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Public Libraries Act

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RT I 1998, 103, 1696
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Amended by the following acts

Passed	Published	Entry into force
15.11.2000	RT I 2000, 92, 597	01.01.2001
08.02.2007	RT I 2007, 19, 93	01.05.2007
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision No 10889/10 ECOFIN 360 UEM 209/10 2010 of 13 July 2010 (OJ L 197, 28.07.2010, p. 24-26).
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
15.12.2015	RT I, 06.01.2016, 1	16.01.2016
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
20.02.2019	RT I, 13.03.2019, 2	15.03.2019

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

This Act provides the bases for the organisation of the activities, collections, service, management and financing of public libraries.

§ 2. Public library

(1) The purpose of public libraries is to ensure free and unrestricted access to information, knowledge, achievements of human thought and culture for inhabitants, to promote lifelong learning and individual development.

(2) For the purposes of this Act, a public library is a municipal library which collects, stores and makes available for readers the publications, audiovisual items and other items (hereinafter items) and public databases which they need.

§ 3. Legal status of public libraries

(1) A public library is a local government agency.

(2) A public library shall operate pursuant to this Act, other legislation, the UNESCO Public Library Manifesto, and its statutes.

Chapter 2

ORGANISATION OF ACTIVITIES OF PUBLIC LIBRARIES

§ 4. Foundation of public library

(1) The local government council shall decide on the foundation of a public library.

(2) The establishing of a network of public libraries shall be based on the following principles:

- 1) at least one public library in every city with more than 10 000 inhabitants;
- 2) at least one public library for every 15 000 inhabitants in cities with more than 10 000 inhabitants;
- 3) at least one public library for a service area with an average of up to 500 inhabitants.

(3) The rural municipality or city government shall notify the Ministry of Culture of foundation of a public library in writing. The notice shall set out the name, seat and telecommunications numbers of the public library.

§ 5. County library and central library of rural municipality or city

(1) There shall be a county library in every county. County library is a public library which additionally performs the functions of coordination of library service in the county.

(2) The minister responsible for the area shall appoint a county library on the proposal of all the local authorities of the county. The local authorities shall make a proposal for appointment of a county library on the basis of the existence of the conditions necessary for performance of the functions listed in subsection (5) of this section and the consent of the relevant rural municipality council or city council.

[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(2¹) If the local authorities of a county fail to concur as required on the appointment of a county library, the minister responsible for the area shall appoint a county library without the proposal of the local authorities after hearing the opinions of the local authorities of the county and based on the existence of the conditions necessary for performance of the functions listed in subsection (5) of this section and the consent of the relevant rural municipality council or city council.

[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(3) In a rural municipality or city which has several public libraries, the city council or the rural municipality council may appoint one public library the central library of the rural municipality, for the purposes of coordinating of library service.

(4) The functions of a county library and central library may be performed by the same library.

(5) The functions of a county library and a central library upon coordinating of library service are the following:

- 1) acquisition and processing of collections;
- 2) the establishment and maintenance of bibliographic databases, full text databases and other databases necessary for the activities of public libraries;
- 3) organisation of statistical reporting and analysing of the activities of public libraries;
- 4) professional consultations and organisation of in-service training of library employees;
- 5) organisation of bibliographic reference work.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

§ 6. Statutes and organisation of work of public libraries

(1) The functions and organisation of management of a public library, the rights and obligations of its director, the structure and other important matters relating to the organisation of activities of a public library are provided for in the statutes which is approved by the local government council.

(2) The guidelines for the organisation of work of a public library shall be approved by a regulation of the minister responsible for the area.

§ 7. Director of public library

(1) The director shall direct the work of a public library.

(2) In order to fill a vacant position of a director, a public competition shall be organised. The rural municipality or city government shall announce the competition and establish the procedure for the competition.

(3) The rural municipality or city mayor shall enter into an employment contract with the director. An employment contract with the director shall be entered into for a specified term or for an unspecified term.

(4) The director must have completed higher education, except in the case specified in subsection (6) of this section.

(5) If the director has not completed higher education in librarianship or information sciences, he or she must have the fourth degree of the professional qualifications of a librarian.

(6) If there are up to 500 inhabitants in the service area of the public library, the director must have the third degree of the professional qualifications of a librarian if he or she does not have the qualifications specified in subsection (4) or (5) of this section.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

§ 8. Councils of public libraries

(1) A council of the public library consisting of at least three members shall be formed for assessment of the work of the public library and for discussing of other relevant issues relating to the activities of the public library, with the objective of making of proposals for organisation of library service to the local government. The procedure for the formation, the competence and rules of procedure of the council of a public library is provided for in the statutes of the public library.

