning oil at a rate of 14.8 million barrels a day. Last month the rate was over 17 million barrels a day. The reasons aren't very surprising. It's been very cold, and almost half of that increase was fuel oil. The economic recovery is well under way, and people are driving more. Industrial production is up, which means that industrial fuel needs are also up—although not much. The industrial engineers are the champions among energy conservationists.

It's important to recognize the extraordinary gains in conservation since oil prices started to rise in 1973. American energy consumption is significantly lower now than it was then—although the gross national product has risen almost one-fourth, the population is up by 23 million people and there are some 20 million more cars on the road. But the impact of rapid growth falls most heavily on oil imports, and letting them run up will generate—as Americans have had ample opportunity to see since 1973—its own kind of disaster.

It's time to improve the incentives for conservation. The most conspicuous opportunities, as usual, lie in the use of gasoline. The price of gasoline has been falling for three years now and, adjusted for inflation, is not much higher than it was in 1974. People seem to be moving back to big cars. That swing, if it continues, will create havoc in an automotive industry that has been pushed hard by public policy to build mostly small cars.

How about seizing this moment of declining gas prices to impose a slowly but steadily rising tax on gasoline? Each nickel per gallon added to the gas tax would not only help hold down oil imports but would bring in \$5 billion a year. That's a serious contribution to reducing the deficit—if anybody over at the White House is seriously interested in reducing the deficit.

## Who Read That Book?

**IF YOU GO** to the public library and take out a book on how to deal with head lice, improve your sex life or form a new political party, do you want the whole world to know about it? Shouldn't you be allowed to check out a racy novel or the biography of Karl Marx without having to explain your motives to anyone? The American Library Association thinks so and has taken a strong stand against releasing book circulation records. Twenty-two states, including Maryland and Virginia, have adopted legislation specifically protecting these records, and while there is no such statute in the District, it is the policy of city libraries not to release such records.

Did you even think this was a problem? Well, it is. The executive director of the Moral Majority in the state of Washington asked for the circulation records on a sex education film. Persons claiming to be investigators have sought to obtain information on the reading habits of suspected individuals. And, it should be noted, writers and reporters occasionally find items of interest on these lists. In fact, the ALA says that the only people who consistently op-

pose library privacy legislation in the states are journalists. It isn't right. In a legitimate criminal investigation—did John Smith, whose wife expired shortly after a beef stroganoff feast, take out that book on poisonous mushrooms?—circulation lists can be obtained with a subpoena. In all other cases, they ought to be considered private.

It will be argued that circulation lists are public records and that they ought to be made available to any interested member of the public. Not so. They are only public in the sense that medical records kept by the city hospital are public because they are created and kept by a public institution. While most data about the operation of a publicly funded service should be available—information about administration, operations and budget, for example—other files, such as health records or income tax returns, are personal and should be protected. An individual's choice of reading material falls into this category. Librarians and state legislatures that have adopted protective policies and laws have correctly drawn the fine line between the public's right to public information and the individual's right to read in peace.

## LETTERS

### Terror:

It is ironic that the last article in the *Post's* series "The Lame Factor" (Jan. 12) could find no "dramatic" confirmation of Soviet involvement in terrorist enterprises, since an earlier article in the same series noted that in June 1980, two of Abu Nidal's terrorists were released from detention in Bulgaria and their passports returned to them after intervention by the Bulgarian Embassy in Baghdad. Bulgaria is one of the most submissive satellites of the Soviet Union, and its intervention to release the terrorists might reasonably be taken to indicate Soviet support for terrorism, especially in light of the continuing allegations of a Soviet-Bulgarian role in the attempted assassination of Pope John Paul II in 1981.

Although the last article in the current series quoted former CIA director



### Traveling the Bellway

This is in reply to The Post's front-page article Feb. 14 on truckers causing accidents on the Bellway. I am sure to write this because of the skill and courage of a truck driver who avoided running over me after I was forced to brake sharply on the Bellway.

