

Access to Public Records

The Board of Trustees of the Hussey Mayfield Memorial Public Library qualifies as a “public agency” under the Access to Public Records Act outlined in Indiana Code. (I.C. 5-14-3-2)

The Board subscribes to the premise that all persons are entitled to full and complete information regarding the affairs of the Board as well as the official acts of the body. Items subject to full disclosure as well as those NOT subject to disclosure are listed in this Policy.

A. The following items fall within the State of Indiana’s definition of “public records”¹ and are generally subject to full disclosure:

- 1) Documents submitted to the Board for review, consideration and information are ‘public records’.

Such documents include those submitted by Library staff, consultants, other public agencies, and individuals. In general these also include contracts to which the Library is a party, various reports, meeting agendas and minutes, budgets, audits, and financial reports. From time to time, there are exceptions but these items will fall under an interpretation of the Indiana Code by the attorney representing the Library. (I.C. 5-14-3)

¹ “Public Record means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.” I.C. 5-14-3-2-10m

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- 2) All reports received from other public agencies unless labeled confidential. (I.C. 5-14-3-6.5)
- 3) All books, maps, photographs, tape recordings or other print and nonprint material that is retained by the Library regardless of form or characteristics and that can be mechanically reproduced on paper sized eight and one-half [8 ½] by eleven [11] inches or eight and one-half [8 ½] inches by fourteen [14] inches. Such items include those commonly known as the Library collection. (I.C. 5-14-3-2)
- 4) Personnel files of employees and files of applicants for employment are limited to:
 - a. The employee’s/applicant’s name,
 - b. compensation,
 - c. job title,
 - d. business address,
 - e. business telephone number,
 - f. job description,
 - g. education and training background,
 - h. previous work experience, or
 - i. dates of first and last employment of present or former employees of the Library;
 - j. information relating to the status of any formal charges against the employee, and
 - k. The factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted or discharged.

However, all personnel file information shall be made available to the affected employee or that employee’s representative. I.C. 5-14-3-4 (8) does not apply to disclosure of personnel information generally on all

employees or for groups of employees without the request being particularized by employee name.

B. Items that may not be disclosed unless access to records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery: (I.C. 5-14-3-4)

- 1) Records declared confidential by state statute.
- 2) Records declared confidential by rule adopted by the Library Board under specific authority to classify public records as confidential and granted to the Library by statute.
- 3) Records required to be kept confidential by federal law.
- 4) Records containing trade secrets.
- 5) Confidential financial information obtained, upon request, from a person. This does not include information that is filed with or received by the Library pursuant to state statute.
- 6) Records declared confidential by or under rules adopted by the Indiana Supreme Court.
- 7) A social security number contained in Library records.

B. Items that shall not be disclosed by the Library:

- 1) The work product of an attorney representing, pursuant to employment or an appointment by the Library:
 - a. The Library
 - b. The state; or
 - c. An individual.
- 2) Test questions, scoring keys and other examination data used in an examination for employment before the examination is given or if it is to be given again.
- 3) Scores of tests if the person is identified by name and has not

consented to the release of his/her score.

- 4) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with the Library, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.
- 5) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.
- 6) Personnel files of Library employees and files of applicants for employment except for information listed in section A-4 of this document and the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted or discharged.
- 7) Administrative or technical information that would jeopardize a recordkeeping or security system.
- 8) Computer programs, computer codes, computer filing systems and other software that is owned by or entrusted to the Library.
- 9) Records specifically prepared for discussion or developed during discussion in an executive session under I.C. 5-14-1.5-6.1.
- 10) The identity of a donor of a gift made to a public agency if:
 - a. The donor requires nondisclosure of the donor's identity as a condition of making the gift; or
 - b. After the gift is made, the donor or a member of the donor's family requests disclosure.
- 11) Library or archival records
 - a. Which can be used to identify any Library patron; or

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- b. Deposited with or acquired by the Library upon a condition that the records be disposed only
 - i. to qualified researchers;
 - ii. after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
 - iii. after the death of persons specified at the time of the acquisition or deposit.

12) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes those set out in I.C. 5-4-3-4-19.

Public records subject to I.C. 5-15 will be destroyed *only* in accordance with record retention schedules under that Code 5-15 section. The items in the Library collection are not subject to I.C. 5-15-5.1 and may be discarded at the discretion of trained staff subject to the current Collection Development Policy and Procedures. Public records not subject to I.C. 5-15 may be destroyed in the ordinary course of business.

