

H B

180

**COMMITTEE REPORT
SENATE**

FURTHER: JUDICIARY

2/25/85

Date April 18, 1985

Mr. President

The Committee on STATE AFFAIRS considered CSHB 180 (Jud)
relating to confidentiality of certain library records.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for CSHB 180 (SH)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

**MEMBERS SIGNING
DO PASS**

Tom Kelly

Heischman

**MEMBERS HAVING
OTHER RECOMMENDATIONS**

Edna B. Vines
Chairman
Edna B. Vines
Chairman recommendation

Original sponsors: Clocksin and M.M.Miller

1
2 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

3 SENATE CS FOR CS FOR HOUSE BILL NO. 180 (State Affairs)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to the confidentiality of certain
8 library records."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 09.25 is amended by adding a new section to read:

11 Sec. 09.25.140. CONFIDENTIALITY OF LIBRARY RECORDS. (a) Except
12 as provided in (b) of this section, the names, addresses, or other
13 personal identifying information of people who have used materials
14 made available to the public by a library shall be kept confidential,
15 except upon court order, and are not subject to inspection under
16 AS 09.25.110 or 09.25.120. This section applies to libraries operated
17 by the state, a municipality, or a public school, including the
18 University of Alaska.

19 (b) Records of a public elementary or secondary school library
20 identifying a minor child shall be made available on request to a
21 parent or guardian of that child.
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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
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-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: 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 consensus 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

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).

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 ones 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
166-255-84

July 13, 1984
Page 4

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

February 20, 1985

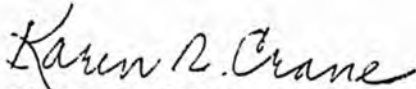
Honorable Don Clocksin
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Clocksin:

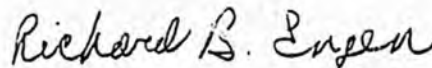
As an interested group the directors of the research and resource libraries under the state plan for library development, "Libraries for All Alaskans," would like to express support for your bill, H.B. 180, which assures the privacy of individual library records. This issue, as you are aware, has been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

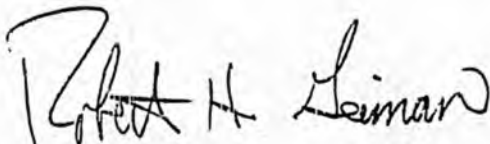
Sincerely,



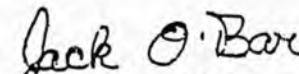
Karen R. Crane
Executive Director, Community Services
Fairbanks North Star Borough



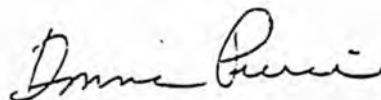
Richard B. Engen, Director
Division of State Libraries
and Museums



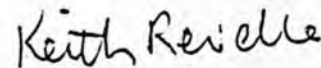
Robert H. Geiman, Director of Libraries
University of Alaska, Fairbanks



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



Donna Pierce, Director
City/Borough of Juneau Libraries



Keith Revelle, Municipal
Librarian
Anchorage Municipal Libraries



REPRESENTATIVE DON CLOCKSIN

Alaska House of Representatives

MAJORITY LEADER

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

WHILE IN JUNEAU:
POUCH V
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 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 automobile 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.

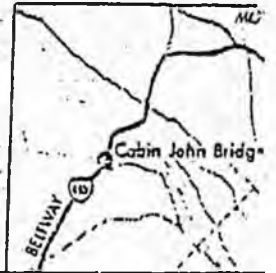
It will be argued that circulation lists are public records and that they ought to be made available to any interested member of the public. Not so. They are only public in the sense that medical records kept by the city hospital are public because they are created and kept by a public institution. While 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... that the last article in the Post's series "The Terror Factor" (Jan. 12) could find no "significant information 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 weapons 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 Beltway

This is in reply to The Post's front-page article Feb. 14 on trucks causing accidents on the Beltway. I am alive 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 Beltway.

It happened on the infamous stretch leading to the Cabin John Dodge. 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 snow-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 to all. She got the only citation issued by the police, and the cause of the accident—the driver making the U-turn—got away.

Not all accidents are the fault of truck drivers.

MARY S. THORNE

Bethesda

The Beltway relieved by

1) not all vehicles to unblock traffic; 2) letting properly marked, black only lanes until after midday; 3) encouragingly restrictively marked lanes to reduce congestion.

If officials "move the truck" to remove the vehicle of whom emergency many hours of many thousands of gallons.

These records offered not to anyone or any as the others' mileage user since its inception.