It happened on the infamous stretch leading to the Cabin John Bridge. The car ahead of me suddenly slowed and turned, without warning traffic was heavy in all lanes. I avoided hitting him, but behind me was another car and a moving van. With split-second reaction, the trucker, a woman, pulled left onto the grass-covered, steeply sloping median and managed to stop the rig. Without her strength, speed and skill, I think both drivers behind me and I would be dead. The only person injured was the truck driver, who saved us all. She got the only citation issued by the police, and the cause of the accident—the driver making the U-turn—was away.

Not all accidents are the fault of truck drivers.

MARY S. THORNE  
Bethesda

The Beltway relieved by:  
1) not allowing trucks to open back traffic lanes  
2) letting properly marked, blue only lanes until after mile  
3) encouraging more than five miles of reaction.

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Glenn Dale

### Under Malawi L:

In her article "Malawi: Behind the Exclusion of Hyattsville Nurse's Parents" (Feb. 9), Caryle Murphy claims, among other things, that "the lower traditional court that tried the [Chirwa] does not meet international legal standards of the Geneva-based International Commission of Jurists."

There are certain facts. The Post

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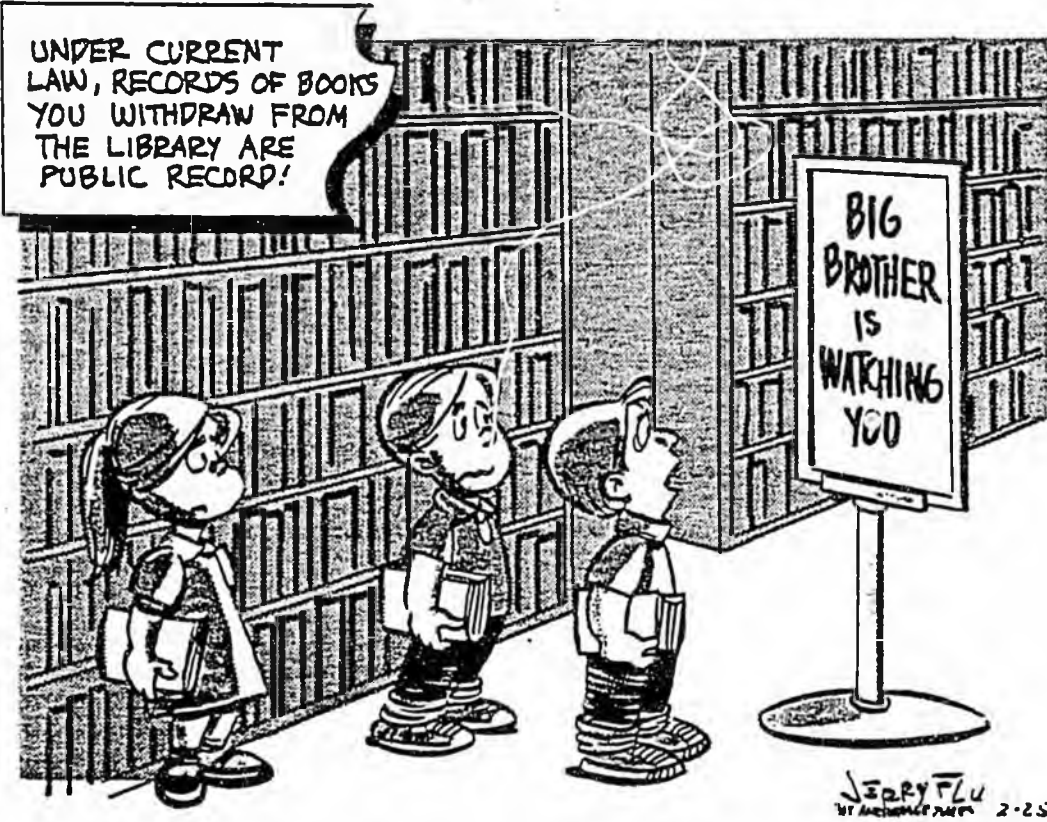
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Robert B. Atwood  
President and Publisher

William J. Tobin  
Vice President  
and Editor-in-chief

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## ALASKA FEVER



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## The confessions of a nicotine eater

By Jody Powell

IT'S NOW BEEN 40 miserable days. That's too early to claim victory, though it is the longest I've ever made it without giving up. And, yes, there has been a bit of backsliding, a cigarette or two on a couple of occasions when I forgot my nicotine gum. Still, I think I'll make it this time. It's not just the 2,400 cigarettes I would have smoked since the first of the year — 2,400 conscious decisions not to do something that had become as natural as

breathing. I think it's because I just don't think of myself as a smoker any more — though, of course, I do think about smoking.

