

# **Open Records Policy**

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

The McLean 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 McLean 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 McLean County 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 McLean County Public Library Director (or designee) acts as Custodian for all of the Library's public records. 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. Requestors must include with their request to inspect public records a statement that the person making the request is a resident of the Commonwealth. A public agency may deny a request to inspect records that does not include such a statement. KRS 61.872 (2) 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). Open Records Requests must be submitted via U.S. Mail, facsimile transmission, email or hand delivery. HB 312 requires a public agency to accept a request to inspect records submitted by email to the records custodian's email address that is contained in the policy. KRS 61.872(2)(a). 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 McLean 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.

## **Copies**

To the extent a request is granted, copies of the responsive non-exempt public records requested may be provided at a cost of \$0.20 per page (b/w) or \$0.50 per page for color, along with any applicable postage costs, all of which must be pre-paid by the requester. Requests for specialized or non-standard copies (i.e. oversized copies) will be provided at the cost incurred by the Library to produce them. The McLean 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 administrative office hours (9am-4pm, M,T,R,F) of the McLean 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 McLean 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.

## **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 are either 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 Library will provide the legal basis for the denial to the requester and notice of refusal will be reported to the Office of the Attorney General. KRS 61.872(6)

## **Additional Information**

*Your Duty Under the Law*, published by the Office of the Attorney General, and other information regarding Open Records Requests may be found online at: <http://ag.ky.gov/civil/orom/>.

## NOTICE

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

McLean County Public Library  
P.O. Box 188,  
116 E. 2<sup>nd</sup> Street  
Livermore, KY 42352

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 Aimee K. Newberry (name), Director (title), [mcleancopubliclibrary@gmail.com](mailto:mcleancopubliclibrary@gmail.com) (email address), official custodian of the public records of the McLean County Public Library whose address is P.O. Box 188, Livermore, KY 42352, during regular administrative office 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 five(5) working days (not to include Saturdays or Sundays) 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 twenty (.20) cents a page b/w, .50 per page for color copies; copies of non-written 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\_\_\_\_.

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(Library Board President)

**OPEN RECORDS REQUEST TO INSPECT PUBLIC RECORDS**

DATE:

To the Library Director:

Email address: [mcleancopubliclibrary@gmail.com](mailto:mcleancopubliclibrary@gmail.com)

Mailing address: McLean County Public Library, P.O. Box 188, Livermore, KY 42352

I request to inspect and/or receive copies of the following document(s):

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*(There is a \$0.20 fee for each b/w, \$0.50 color photocopy received. If the items are to be mailed, the amount of postage will also be charged. If the records are in a non-written format, the charge will be equal to the actual cost of reproduction.)*

Printed Name -- Company Name (if applicable)

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Street

Address City, State, Zip Code

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Phone Number -- Fax Number

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E-mail Address

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Signature

Pursuant to KRS 61.876(4), the Office of Attorney General has promulgated by administrative regulation this form. *See* 40 KAR 1:040.

**Request to Inspect Public Records**

Pursuant to the Kentucky Open Records Act (“the Act”), KRS 61.870 *et seq.*, the undersigned requests to inspect the public records which are described below.

**Requester’s contact information.**

Name:

Mailing Address:

E-mail Address (if applicable):

Records to be inspected:

**Statement regarding the use of public records.** KRS 61.870(4) defines “commercial purpose” as “the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.” However, “commercial purpose” does not include the publication or related use of the public record by a newspaper or periodical, by a radio or television station in its news or informational program, or by use in the prosecution or defense of litigation by the parties to such an action or their attorney.

This request is (choose one):

- NOT for a commercial purpose; or
- FOR a commercial purpose.

**Statement regarding residency.** I further state that I am a resident of Kentucky because I am (please check one):

- An individual residing in the Commonwealth; or
- A domestic business entity with a location in the Commonwealth; or
- A foreign business entity registered with the Kentucky Secretary of State; or
- An individual that is employed and works at a location within the Commonwealth; or
- An individual or business entity that owns real property within the Commonwealth; or
- An individual or business entity that has been authorized to act on behalf of an individual or business entity listed above; or
- A news-gathering organization as defined in KRS 189.635(8)(b)1a. to e.

Signature:

Date:

Form OAG-01, June 2021

Pursuant to KRS 61.876(4), the Office of Attorney General has promulgated by administrative regulation this form. *See* 40 KAR 1:040.