Glenn Dale

Under Malawi's

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

There are certain facts The Post

the United law differ... states use... tion, other... bin the

H13 180

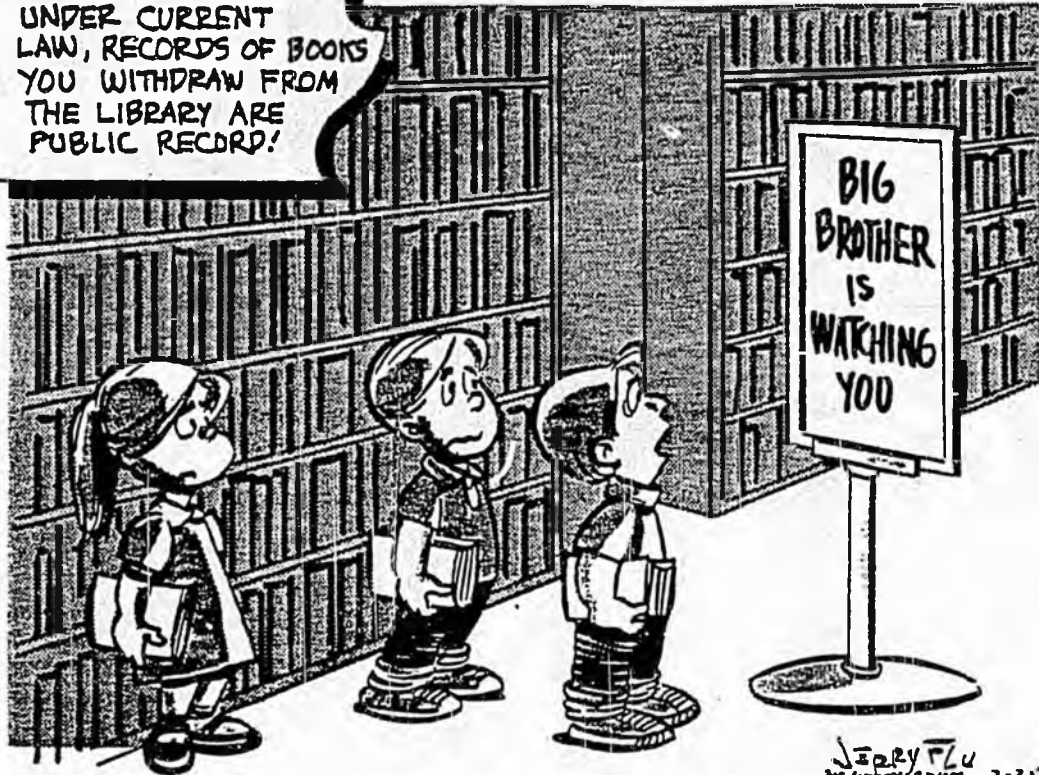
Robert B. Atwood
President and Publisher

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

rials

ALASKA FEVER

UNDER CURRENT
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YOU WITHDRAW FROM
THE LIBRARY ARE
PUBLIC RECORD!



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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 thi-
myself as a smoker any more — tho-
knows, I do think about smoking.

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

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... dump is about two-thirds full.

... the matter before the assembly. The Mid-Hillside Community Council has

... official who was fired when Mayor Tom Knowles reorganized his executive

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.

