

POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS

1. The Board recognizes that circulation records and other records identifying the names of library users be confidential *in nature*.
2. Such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal or administrative discovery procedures or legislative investigative power.
3. Those records will be made available only at such time as a proper showing of good cause has been made in a, court of competent jurisdiction.*

*NOTE: Point 3, above, means that upon receipt of such process, order, or subpoena, the Territorial Librarian will consult with the Attorney General to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause ' for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

***See P.L. 25-79**

Public Law 25-79

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session**

Bill No. 302 (COR)

As substituted by the Author, amended
and further substituted on the Floor.

Introduced by:

L. F. Kasperbauer

F. B. Aguon, Jr.

E. C. Bermudes

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AN ACT TO ADD §§10108(k) AND 10108(l) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF GUAM, THE GUAM PUBLIC LIBRARY, THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION ("KGTF") AND THE GUAM COMMUNITY COLLEGE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. All records of the Department of Education, the University of Guam, the Guam Public Library, the Guam Educational Telecommunications Corporation ("KGTF") and the Guam Community College that are exempted from public disclosure under the provisions of Article 1 of Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, shall remain as private writings.

Section 2. Section 10108(k) is hereby *added* to Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, to read as follows:

"(k) For the Department of Education information which personally identifies participants in the School Breakfast/Lunch Program, or their parents, guardians or caretakers."

Section 3. Section 10108(l) is hereby *added* to Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, to read as follows:

"(l) For the University of Guam: (i) all applicant records regarding admission, financial aid and/or scholarships, *except* that the names and majors/areas of concentration of Financial Aid recipients funded directly or indirectly, through repayments by prior recipients, by a fund of the government of Guam, including the University of Guam's Student Financial Assistance Program Fund shall be public information and *not* covered as private writings; (ii) closed archives of the RFT Micronesia Area Research Center, as per agreement with donor; *and* (iii) anonymity agreements regarding financial donations and other contributions made to the University only to the extent needed to protect the identity of the donor."

Section 4. *Disapproval of Agency Lists.* The following agencies' lists submitted pursuant to §10106(b) of Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, are hereby *disapproved*, but shall *not* affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within §10108, and their applicability to said agencies:

- (1) (1) the Department of Education;
- (2) (2) the University of Guam;
- (3) (3) the Guam Public Library;
- (4) (4) the Guam Educational Telecommunications Corporation ("KGTF"); *and*
- (5) (5) the Guam Community College.

Section 5. *Severability.* *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.