

HAWAII ADMINISTRATIVE RULES

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 3

PUBLIC LIBRARIES

CHAPTER 200.5

GENERAL POLICIES GOVERNING LIBRARY SERVICES

Historical note: This chapter is based substantially upon chapter 200.1, "General Procedures for Library Services and the Use and Loan of Library Material". [Eff 1/2/96; am and comp 1/7/99; R 05/24/2010]

§8-200.5-1 Applicability. This chapter is applicable to all library services and the use or loan of library material, unless otherwise specifically provided in other chapters. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-200.5-2 Nondiscrimination. No library customer shall be denied the use or loan of library material on the basis of race, religion, color, national origin, sex, including gender identity or expression, sexual orientation, age, disability, ancestry, or marital status. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: 29 U.S.C. §§794, 706; 20 U.S.C. §1405; 34 C.F.R. §104; Hawaii Const., Art. I, §§1, 2; HRS §§302A-1120, 302A-1001, 368-1, 378-2; HRS Chapter 489)

§8-200.5-3 Confidentiality. The Hawaii state public library system shall ensure the privacy of library customers' reading interests and

research needs. Personal information that would identify a library customer is to remain confidential and is not to be released except as follows:

- (1) By court order or subpoena;
- (2) Upon the request or with the consent of the individual who is the subject of the record or information;
- (3) Upon the request of a parent or guardian of a minor who is under eighteen years of age and is the subject of the record;
- (4) Upon the request of the guardian of a legally incapacitated individual who is the subject of the record; or
- (5) For administrative and operational library purposes, including:
 - (A) The installation, maintenance, and operation of a library circulation or reservation system or the transfer of library records from one records management system to another;
 - (B) Compilation of statistical data on library use;
 - (C) Answering reference questions and obtaining materials and information at that customer's request; or
 - (D) The collection of fines or penalties.

Acts by library officers, employees, or police or security agents acting within the scope of their duties to determine the parties responsible for damage to library facilities or property or injury to library users or employees are not violations of this section. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-200.5-4 Copyright. The public library and library customers shall strictly comply with all applicable copyright laws and guidelines. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-200.5-5 Complaint. Any person aggrieved by a decision in this chapter may file a complaint in accordance with chapter 8-210.2. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)