

Eureka Public Library Policy Manual

MISCELLANEOUS POLICIES

Kansas Open Records Act/Confidentiality of Library Records

The Kansas Open Records Act, Kansas Statutes Annotated (K.S.A. 45-215, et seq.) declares that it is the public policy of the state of Kansas that public records shall be open for inspection by any person. Subject to the exceptions listed in this section and also set forth in the Kansas Open Records Act, all public records of the Eureka Public Library shall be open for inspection by any person.

Definitions

Public Record – A “public record” means any recorded information, regardless of form or characteristics, which is made, maintained, kept by or is in the possession of the Library, but not shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds, or records which are made, maintained, or kept by an individual who is a member of the Board of Trustees of The Eureka Public Library.

Custodian – The Administrative Office (Library Director) of the Eureka Public Library shall be the official custodian of all library records and the person responsible for carrying out the duties of custodian for the purposes of the Kansas Open Records Act. Eureka Public Library, 606 N. Main, Eureka, Kansas, shall be the custodian’s official address.

Availability

Records may be inspected during the regular business hours of the Library on any day other than a Saturday, Sunday or day designated as a holiday by the Congress of the United States, by the Kansas legislature or governor, or by the City of Eureka.

Procedure for Access

The person requesting access to public records will furnish a written request with the following:

- 1) Name of requestor
- 2) Address of the requestor, and
- 3) Information sufficient to fill the request.

The written request shall be submitted to the custodian who shall then also forward a copy of the request to the City Administrator for placement in the city files.

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Reply Deadline/Delay/Denial

Each request for access to a public record shall be acted on as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requestor no later than the end of the third business day following the date the request for the statement is received.

Compliance with Americans with Disabilities Act

Reasonable accommodation will be made for individuals with disabilities, as defined in the Americans with Disabilities Act (ADA), in accessing the public records of Eureka Public Library. Persons needing interpretive services and other accommodations should make their request for these services at the time the application to access the records is made.

Restrictions on Access

The protection of public records from damage or disorganization and the prevention of excess disruption to the Library's essential functions shall be paramount. The custodian may refuse to provide access to or to permit inspection of a public record if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Library. No person shall remove original copies of public records from the office of the Library without the written permission of the custodian.

Fees

The cost for photocopying shall be \$.10 per page unless otherwise provided for by law. The cost for staff time for reproduction, review and redaction of public records shall be \$10.00 per hour.

Exemptions on Access

The Kansas Open Records Act places certain restrictions on open access. In K.S.A. 45-221, the Act defines what records are not required to be disclosed at the request of citizens or public officials.

Records which libraries are NOT required to disclose include but are not limited to:

- 1) Customer registration records and circulation or loan records which pertain to identifiable individuals.

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- 2) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas Supreme Court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas Supreme Court to restrict or prohibit disclosure.
- 3) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths or service of officers and employees of the Library once they are employed as such.
- 4) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual.
- 5) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.
- 6) Information which would reveal the identity of an individual who lawfully makes a donation to the Library, if anonymity of the donor is a condition of the donation.
- 7) Records of the Library involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation.
- 8) Records of emergency or security information or procedures of the Library, or plans, drawings, specifications or related information for the Library which is used for purposes requiring security measures in or around the Library or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the library facility.
- 9) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for the Library relative to the acquisition of property, prior to the award or formal contracts therefore.
- 10) Correspondence between the Library and a private individual, other than correspondence which is intended to give notice of an action, policy, or determination relating to any regulatory, supervisory or enforcement responsibility of the Library or which is widely distributed to the public by the Library and is not specifically in response to communications from such a private individual.
- 11) Records pertaining to employer-employee negotiations, if disclosure reveal information discussed in a lawful executive session under K.S.A. 75-4319 and amendments thereto.
- 12) Software programs for electronic data processing and documentation thereof, but the Library shall maintain a register, open to the public, that describes:
 - A) The information the Library maintains on computer facilities and
 - B) The form in which the information can be made available using existing computer programs.
- 13) Plans, designs, drawing or specification which are prepared by a person other than an employee of the Library or records which are the property of a private person.