When a public record includes disclosable and nondisclosable information, the Library Director shall oversee the separation of the information. The disclosable information will be labeled "Disclosable". Likewise, nondisclosable information will be labeled "Nondisclosable". (I.C. 5-14-3-6)

When a public record contains disclosable and nondisclosable information, the Library Director shall, upon receipt of a request under I.C. 5-14-3, separate the material that may be disclosed and make it available for inspection and copying.

When a Library record stored on computer tape, computer disks, microfilm or a similar or analogous record system contains both disclosable and nondisclosable documents, the Library Director shall oversee the

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separation of the information and present the disclosable information to the requesting party at a predetermined time agreeable to both the Library and the requesting party.

The Library may charge the requesting person the Library's direct cost of reprogramming a computer system if:

- 1) The disclosable information is stored on a computer tape, computer disc, or a similar or analogous record system, and
- 2) The Library is required to reprogram the computer system to separate the disclosable information from nondisclosable information. (I.C. 5-14-3-6)

If the Library receives a confidential public record from another public agency, the confidentiality of the public record will be maintained and appropriately labeled. If the Library sends a "confidential" record to another agency, such record will be clearly labeled as being "confidential". I.C. 5-14-3-6.5

The Library staff will protect items in the circulating and noncirculating Library collection to the best of their ability. However, since the major portion of the book, periodical, and audiovisual collection circulates to Library card holders, it will not be practical to expect that this class of public record will never suffer loss, alteration, mutilation or destruction.

The public records that reflect documentation of the informational, communicative or decision-making processes of the Library with the transaction of public business or governmental functions will be protected from loss alternation, mutilation or destruction to the extent that such protection is economically viable. For instance, past records that were not retained in an automated format will not be converted to an electronic format.

Fees

Fees for making photocopies and prints, sending faxes and purchasing items from the Library will be charged according to the guidelines set out by the Indiana Code.—**Please find the most up-to-date list of fees on the Policy Page of the Library’s website, directly after the Access to Public Records Policy.**

The Library Director has the discretion to change rates if and when costs increase and/or decrease as allowed under the statute and this policy. The Board will receive an updated chart of changes each year. The cost per copied or printed page will not be lower than 10 cents.

Per page charges for printers include printing from word processing as well as from assorted databases and the Internet. If a customer requires copies and the Library owns no equipment capable of reproducing a public record in the preferred format, the customer may check the item out of the Library. For items that do not circulate, the individual may take the item to a vendor with the advance approval of the Library Director or the Library Director’s designee.

Impact of Copyright Law

Due to restrictions imposed by the U.S. Copyright statutes, Library personnel are unable to make copies of copyrighted items for customers. Customers may make copies of copyrighted information using the Library photocopiers and printers for their personal use.

Interlibrary Loan Costs Charged by Other Libraries

Fees related to the Interlibrary Loan service is governed by the Indiana State Library and the lending library. Some libraries may not adhere to the Indiana State Library’s directives and it is their right to set costs as they choose. Interlibrary loan is a service offered by libraries and usually is between libraries throughout the U.S. and includes some libraries in other countries. Libraries outside of Indiana and those that are not

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publicly funded libraries in Indiana may charge any fee and are not bound by the Code upon which this policy is based.

See also the Hussey Mayfield Memorial Public Library Interlibrary Loan Policy for additional information about fees.

Miscellaneous

All records listed in the Indiana Code, as being “exempt from disclosure” will be considered confidential by this Public Library.

When in doubt about the access to records of the Library Board, the Library counsel and Public Access Counselor may be contacted.

Refer to the publication titled “The Open Door Law and the Access to Public Records Act” that is distributed by the Indiana Attorney General for more detail. Web address: http://www.in.gov/pac/files/pac_handbook.pdf.

This Policy supersedes policies formerly approved by the Hussey Mayfield Memorial Public Library Board including:

- ⇒ Photocopies, October 1990
- ⇒ CD-ROM Use, June 1992
- ⇒ Printers, February 1994
- ⇒ Records Exempted from Disclosure, February 1998
- ⇒ Access to Public Records Policy and Procedures, effective July 1, 2000;
- ⇒ IBID, updated April 21, 2003
- ⇒ IBID, updated Sept 19, 2005