

Open Records Requests

As a library trustee, you create and maintain records of the activities of the library you serve. These records, and other records held by the library, are open to inspection by interested members of the public, with exceptions. It is important that you as a trustee and the employees of the library you serve know how to respond to requests for open records.

Brief Overview

- All records maintained by the library, as a public agency, whether stored in physical or digital format are “public records”.
- With only a few exceptions, these public records are considered “open records” and are to be made available for inspection upon written request.
- Any resident of the Commonwealth of Kentucky may make a written request to inspect any non-exempt public records.
- The library must respond to the request in writing within 5 business days (not including Saturdays, Sundays, or legal holidays).
- The Attorney General has provided a standardized form for people to use in making records requests. Your library must accept this form, but cannot require requests to be made using this or any form.
- The library must post its policy and procedure regarding open records requests, including contact information for the records custodian and the standardized request form, on the library website and in the library.
- If a person feels the intent of KRS 6.870 to 61.884 is being subverted by the agency short of denial of inspection, including but not limited to delay past the five (5) day period, the person may complain in writing to the Attorney General.
- Trustees can find more information on Open Records Requests in the document *The Kentucky Open Records & Open Meetings Acts: A guide for the public and public agencies*, which addresses the importance of the transparency of library board meetings and records maintained by the library.

What records are considered open records?

The Kentucky Open Records Act ([KRS 61.870 to KRS 61.884](#)) give the public access to the library’s records. These records are any records that are prepared, owned, used, possessed, or retained by a public agency, and must be made available upon request.

These records include, but are not limited to: financial documents such as annual budgets, audits and monthly expense vouchers, minutes of previous meetings and library policies.

Records pertaining to employees are also considered open records, including, but not limited to: name, position, workstation, and salary of employees, reprimands regarding job-related misconduct, letters of resignation and public employee timesheets.

However, some information pertaining to employees and library patrons are not considered open to public perusal, including: race, gender, home addresses, social security numbers, medical records, and marital status of employees, employee evaluations, applications and resumes from unsuccessful applicants for jobs, and patron registration and check-out records.

How do libraries respond to open records requests?

The Open Records Act also addresses how public entities should respond to open records requests. Libraries have five days in which to respond to an open records request; however, the library does not have to furnish the records within the five-day timeframe.

Libraries are not required to honor requests for “information;” rather, the request should be for specifically described records.

The response to an Open Record Request may: (1) grant the request, (2) deny the request (stating applicable reasons), (3) explain that there will be a delay in responding to the request, or any combination thereof.

As part of the response to the request, the library should notify the requestor if the record is in active use, in storage, or not otherwise available. Inspection or copies may be delayed if a detailed explanation of the cause for the delay is given and the place, time, and earliest date on which the public record will be available for inspection is stated.

After the response to the request, libraries should take a reasonable amount of time to gather and prepare the records for inspection.

Exempt information must be redacted from the record before it is provided to the requestor.

A library must make suitable facilities available for the exercise of the right of inspection of public records during the library's regular operating hours.

Original copies of public records shall not be removed from the library without the written permission of the official custodian of the records (usually the library director); however, persons have the right to make copies of records.

More detailed information about how to fulfill an Open Records Request can be found in KDLA's sample procedures and in the Kentucky Open Records & Open Meetings Guide, both linked below.

Resources

The Kentucky Open Records & Open Meetings Acts: A guide for the public and public agencies

<https://ag.ky.gov/Documents/2021%20%20-%20Open%20Records%20Open%20Meetings%20Guide.pdf>.

The Attorney General's standardized form

https://ag.ky.gov/Documents/2021_Standardized_Open_Records_Request_Form_V3.pdf

KDLA's sample policy and procedure document

<https://kdla.ky.gov/librarians/librarypolicies/Pages/BoardPolicies.aspx>

This information is not legal advice and is not provided by an attorney. If you feel you need legal advice you should consult an attorney.