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- 14) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.
- 15) Records which represent and constitute the work product of an attorney.
- 16) Specifications for competitive bidding, until the specifications are officially approved by the Library Board of Trustees
- 17) Sealed bids and related documents, until a bid is accepted or all bids rejected.
- 18) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.
- 19) Engineering and architectural estimates made by or for the Library relative to public improvements.
- 20) Financial information submitted by contractors in qualification statements to the Library.

It is the policy of Eureka Public Library that all circulation records and other records identifying the names of library users are confidential. These records will be made available if they can be redacted to eliminate individually identifying references. Library staff may require advance payment (see Fees) for reproductions costs, including estimated staff time for reproduction, review and redaction of the records requested, before the records are provided. These records will not be made available in original form to individuals (other than the card holder), groups or businesses. These records will not be made available in original form to any local, state or federal agency except pursuant to a subpoena or warrant as may be authorized under the authority of and pursuant to federal, state, and local law relating to civil, criminal or administrative discovery procedures or legislative investigative power. The Eureka Public Library will resist the enforcement of any such order, subpoena or warrant lacking facial validity.

Requests to examine or obtain information relating to circulation or registration records will immediately be referred to the Person-In-Charge who will explain the confidentiality policy.

Upon the receipt of an order, subpoena or warrant, the Library Director shall consult with the appropriate legal office (City Attorney) to determine if the subpoena is facially valid, requiring adherence.

Related Statutes

K.S.A. 45-215
K.S.A. 45-216
K.S.A. 45-217
K.S.A. 45-218
K.S.A. 45-219
K.S.A. 45-220

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K.S.A. 45, 221, a-f

Date

10/23/2009.

Donations

Monetary

Eureka Public Library encourages donors to make their monetary gifts either to the Library or the Friends of the Eureka Public Library.

Monetary gifts may be unrestricted or designated as memorials. Donors of funds may suggest specific furniture, equipment, artwork, programming, or services, as well as subjects or titles of collection materials to be acquired with their donation; however, the Library reserves the right of final selection in order to meet utilization and space criteria of the Collection Management policy. Library staff will place selected materials in relation to other materials in the collection for the best use of the public.

Any monetary gifts/funding offered with restrictions must be discussed and approved for acceptance by the Board of Trustees of Eureka Public Library.

Date

9/22/2016

Gifts of Books and Other Materials

Gifts of books and other materials may be made directly to Eureka Public Library and to the Friends of the Eureka Public library. The Library will not accept materials that are not outright gifts. All gifts must be in usable physical condition. Certain items (including but not limited to: encyclopedias, Reader's Digest Condensed Books, textbooks, and National Geographic magazines) cannot be accepted. In addition, the Library reserves the right to accept or discard, at its discretion, any materials given to the Library that do not meet the collection selection criteria.

Items offered for donation other than money or standard collection items (examples are but not limited to: personal property, art objects, antiques, other museum pieces, plants/landscaping, real estate, etc.) must be approved by the Board of Trustees of the Eureka Public Library before they can be accepted.

Because of wear, theft, mutilation, etc., the permanence of gifts cannot be guaranteed.

Because of IRS regulations, the library staff will not appraise the value of donated book or other items. On request, the Library will issue an acknowledgement of any

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gift items received, listing where appropriate the names of gifts items, the number of gift items, and the condition of gift items.

Date

9/22/2016

Emergencies

Fire Emergency

Patrons will be alerted and then escorted from the Library to a safe area across the street from the library building. Once all persons in the building have been evacuated, 911 will be called to report the fire. No one will be permitted to re-enter the building until it has been deemed safe to do so the emergency services personnel.

Date

9/22/2016

Severe Weather Emergency – Tornado

In the case of a tornado warning, patrons will be alerted and then escorted to the public restrooms (FEMA designed and designated storm shelters). No one will be allowed to stay in any part of the library building during a tornado warning except the storm shelters. Patrons will be advised they should seek safety off the Library premises if they do not intend to move to the storm shelters. No one may return to any other part of the Library until the all clear is given.

Date

9/22/2016

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