In any case, I am at least in a few observations on the under-

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# Librarians back bill on privacy

by Beth Cunningham  
Times Writer

Alaska librarians, saying a person's reading material is private, gave strong support Tuesday to a proposed state bill that would keep library circulation records confidential.

Open records of what library patrons check out would have a "chilling effect," and keep some people from reading anything but "innocuous material," said June Pinnell-Stephens, chairman of the Alaska Library Association's Intellectual Freedom committee. "What I read is nobody's business," Pinnell-Stephens said.

Pinnell-Stephens testified during a teleconference hearing with the state House Judiciary Committee on a bill that would protect the names of individuals who checked out any library material — books, records, magazines.

Stephens, speaking from Fairbanks to the House members in Juneau, agreed with seven other librarians or former library workers who all spoke in favor of the bill, which was proposed by Rep. Don Clocksin, D-Anchorage. The committee passed the proposal which now will go on to the House floor for a vote.

Rita Dursi, who represented the Anchorage chapter of the ALA, said libraries now must open records to anyone who demands to see them. "Before, libraries didn't have a legal leg to stand on," Dursi said of a library's right to keep records private.

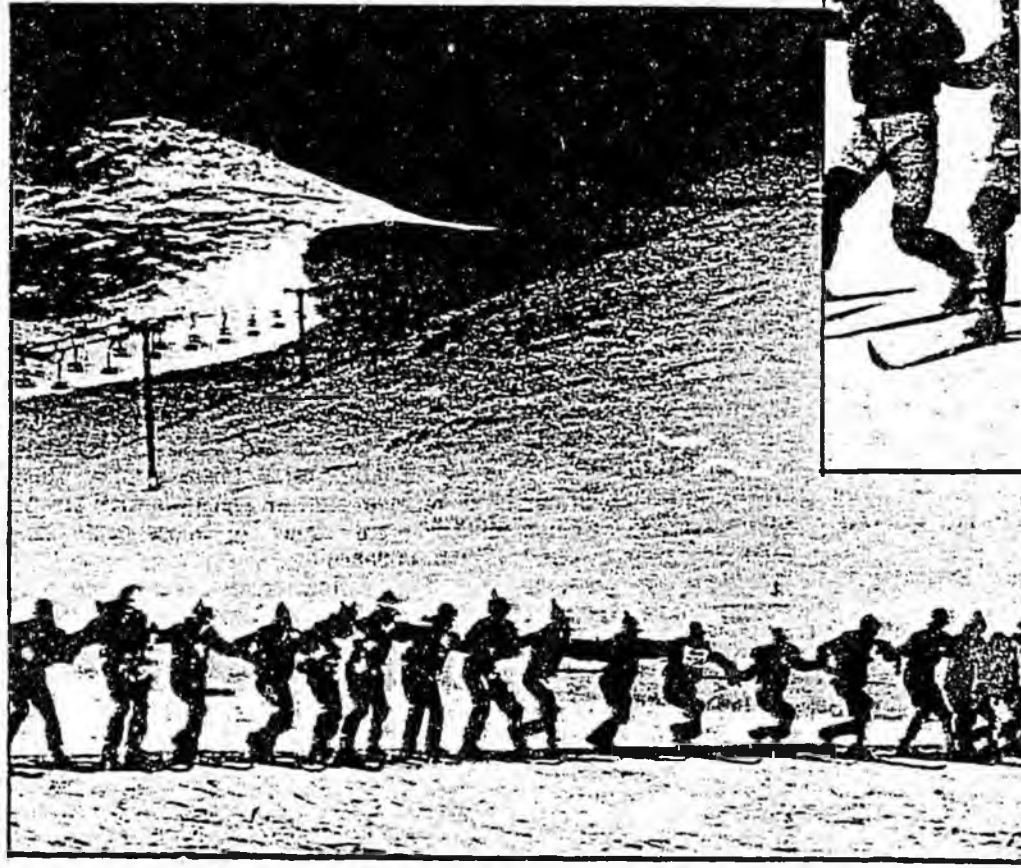
The only negative testimony came from Cam Carlson, who led "Parents In Action," a citizens' group formed to protest a book on homosexuality available in a Fairbanks public school. Carlson said people found out that she had checked out the book, but it did not bother her. "It just runs off your back" if others find out what you're reading, she said. Carlson said "an aura of suspicion" surrounds the proposed bill.

