

## **Access to Lindenhurst Memorial Library Public Records**

It is the policy of the Board of Trustees to inform members of the public concerning protocols established in administering the New York State Freedom of Information Law.

The Library Director shall develop procedures assuring compliance with the Freedom of Information Law and promulgate such procedures to be followed to obtain access to Library records. Such procedures shall address assuring the security of Library information. The Director shall designate, with Board approval, a Records Access Officer, pursuant to law.

### **Lindenhurst Memorial Library Records Procedures**

The following comprises the rules and regulations relating to the inspection and production of Library records:

#### **I. Designation of Officer**

- a. The Records Access Officer is designated to be the Principal Account Clerk in the Business Office. The Records Access Officer shall ensure that Library records may not be released are not released. He/she shall receive requests for records of the Library and make such records available for inspection or copying when such requests are granted.
- b. The Records Access Officer shall also compile and maintain a detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public. In addition, he/she shall develop and oversee a program for the orderly and efficient management of Library records, including the maintenance of security as it pertains to the release of Library records.
- c. A notice containing the following will be posted on the Library's website:
  - i. the title and business address of the Records Access Officer,
  - ii. the appeals body to receive denial of recent appeals, and
  - iii. the location where records may be reviewed.

#### **II. Definition of Records**

- a. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the Library in any physical form whatsoever, including but not limited to reports, statements, memoranda, opinions, folders, files, books,

manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes, and emails.

- b. The Records Access Officer will have the responsibility for complying and maintaining the following records:
  - i. A record setting forth the name, business address, title and salary of every employee of the Library; and,
  - ii. A reasonably detailed current list by subject matter of all Library records, with sufficient detail to permit identification of a record.
  - iii. The list shall be updated not less than once per year.

### III. Access to Records

- a. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the office of the Records Access Officer, at the Lindenhurst Memorial Library, during the hours of 8:00 am to 4:00 pm on any business day on which the Business Office is open. Records may also be requested via email at the following address: [foil@lindenhurstlibrary.org](mailto:foil@lindenhurstlibrary.org)
- b. Fees. The fee for documents up to 8-1/2" x 14" is 25 cents per page. To determine the actual cost of reproducing a record that is either in excess of 8-1/2" x 14" or is in a different format, the Library will charge an amount equal to the hourly rate attributed to the lowest paid Library employee who has the necessary skill required to prepare a copy of the requested record, as well as the cost of reproduction of said record. However, no fee shall be charged for records maintained digitally that may be sent via email, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited as to the discretion of the Records Access Officer.
- c. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail or via email, to the Records Access Officer.
- d. All requests for information shall be responded to within five business days of the receipt of the request. If the request cannot be fulfilled within the five business

days, the Records Access Officer shall acknowledge receipt of the request and advise the approximate date when the request will be fulfilled.

- e. If a request cannot be fulfilled within 20 business days from the date of receipt of the request, the Library must state in writing both the reason the request cannot be satisfied within 20 business days, and a date certain within a reasonable period when it will be fulfilled depending on the circumstances of the request.
- f. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal to the Library Director.
- g. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Library Director within 30 days after the denial.
- h. The applicant will be informed of the Director's determination in writing within 10 business days of receipt of an appeal. The Director shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

#### IV. Records Exempted From Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

- a. are specifically exempted from disclosure by state and/or federal statute;
- b. if disclosed would constitute an unwarranted invasion of personal privacy;
- c. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- d. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
- e. are compiled for law enforcement purposes and which, if disclosed, would:
  - 1. Interfere with law enforcement purposes and which, if disclosed, would:
  - 2. Deprive a person of a right to a fair trial or impartial adjudication;

3. Identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures or;
4. Reveal criminal investigative techniques or procedures, except routine techniques and procedures;
5. Records which if disclosed would endanger the life or safety of any person;
6. Records which are interagency or intra-agency communications, except to the extent that such materials consist of:
  - a. statistical or factual tabulations or data;
  - b. instructions to staff which affect the public;
  - c. final Board policy determinations; or
  - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
  - e. records which if disclosed would jeopardize the Library's capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure).

#### V. Prevention of Unwarranted Invasion of Privacy

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may redact identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial or fund-raising purposes;

4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise subject to denial, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

#### VI. Listing of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the Library, whether or not available under the law. The Director, or his/her designee, in consultation with the Records Access Officer, shall develop and disseminate department-specific guidance in order that staff may implement this policy and regulation.

#### VII. Litigation-Hold

The Director will designate a “discovery team”, comprised of the Library attorney, the Network and Systems Administrator, the Records Access Officer, and other personnel as needed. The “discovery team” will convene in the event that litigation is commenced in order to plan to respond to the request for records. The Director, with assistance from the Network and Systems Administrator, will ensure that measures are put in place to preserve applicable records.

Adopted: September 22, 1983  
Revised: March 19, 1992  
June 17, 2019



**APPLICATION FOR PUBLIC ACCESS TO RECORDS**

To: Records Access Officer

From: Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Town: \_\_\_\_\_ Representing: \_\_\_\_\_

***I hereby request the following record(s): { Important notation: The Records Access Officer's obligation is to retrieve the record(s) requested. The officer is not permitted to interpret your request, or create a record to fulfill your request. Therefore, you must be specific, reasonably describing the document you are requesting by way of, if possible, supplying dates, file designations, or any other information that would assist in locating the requested document.}***

Record Requested	Code	Cost
1.		
2.		
3.		
4.		

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Note: Initial reply to request will be made within five business days. After receipt of duplication fees (by personal check for fees \$10.00 and under, by certified check or money order for fees over \$10.00), copies will be forwarded in order of receipt. The charge for copying records not exceeding 8-1/2 x 14 inches shall be 25 cents per page, and for other sizes it shall be the actual cost of reproduction, unless otherwise specified by law.

**FOR OFFICE USE ONLY**

Determination Codes	
1. Accepted as presented	5. Denied – record is inter or intra-agency communication not otherwise available under statute.
2. Denied – record not maintained by the Library	6. Denied – request lacks reasonable description, therefore, not identifiable by the Access Officer.
3. Denied – if disclosed would result in unwarranted invasion of personal privacy	7. Denied – exempt from disclosure by state or federal statute.
4. Denied – if disclosed would impair collective bargaining negotiations	8. Denied – record requested is not maintained in a retrievable form.
9. Other:	

Signature of Records Access Officer: \_\_\_\_\_ Date: \_\_\_\_\_

*You have the right to appeal a denial of this application within 30 days to the Director of the Library at: Office of the Library Director. LindenHurst Memorial Library. 1 Lee Avenue. LindenHurst, NY 11757*

I hereby appeal \_\_\_\_\_  
Signature Date

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