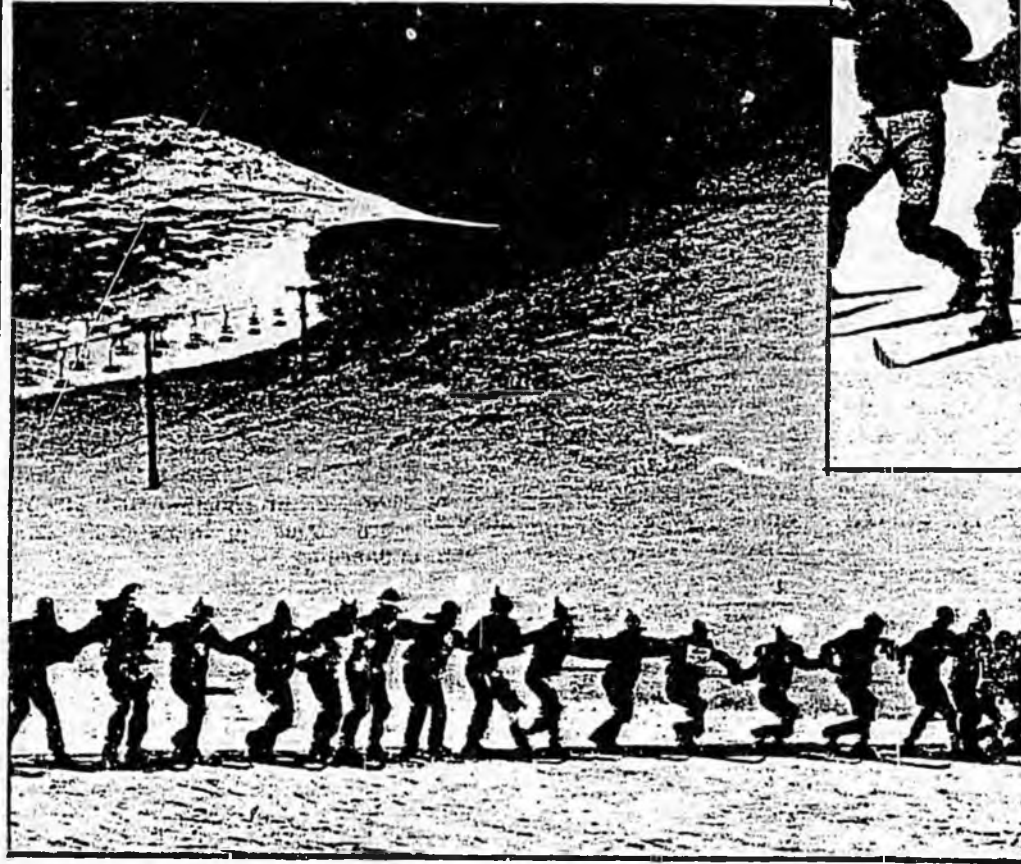
The only negative testimony came from Cam Carlson, who led "Parents In Action," a citizens' group formed to protest a book on homosexuality available in a Fairbanks public school. Carlson said people found out that she had checked out the book, but it did not bother her. "It just runs off your back" 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 — 108 people — might be tried in April, says group coordinator Bill Mitchell. Prizes were donated by REI and Arctic Valley Ski Area.

Photo by Larsen Orr, hics



Lights return to haw

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 Mushers Association President Don Reed said the city's hot air balloons 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

ers clung to him, the co-pilot of a
lece of cable to close his plane's
over Southwest Alaska Sunday.
stration spokesman Paul Steucke
a twin-engine Ryan Air Beechcraft
the small airliner took off from
llage northeast of Bethel.

e as Ryan flight 940, piloted by An-
nson, flew from Anchorage to St.
d.

rom the cabin prompted Ryan co-
rage, to leave the craft's controls
Beechcraft, Steucke said. There,
d passengers held onto him, Lacy
and used a section of support cable

at St. Mary's at about 3:30 p.m.,
ersonnel shortly after it landed at

t the aircraft at any time," the
sh continued to remain operational
st of the flight."

eechcraft does not feature a pres-
er injuries were reported.

disputed

tractors with private fill sites
available to them save thousands

Confidentiality bill draws key support

Continued from page B-1

Committee chairman Mike
Miller, D-Juneau, said the confi-
dentiality bill, or "personal pri-
vacy," was entirely separate
from any censorship or book-
banning issue. Miller, a co-spon-
sor of the bill, said groups seek-
ing to remove a book from li-
brary shelves still would have
the means to do so.

Clocksln said the confidential-
ity bill was specific enough to ex-
clude only a person's identity
from public records, so informa-
tion such as how many times a
book has been taken out or
whether a book had been re-
turned still would be available.

Clocksln added two amend-
ments to the original proposed

bill. One amendment says that
any information that could iden-
tify 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 offi-
cials, 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
harms the public's right to gain
access to information. He said
he feels strongly that public re-
cords should remain open.

"I'm probably one of the lead-
ing proponents of freedom of in-
formation," 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 re-
questing library confidentiality
Clocksln said Alaska librarians
requested that the state pass a
similar law.

Rescuers recover pilot's body

Associated Press

Homer — A civilian mount-
aineering rescue team Monday re-
covered the body of a Peninsula
Airways pilot whose plane
crashed on the slopes of Mount
Veniaminof on the Alaska Penin-
sula, Alaska State Troopers said.

The Piper Navaho, carrying
only the pilot, was reported miss-
ing 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 emer-
gency 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.

ADN 2-19-85

HB 180

ARTICLE 3.

INSTRUCTIONAL STANDARDS

4 AAC 52.300 – 4 AAC 52.499
(Reserved)

ARTICLE 4.

PROCEDURAL SAFEGUARDS

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 99801. (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.