(2) For discussing of the trends of development and specific programmes concerning public libraries and for organisation of cooperation, the minister responsible for the area shall form the Council of Public Libraries as an advisory body and shall approve its statutes.

§ 9. Assets of public library

Assets in the possession of a public library shall be possessed, used and disposed of pursuant to the procedure established by the local government council.

§ 10. Financing of public libraries

(1) Public libraries are financed from:

- 1) local government budget;
- 2) the state budget;
- 3) donations;
- 4) fee-charging services related to the main activities thereof;
- 5) revenue from foundations and endowments.

(2) The local government shall ensure:

- 1) the remuneration of employees, except in the case of employees specified in clause (3) 3) of this section;
- 2) regular supply of collections with items on the basis of the number of inhabitants in the service area of the public library;
- 3) rooms, furnishings and management costs suited to the specific features of the public library.

(3) The following expenses are financed from the state budget on the proposal of the Ministry of Culture:

- 1) for acquisition of items;
- 2) for realisation of national programmes;
- 3) for remuneration and maintenance of four employees of the public library serving as a county library;
- 4) in order to establish connection with the public data communication network and acquire the appropriate technical means.

(4) The procedure for division of the expenses specified in subsection (3) of this section shall be established by a regulation of the minister responsible for the area.

[RT I 2000, 92, 597 - entry into force 01.01.2001]

§ 11. Supervisory control, administrative supervision and reporting

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) The local government shall exercise supervisory control over the activities of a public library.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) The Ministry of Culture shall exercise administrative supervision over the public libraries network and performance of the functions of a county library.

[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(3) [Repealed -RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(4) A public library shall submit reports prescribed by legislation on its activities. A rural municipality or city government shall submit a report on the use of the amounts allocated from the state budget to the Ministry of Culture each year by 20 January at the latest.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

(5) All public libraries located in the county shall submit a report on the statistical and substantive work of the public library to the county library. County libraries shall submit consolidated reports on the statistical and substantive work of the public libraries of the county to the Ministry of Culture each year by 1 March at the latest.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

§ 12. Reorganisation and termination of activities of public library

(1) A public library is reorganised or the activities of a public library are terminated by a resolution of the local government council.

(2) The rural municipality or city government shall notify the Ministry of Culture of the reorganisation or termination of the activities of a public library at least one month before the planned date.

Chapter 3 COLLECTIONS, SERVICE AND READER

§ 13. Collections

(1) The collections of public libraries are universal in their composition, containing items in different languages, of different types and of different kinds which correspond to the basic needs of the inhabitants of the service area.

(2) Public libraries may transfer without charge or sell the items which are unnecessary for it pursuant to the procedure established by the rural municipality council or city council.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

(3) Items of historical value and of great cultural value located in public libraries shall be recorded and stored under the conditions and pursuant to the procedure established in legislation with regard to cultural monuments.

§ 14. Organisation of library service in territory of local government

(1) The local government shall determine the service area of a public library such that no area is excluded from the service of the library.

(2) [Repealed – RT I 2007, 19, 93 – entered into force 01.05.2007]

(3) Public libraries shall coordinate library service with other libraries located in the service area thereof.

§ 15. Readers and services

(1) Services of public libraries may be used by everyone, except in the case specified in subsection 17 (3) of this Act.

(2) Loan for in-house use and home lending of items and granting access to public information through the public data communication network are the basic services of public libraries. Basic services of public libraries are free of charge.

(2¹) A person requesting information shall be given the opportunity to use a computer in order to access information available through the public data communication network, pursuant to the Public Information Act. If more persons than a library can service request access to information available through the public data communication network, the library is required to organise pre-registration for persons requesting access to information. The employees of a library are required to assist persons gain access to the web sites of state and local government agencies.

(2²) A digital item, digital image of an item and the data describing the digital item, digital image of an item or an item, the copyright or related rights of which belong to the public library based on a law or transaction, are reusable on the conditions and pursuant to the procedure provided for in the Public Information Act, taking account of the specifications provided for in this Act and the Copyright Act.

[RT I, 06.01.2016, 1 - entry into force 16.01.2016]

(3) Fees may be charged for special services (copying, use of databases, translations, etc.). The amounts of the fees charged for special services shall be approved by the rural municipality or city government.

(4) Items not present in collections of public libraries are ordered from other libraries at the request and at the expense of the reader.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

(5) A deposit may be required from a reader upon home lending of an item if:

1) the residence of the reader as entered in the population register is not the rural municipality or city of the location of the public library;

2) this is necessary due to the value of the item.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

(5¹) The procedure for the taking and returning of deposit specified in subsection (5) of this section shall be established by the rural municipality government or city government.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

(6) The public library shall organise home service free of charge for inhabitants who are not able to visit the library due to health reasons, at their request.

