

Open Records and Records Retention Policy

KDLA provides this example policy to assist a library in developing and adopting their own policy. The example policy should be modified to meet the needs of your library and community and should be reviewed by the library's attorney prior to adoption.

The _____ Public Library is subject to the Kentucky Open Records Act (KRS 61.870-61.884) and certain requirements with regard to records retention.

Retained records

The _____ Public Library will maintain and retain its records in accordance with applicable laws and regulations. Unless otherwise provided by law, records may be retained or discarded according to the Records Retention Schedules as adopted by the State Libraries, Archives, and Records Commission.

Public records

All records of the _____ Public Library are public records. Not all public records are open records under the Open Records Act. "Public record" generally means all documentary materials—regardless of format or storage medium—prepared, owned, used, in the possession of, or retained by the Library. It does not include any records owned by a private person or corporation that are in the possession of the Library or one of its employees.

Requests for records

The _____ Public Library Director (or designee) acts as Custodian for all of the Library's public records. Any resident of the Commonwealth may request to inspect or receive copies of the Library's non-exempt public records. All requests to view or copy the Library's public records pursuant to the Kentucky Open Records Act must be made in writing and must contain the requester's name, signature, manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10) (*underlined text is optional*) and a description of the documents that are being requested. If a requester is requesting to be provided with copies of non-exempt public records, they must provide a sufficiently precise description of the documents they are seeking so as to allow the Records Custodian to readily identify them.

All Open Records Requests must be submitted via U.S. Mail, facsimile transmission, email, or hand delivery. Open Records Requests made through any other means will not be honored. The requestor will be directed to make the request through one of the acceptable methods. Application forms for the inspection of the public records of this agency will be furnished on request to any person. Requesters may use the *Request to Inspect Public Records* form provided by the Office of the Attorney General, but are not required to do so. Assistance in completing the application form will be provided by an

employee on request. Open Records Requests should be directed to the attention of the Library's Records Custodian:

_____ {Custodian's title}
_____ {Custodian's phone number}

Mailed requests must be addressed to:

_____ {Name of library}
_____ {Title of custodian}
_____ {Library mailing address}

Requests may be delivered in person to:

_____ {Library principal office address}

Requests may also be delivered by fax to _____ {Custodian's fax number} or emailed to _____ {Custodian's email for receiving requests}.

Response

The _____ Public Library has five business days (excepting Saturdays, Sundays, and legal holidays) in which to respond to an Open Records Request. This time begins to run the next business day after the request is received.

The response to an Open Record Request may: (1) grant the request, (2) deny the request, (3) explain that there will be a delay in responding to the request; or any combination thereof. To the extent a request is granted, the response will provide a timeframe when the requested non-exempt public documents may be inspected in person, or will inform the requester of the applicable copying charge and postage fee required to be paid before copies of the non-exempt public documents may be provided. To the extent a request is denied, the response will provide a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. To the extent the full response to a request is delayed, the initial response will give a detailed explanation of the cause for any delay and an estimate of when a complete response may be expected.

On-site examination of records

To the extent a request is granted, individuals requesting to review records will be allowed to schedule a time to conduct on-site inspection of non-exempt public records during the regular office hours of the _____ Public Library – 9am to 5pm, Monday

through Friday. An on-site inspection may be required by the Library if the request is not precise in nature or if the requester resides or maintains his or her principal place of business within _____ County. Public records must be inspected in the location set by the Library. During their inspection, a requester may copy non-exempt public records (at their own cost), but may not remove, alter or add to documents provided for review. The Library is responsible for protecting the security of public records in its custody, and may require that a staff member be present during any inspection or copying of its public records.

Copies

To the extent a request is granted, copies of the responsive non-exempt public records requested may be provided at a cost of \$0.10 per page, along with any applicable postage costs, all of which must be pre-paid by the requester. Requests for specialized or non-standard copies (e.g. color or oversized copies) will be provided at the cost incurred by the Library to produce them. Copies of nonwritten records (photographs, maps, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record. The _____ Public Library may also recover costs associated with staff time expended in responding to a request made for a commercial purpose. Non-public or exempt information may be redacted as appropriate from copies of otherwise non-exempt public records provided.

Denial of request

Certain public records are exempt from inspection under the Open Records Act. Circulation and Library use records for individual patrons are exempt from inspection, and requests to inspect or receive copies of these records will be denied, as will a request to inspect or receive copies of any other records which either are not public or which are exempt under the Act. Under certain circumstances, the Library may find that a request would create an unreasonable burden to comply with, and may deny such a request for that reason. Requests that the Library believes are intended to disrupt its essential functions will also be denied. Reasons that a request may be deemed unduly burdensome for compliance, or which may be disruptive to the Library may include time and expense involved in retrieving and duplicating the records, or in the type and nature of the request. To the extent a request is denied, the response will provide a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.

Destruction of Records

The library destroys documents regularly as a part of its record retention schedule. Once a document has been retained for a sufficient time to satisfy its retention cycle, it is subject to destruction at any time. The Library's Records Custodian ensures that the schedule of retention and destruction of records is maintained.

A Records Destruction Certificate will be completed and filed with the Kentucky Department for Libraries and Archives' Division of Archives and Records Management whenever documents are destroyed according to the retention schedule.

Additional Information

The Kentucky Open Records & Open Meetings Acts: A guide for the public and public agencies and the *Request to Inspect Public Records* form, published by the Office of the Attorney General, and other information regarding Open Records Requests may be found online at: <https://ag.ky.gov>.

Adopted by the _____ County Public Library Board of Trustees this _____ day of _____, 20____.

[Reviewed 7/26/2021]