See Confidentiality, page B-5

## GROUP TURN

These skiers broke Alaska's group turn record for cross country skis Sunday at Arctic Valley. The old record was seven skiers. The new record was accomplished with 57 people. An attempt to break the world record — 106 people — might be tried in April, says group coordinator Bill Mitchell. Prizes were donated by REI and Arctic Valley Ski Area.

Photo by Larsen Graphics



# Lights return to haur

Associated Press

Uh-oh, they came back. Those eerie amber lights that dotted the city's skies over the weekend showed up late Monday for an encore.

The lights appeared at about 9 p.m. and seemed to float over west Anchorage. Spectators and officials were at a loss to explain the lights' source.

As many as 12 lights appeared in the western sky. Some glowed alone, while others appeared in crude designs or in straight lines of three to four lights each.

"There were a couple lights, but we couldn't tell what they were," said Roger Carpenter, team supervisor at the Anchorage International Airport Federal Aviation Administration control tower. "We didn't see anything on the tower radar."

Federal officials dismissed the lights that appeared over Anchorage late Sunday as hot air balloons, but the head of a balloonist group says he doubted the explanation.

Alaska Air Musers Association President Don Reed said the city's hot air balloonists were at a banquet Sunday when the lights were reported, and he said "nobody in the right mind" would attempt a night flight without proper gear.

"There is only one balloon in town that is equipped for night flying, and there's only one set of lights," he said. "And that set isn't even working."

The mysterious lights apparently were visible over the city between 10:30 p.m. and 11 p.m. on Sunday. They were reported to the FAA's Air Route Traffic Control Tower as "foreign" objects, agency spokesman Pat

## plane's door 4,000 feet

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stration spokesman Paul Steucke  
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# Confidentiality bill draws key support

Continued from page B-1

Committee chairman Mike Miller, D-Juneau, said the confidentiality bill, or "personal privacy," was entirely separate from any censorship or book-banning issue. Miller, a co-sponsor of the bill, said groups seeking to remove a book from library shelves still would have the means to do so.

Clocksln said the confidentiality bill was specific enough to exclude only a person's identity from public records, so information such as how many times a book has been taken out or whether a book had been returned still would be available.

Clocksln added two amendments to the original proposed

bill. One amendment says that any information that could identify the person — name, social security or address — would be excluded from the library record. The original bill read that only the name would be excluded.

The bill also was amended to say that law enforcement officials, with a court order, could request information on who checked out materials when it was a matter of public safety.

Clocksln said he doesn't feel the library confidentiality bill hurts the public's right to gain access to information. He said he feels strongly that public records should remain open.

"I'm probably one of the leading proponents of freedom of information," Clocksln said. "That's one of the reasons why I

decided to sponsor this bill. I thought it would make the point more strongly. I feel this (library confidentiality) is a legitimate exception."

Dick Engen, president of Alaska Library Association, said

22 states have enacted similar legislation and that Librarians around the country have been requesting library confidentiality. Clocksln said Alaska librarians requested that the state pass a similar law.

## Rescuers recover pilot's body

Associated Press

Homer — A civilian mountaineering rescue team Monday recovered the body of a Peninsula Airways pilot whose plane crashed on the slopes of Mount Veniaminof on the Alaska Peninsula, Alaska State Troopers said.

The Piper Navaho, carrying only the pilot, was reported missing Thursday.

