

# Jay County Public Library

## Public Records Policy

Reviewed October 20, 2023

Adopted November 13, 2023

### Open Records

Indiana law provides that records created by a unit of government are open to the public for inspection or copying. Examples include: governing board meeting minutes, budgets, salary schedules, claims, canceled checks, contracts and certain portions of personnel files.

### Confidential Records

Indiana law also states that certain types of records kept by of all units of government and some specific records kept by public libraries are confidential. The exemptions claimed by the Jay County Public Library Board of Trustees include:

1. Personnel: Beyond the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or date of first or last employment of a current or former employee, personnel information is considered confidential. The entire file is available only to the employee, the employee's legal representative, the employee's supervisor(s), and the governing board.
2. Administrative: Administrative or technical information that would jeopardize a record keeping or security system.
3. Software: Computer programs, computer codes, computer filing systems, and other software that are owned by or entrusted to the library.
4. Executive Sessions: Notes or memoranda specifically prepared for discussion or developed during discussion in an executive session under Indiana Code.
5. Legal Issues: Work product of an attorney representing the library.
6. Speculative Matters: Deliberative or speculative material produced internally or externally for the purpose of decision-making.
7. Gifts: The identity of a donor of a gift made to the library, if the donor requires nondisclosure of his identity as a condition of making the gift; or, after the gift is made, the donor, or the donor's family, requests nondisclosure.
8. Archival: Records which have been acquired by the library upon a condition that they be disclosed only:
  - a. to qualified researchers;
  - b. after a period of time, as specified at the time of acquisition; or

- c. after the death of a person, as specified at the time of acquisition.
9. Patron: All records identifying library patrons and their use of library materials and services are confidential, subject to said records being used:
  - a. to recover from patrons borrowed library materials, fines or other expenses;
  - b. in any other litigation where said records are material; or
  - c. when said records are ordered to be disclosed by a civil, criminal, or administrative court having jurisdiction over the same. A subpoena is deemed inadequate. Upon receipt of a subpoena, the director shall notify the court that the request is in opposition to library policy due to the confidential nature of the records and will require a court order.

Patron records include, but are not limited to: address and telephone numbers, circulation records, reference questions, interlibrary loan transactions, reader advisory questions, and Internet usage records. Library staff members are not authorized to disclose such records to any third party, except as set forth herein. Under Indiana law, minors are accorded the same confidentiality rights as adults.

### **Access, Request, Inspection and Copying**

1. Records control officer: The library director is the records control officer.
2. Request: The requesting person shall complete a Request form (copy attached) that specifies the record(s) requested. Requests are received, determinations as to applicability are made, and records provided during the regular business hours of the library.
3. Inspection: To guard the security of original records, the records control officer may require that a staff person be in attendance while those records are being inspected.
4. Copying: The records control officer will direct that copies be made by the library staff in the most expedient, inexpensive, and useful format for the requesting person, using either photocopies or computer print-outs. Print copies shall be provided for a fee as recommended by the Library Director and approved by the board through annual resolution. Fees must be paid by the requesting person when the documents are provided.

### **Appeal**

When disclosure is denied by the records control officer, the requesting person may appeal the decision to the library board. Appealing to the library board does not prevent the requesting person from using other remedies provided under Indiana law.

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## REQUEST FOR DISCLOSURE OF PUBLIC RECORDS

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Library Board policy requires the completion of this form in order to inspect and/or copy public records. The completed form is to be submitted to the Library Director, who will:

1. determine if access to the documents requested is allowable under library policy.
2. arrange for the copying of the documents at the requesting person's expense as quickly as feasible.

Photocopying charges will be 15 cents per side of a page.

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**Print, please.**

Name \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address \_\_\_\_\_  
Street, City, State, ZIP

Date of Request \_\_\_\_\_ Time of Request \_\_\_\_\_

Document(s) requested \_\_\_\_\_

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This request is for

- inspection only
- inspection and copying, with cost of copying to be paid by the undersigned.

\_\_\_\_\_  
Signature

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Staff Use Only

Date and time request received \_\_\_\_\_ Staff Initial \_\_\_\_\_

Disposition of request (Date and Time) \_\_\_\_\_