

## **Open Records Policy**

### **Open Records Requests and Records Retention**

The Graves County 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 Graves County 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 Archives and Records Commission.

### **Public records**

Not all records of the Graves Public Library will necessarily be "public records" under the Open Records Act, and even some public records are exempt from operation of the Act. "Public record" generally means all books, papers, maps, photographs, cards, tapes, discs, diskettes, records, or other documentary materials 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 Graves County Public Library Director (or designee) acts as Custodian for all of the Library's public records. KRS 61.870(5) Any person 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 and signature. Requesters may use the *Request to Inspect Public Records* form, but are not required to do so. Requestors may also use the standardized request form provided by the Kentucky Attorney General's office. KRS 61.872(2) All Open Records Requests must be submitted via U.S. Mail at 601 N 17<sup>th</sup> St., Mayfield, KY 42066, facsimile transmission at 270-247-2990, email at [directorgcpl@mewsbb.com](mailto:directorgcpl@mewsbb.com), or hand delivery. Open Records Requests should be directed to the attention of the Library's Records Custodian. 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.

### **Response**

The Graves County Public Library has five business days in which to respond to an Open Records Request. This time begins to run the next business day after the request is received. KRS 61.880(1)

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 the legal cause for the denial. 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. KRS 61.880(1)

### **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. The Graves County 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. KRS 61.872(3)(b)

### **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 hours of the Graves County Public Library. 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 principle place of business within Graves 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. KRS 61.872(3)(a)

### **Denial of request**

Certain public records are exempt from inspection under the Open Records Act. Circulation and Library use records for individual patrons items or for personnel or medical records for past or present employees 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. KRS 61.878(1)(a) 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 Library will provide the legal basis for the denial to the requester and notice of refusal will be sent to the Office of the Attorney General. KRS 61.872(6)

### **Rules**

The following template has been developed to assist agencies in discharging their duties under the Open Records Act.

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### **Sample Notice (Rules Governing Access to Agency Records)**

#### **NOTICE**

#### **ADMINISTRATIVE REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE**

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{Name of Library}

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{Library Address}

Pursuant to KRS 61.870 to 61.884, the public is notified that, as provided herein, the public records of the above named Agency of the Commonwealth of Kentucky are open for inspection by any person on written application to \_\_\_\_\_ (name), \_\_\_\_\_ (title), official custodian of the public records of the \_\_\_\_\_ (Library) whose address is \_\_\_\_\_ during regular business hours. Application forms for the inspection of the public records of this agency will be

furnished upon request to any person by an employee in this office. Assistance in completing the application form will be provided by an employee on request.

Applicants for the inspection of public records shall be advised of the availability of the records requested for inspection, and shall be notified in writing not later than three (3) working days after receipt of an application for inspection, of any reason the records requested are not available for public inspection.

Copies of written material in the public records of this agency shall be furnished to any person requesting them on payment of a fee of ten (10) cents a page; copies of nonwritten records (photographs, maps, material stored in computer files or libraries, 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.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Library Board President)

[END]

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### Sample Records Request Form

#### OPEN RECORDS REQUEST TO INSPECT PUBLIC RECORDS

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*Last First*

**Mailing address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Email:** \_\_\_\_\_ **Best phone number:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

*Please note all applicable statutes regarding open records requests may be found in KRS 61.870-884 and include:*

- The use of this form is not required for an open records request.*
- The library has five (5) business days, not including the day a request is submitted to respond to an open records request. Business days do not include weekends and legal holidays.*
- The library can request payment in advance at a reasonable cost for copies or prints that are made to respond to a request. Printed or copied documents will be charged ten (10) cents per page for black and white copies/prints/scans. Color copies/prints/scans will be charged thirty-five (35) cents per page.*

- For extensive requests, the library may ask for additional time to produce documents that are requested. Requests which create an unreasonable burden on the library will be denied.
- Narrowing the scope of your request and being specific in your request will aid the library in response and producing requested documents.
- The library is only required to produce existing documentation. The application of any requested formatting beyond what already exists to satisfy an open records request may incur charges for the staff time involved.
- Unless otherwise requested, all requested documents will be emailed to the requestor. Unless otherwise requested, any emailed documents will be delivered in Portable Document Format (PDF). Postage may be charged for mailed documentation.
- Requestors have the option to view requested documents onsite by making an appointment with the Library Director during regular business hours (Monday through Friday, 9:00a – 5:00p, excluding legal holidays).

**Please describe below the records that are requested: (attach additional sheets as needed)**

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**FOR LIBRARY USE ONLY**

Date received: \_\_\_\_\_ Date of response: \_\_\_\_\_ Date records sent: \_\_\_\_\_

**THIS COMPLETED FORM SHOULD BE SUBMITTED TO THE LIBRARY DIRECTOR.**

For \_\_\_\_\_ use:

The request is granted.

Total amount charged to applicant to fulfill request: \$ \_\_\_\_\_

The request is denied based on the following exemption:

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Adopted: 11-19-12  
 Reviewed: 7-17-17  
 Revised: 6-29-21