

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 376, specifying that library user information exempted from disclosure in the right-to-know law includes information regarding library cards and library membership status.

Hearing Date: May 15, 2025

Time Opened: 4:40 p.m.

Time Closed: 5:02 p.m.

Members of the Committee Present: Senators Gannon, Abbas, McConkey and Reardon

Members of the Committee Absent : Senator Altschiller

Bill Analysis: This bill exempts library card and library membership files and information from disclosure under the right-to-know law.

Sponsors:

Rep. Mazur

Rep. Alexander Jr.

Rep. Berry

Rep. Giasson

Rep. Reinfurt

Rep. Seidel

Sen. Murphy

Who supports the bill: 17 individuals supported HB 376. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: 10 individuals opposed HB 376. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A.

Summary of testimony:

Representative Lisa Mazur

Hillsborough – District 44

- HB 376 revised one of the exemptions in RSA 91-A to include library cards and membership status. Currently RSA 91-A exempted records pertaining to library users. Some public libraries were confused and thought that it did not include cards.
- Library cards contained names, patron codes, and unique sensitive information.

- A local library had recently published someone's card following a right to know request.
- Right to Know N.H agreed that HB 376 is necessary.
- HB 376 is bipartisan, went through the House on the consent calendar, and was a simple but important revision to protect all library user records.

Eric Pauer

Brookline New Hampshire

- Mr. Pauer is a member of his local public library. Several years ago, the library held a Drag Queen event. He attended the trustees' meeting to complain that it was an inappropriate use of tax dollars.
- A few weeks later, Mr. Pauer's library membership information was distributed via a right to know request.
- The clarification provided by HB 376 is important because these matters must be confidential.

DJ Withee

Windham, New Hampshire

- Mr. Withee is a former representative.
- Mr. Withee is a corporate attorney, library trustee, and opposes the bill in his personal capacity.
- HB 376 is simply bad legislation according to Mr. Withee.
- The committee unanimously found HB 376's companion, HB 666, inexpedient to legislate.
- The bill had nothing to do with providing clarity, or privacy. To the extent that the bill was about these issues was at the margins.
- The meat of the issue is a library trustee election in Goffstown. Not a privacy violation. The sponsorship made such evident according to Mr. Withee.
- The 2024 Goffstown election saw a resident file a right to know request with the library to see if the six declared candidates had library cards – which are permits, and public records.
- The library sought advice with legal counsel, and under counsel, they released the records that they had. The library did not have records for all six candidates.
- HB 367 and HB 666, now SB 141 via floor amendment, is the sponsor's response to a right to know request.
- The two sponsors have proposed legislation to protect the privacy of nonexistent government records. They do not have library cards. What they want is the absence of the government record to be confidential as well.

- The four other people whose library information was leaked, did not show up in support for either bill. Those who arguably had their privacy violated according to the sponsor did not ask for, nor support the protection. Only those who ran, and who were proven to not be patrons of the library in question, now want to cover it up according to Mr. Withee.
- The bill failed to accomplish its stated purpose.
- The Goffstown attorney's response to RSA 91-A was provided to the committee.
- The bill did not turn on whether the phrase library usage included cards, or membership status.
- The New Hampshire supreme court had consistently held that whether a record be exempt from RSA 91-A, the municipality must maintain that the record is confidential and would constitute an invasion of privacy. The public's interest must be balanced versus the privacy interest at stake.
- HB 376 and its companion are ill conceived, and petty.
- Sen. Abbas asked what the public interest was in disclosing someone else's library card in response to a right to know request.
 - Mr. Withee said it wasn't his job to say what criteria others used to vote and how they came to those decisions.
- Sen. Abbas asked if usage of the card in public made the information on it public. Many used a visa card publicly but wouldn't show transaction history, balance, or the card number.
- Sen. Abbas asked what public function was served by getting a library card disclosed.
 - Mr. Withee said that individuals equated being a library card holder with being a library supporter.

Rep. Timothy Horrigan

Strafford – District 10

- Rep. Horrigan opposed the bill.
- Concerning a Library Trustee Election, Rep. Horrigan believed it was a fair standard that a candidate be a user.
- Rep. Horrigan urged the committee to find the bill inexpedient to legislate.
- Rep. Horrigan did maintain that directly asking the candidates these questions themselves was preferable and may be more revealing given an evasive answer.
- Rep. Horrigan did not find changes to the current library laws necessary.

PM
Date Hearing Report completed: May 20, 2025