Troopers identified the pilot as Leonard Mack, 39, and said his body was taken off the mountain at about 6 p.m.

The aircraft was reported overdue on a flight from King Salmon to Cold Bay. Its emergency locator led searchers to Mount Veniaminof, an 8,200-foot volcano on the Alaska Peninsula.

### Hickle Investment Company d/b/a

**The Hotel Captain Cook  
Whales Tail  
Crow's Nest  
Quarterdeck**

**is making application for a  
Duplicate Beverage Dispensary  
License AS 04.11.090 d/b/a**

**Fletcher's  
Located in The Hotel Captain Cook,  
928 W. 5th Avenue,  
Anchorage, Alaska.**

\*\*Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 201 E. 9th Ave., Anchorage, Alaska 99501 or phone (907) 277-8638.

# 'Remembrance of Things Past:' Why should anyone want to?

Just when you think there's nothing good left to worry about, government comes along and reminds you that paranoia is your friend. I mean, of all the things I've ever thought to worry about — and, let me tell you, few people worry more extensively or more creatively than I do — fretting about Big Brother and The Library Books never entered my mind.

Oh, I remember being a little nervous when, as a precocious adolescent, I checked out a book of Rex Reed interviews garishly titled, "Conversations in the Raw." I blushed 10 ways to Sunday as the librarian wordlessly took my library card and processed the book — full, I was sure, of harsh judgment. But that was nervousness; this is full blown adult paranoia. Now we learn it apparently takes a special bill to guarantee that what we check out of a library is nobody's business but our own.

Now we find out Rep. Don Clocksin has introduced a bill that would make library check-out records confidential. Apparently last summer in Fairbanks, some folks wanted to know just who was reading those books about homosexuality in the library. I have no idea what conclusions they thought they'd be able to draw from such information, but



**suzan nightingale**

people are funny like that.

Other people, not surprisingly, apparently thought what they read was nobody's business but their own.

Here, the plot thickens. This being a sunshine state, the official state policy is one of open access to public records. Now, I like this policy. I love this policy. This is a *WONDERFUL* policy that serves the people of Alaska in a bunch of different ways. If the idea of government is really that we elect representatives because we can't all fit in one room, then it clearly follows that we don't need them deciding what's good for us to know.

But just because people have the right to existing government information doesn't ne-

cessarily mean the government should keep records about things just because the technology exists. Criminal records, sure, property information, government loans, campaign contributions — all that affects us in a public way. But reading habits? And not even reading habits but checking-out-book habits. Sheesh. There must be other methods of monitoring book usage.

At least it's not a problem in Anchorage. Our librarians not only don't keep permanent records (once you return a book, the card is chucked as a stringent matter of policy), they support Clocksin's bill because they, better than anyone, know that people check out all sorts of books for all sorts of reasons. You start keeping track of what people read, and pretty soon you've got a bunch of uninformed opinions running around because people are too intimidated to go read up on the controversial stuff.

Then the only defense is to start checking out oddball assortments like "Reggie!" and "Remembrance of Things Past" both at the same time. Throw in a few ringers like, "Garfield Gains Weight" and let the gawkers figure out what you really went in for.

So I guess I like Clocksin's bill, as far as it goes. I like the idea that information is public

unless it is specifically exempted, and his bill, by its nature, underlines that policy. And I don't think library records are anyone's business, so I have no qualms with telling people who want to know what I check out to get lost.

But I fear Clocksin's bill falls short of the real mark: Once the book is back on the shelf, why should any library keep a record of who's borrowed that book in the first place? So that if an axe murderer runs down Fourth Avenue we can all run to the library and see if he ever checked out any books featuring axe murderers running down city streets and nail him at the trial? Not once in the nine years that Keith Revelle has been Anchorage's municipal librarian have police ever requested to see library records (which, as I said, is just as well, since they don't keep them here).

It's the record, itself, not just the confidentiality that's at issue. Part of the strength of open records — a real policy of open records in any government — is that only legitimate records will then be kept. To maintain inappropriate records, and then call them confidential, strikes me as only half a solution.

Suzan Nightingale is a Daily News columnist.

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