

Open Records Policy

Open Records Requests and Records Retention

The Breckinridge 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 Breckinridge 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 Breckinridge 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 Breckinridge County Public Library Director (or designee) acts as Custodian for all of the Library’s public records. Any resident of the Commonwealth as defined by KRS 61.870(10) 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 and a statement that the person submitting the request is a resident of the Commonwealth. Requesters may use the *Request to Inspect Public Records* form, but are not required to do so. All Open Records Requests must be submitted via U.S. Mail, facsimile transmission, email, 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 Breckinridge 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.

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 0.10 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 Breckinridge 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.

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 Breckinridge 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 Breckinridge 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 either are 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.

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. OAG's forms is located at https://ag.ky.gov/Documents/2021_Standardized_Open_Records_Request_Form_V3.pdf

NOTICE

ADMINISTRATIVE REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE

Breckinridge County Public Library

308 Old Highway 60 Hardinsburg, KY 40143

openrecords@bcplibrary.org

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 Sarah Flood, Director, official custodian of the public records of the Breckinridge County Public Library whose address is 308 Old Highway 60 Hardinsburg, KY 40143 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 five (5) business 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)

Sample Records Request Form

OPEN RECORDS REQUEST TO INSPECT PUBLIC RECORDS

DATE:

To the Library Director:

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

(There is a \$0.10 fee for each 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)

_____ Street

Address City, State, Zip Code

_____ Phone Number --

Fax Number

_____ E-mail

Address _____

Signature _____

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:

Adopted by the Breckinridge County Public Library Board of Trustees this 10th day of December, 2012. Revised 11th of February, 2021.