§ 15¹. Registration as user of public library and processing of personal data

(1) A user of the public library is the registered user of the library. The public library processes personal data to provide library services to the users, keep records of lending, organise statistical reporting and analyse the services and to require the fees specified in subsections 17 (1) and (2) of this Act.

(2) Registration as a user of public library takes place on the basis of an identification document or student card. In case of an up to 18-year-old person, the public library has the right to ask for, upon home lending of an item, the data and written consent of a parent or legal representative. The following personal data of a user and in case of an up to 18-year-old person, at the request of the public library, the personal data of a parent or legal guardian shall be entered in the users database:

1) first name and surname;

2) personal identification code or date of birth in case of lack thereof;

3) place of residence (postal address);

4) telephone number;

5) e-mail address, if available.

(3) For the provision of public services to a disabled person, the public library has the right to process data on the type and duration of the person's disability on the basis of a disabled person's card, pension certificate, Social Insurance Board certificate, medical certificate specifying the type and duration of disability or another certificate specified in another act, international contract or legislation of the European Union.

(4) Persons who accept the conditions of the rules for users shall be registered as the users of the public library.

(5) The correctness of the users' data shall be verified once a year upon the user's visit to the library.

(6) The data of a user and in case of an up to 18-year-old person the data of a parent or legal representative shall be deleted from the users database of the public library, except for non-personalised data for statistical purposes, if the user has not visited the library for three years. If the user has outstanding obligations to the public library, the data of the user or the legal representative thereof shall not be deleted from the users database. In this case the data shall be preserved until the performance of the obligation.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

§ 16. Public library rules

The organisation of service of a public library, the rights and obligations of readers shall be established in the public library rules approved by the local government council which shall be communicated to every reader.

§ 17. Responsibility of reader

(1) Readers are required to return the lent items by the due date. If a reader fails to return a lent item by the due date, the public library may require a fee for the period of delay, however not more than 0.06 euros per item for each day of delay.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(2) Upon spoiling of or failure to return an item, the reader is required to replace the item or pay the price thereof in the amount of up to ten times the price.

[RT I 2007, 19, 93 - entry into force 01.05.2007]

(3) A reader who fails to perform the obligation specified in subsection (2) of this section by the due date set by the public library shall be deprived of the home lending right of items for up to one year.
[RT I 2007, 19, 93 - entry into force 01.05.2007]

(4) The public library shall set a term for a reader for payment of the amounts specified in subsections (1) and (2) of this section. For payment of the amounts not paid by the due date, the rural municipality or city government shall issue a precept together with a warning concerning the initiation of compulsory execution upon failure to comply with the precept to the reader. A precept shall set out the possibilities, term and procedure for contestation thereof.
[RT I 2007, 19, 93 - entry into force 01.05.2007]

(5) Upon failure to comply with the precept within a term set out in the warning specified in subsection (4) of this section, the rural municipality or city government has the right to pass the precept for compulsory execution pursuant to the procedure provided for in the Code of Execution Procedure.
[RT I 2007, 19, 93 - entry into force 01.05.2007]

(6) A rural municipality or city government may transfer the competence specified in subsections (4) and (5) of this section to a rural municipality or city administrative agency or to an agency administered by an administrative agency.
[RT I 2007, 19, 93 - entry into force 01.05.2007]

(7) The amounts specified in subsections (1) and (2) of this section shall be paid into the budget of the local government.
[RT I 2007, 19, 93 - entry into force 01.05.2007]

Chapter 4

IMPLEMENTATION OF ACT

§ 18. Statutes

The statutes of public libraries shall be approved pursuant to the provisions of this Act within three months after the entry into force of this Act.

§ 19. County libraries

Upon the entry into force of this Act, public libraries which have been appointed as county libraries before the entry into force of this Act may be deemed to be county libraries.

§ 20. Regulations of Minister of Culture

Regulations of the Minister of Culture issued for implementation of the Public Libraries Act (RT 1992, 17, 250; RT I 1996, 49, 953) shall be brought into compliance with this Act within three months after the entry into force of this Act.

§ 20¹. Employment contracts and education and professional requirements

(1) Employment contracts entered into with directors before 1 May 2007 shall remain in force and they can be terminated only under the conditions and pursuant to the procedure provided for in the Republic of Estonia Employment Contracts Act.

(2) The education and professional requirements which were in force before 1 May 2007 apply to directors who were in office before 1 May 2007.
[RT I 2007, 19, 93 - entry into force 01.05.2007]

§ 21. [Omitted from this text.]