

## Access to Public Records/Exemptions

The Library Director, or her/his designee, shall be the "Records Access Officer" and shall assume responsibility for public records release decisions.

Requests for access to public records may be made in person during regular business hours or delivered by facsimile, mail, or email. Requests must identify with reasonable particularity, the record for which disclosure is sought and must be made on the form for such requests provided by the Library.

Records may be inspected only at the Library Administration office or location where they are regularly maintained during regular business hours.

Fees for certifying, copying, or transmitting records shall be established by the Board but may not be greater than the actual cost of certifying, copying, or transmitting such records as permitted by law. Fees are payable before any record is certified, copied, or transmitted and shall be paid by cash or by money order payable to Muncie Public Library.

The Records Access Officer shall make his/her determination based upon first, the Indiana Access to Public Records Act as amended; second, any other applicable state and federal law regarding privacy, confidentiality, and disclosure requirement of records; and third, the provisions of this policy.

If the request was delivered in person, the Records Access Officer shall respond in writing on the request form within twenty-four (24) business hours after the request was received. If the request was received by facsimile, mail, or email, the Records Access Officer shall respond in writing on the request form within seven (7) business days after the request was received.

In response to a request, the Records Access Officer shall indicate which of the following statements apply:

1. A statement identifying the public records maintained by the Library that will be provided in response to the request and the estimated date the records will be produced.
2. A statement indicating that the record request is denied; and the record will be withheld because it is confidential or non-disclosable. The statutory authority for the statement that the record is confidential or otherwise non-disclosable will be included.
3. A statement that the Library does not have a record that is responsive to the records request or such a record cannot be located after diligent search.
4. A statement that the Library may have a record that is responsive to the request and is in the process of:
  - a. reviewing the Library's files;
  - b. retrieving stored files; or
  - c. both a and b;

The Library will not create or provide lists of names and addresses unless it is required to publish such lists and disseminate them to the public pursuant to statute. The following lists of

names and addresses shall not be disclosed to commercial entities for commercial purposes:

1. A list of Library employees;
2. A list of persons attending a conference or meeting, or involved in programs or activities conducted or supervised by, a state institution of higher learning;

### **Records Exempt from Public Disclosure**

The following records, and/or items, shall be exempt from public disclosure (unless access to such is specifically required by a state or federal statute or is ordered by a court under the rules of discovery):

- (1) Records declared confidential by state statute.
- (2) Records required to be kept confidential by federal law.
- (3) Records containing trade secrets or confidential financial information.
- (4) Investigatory records of law enforcement agencies.
- (5) The work product of attorneys representing the Library, the Library Board members, or any employee.
- (6) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again, either by the Muncie Public Library or any other Library.
- (7) Scores of tests or license examinations if the person is identified by name and has not consented to the release of his/her scores.
- (8) Records that contain intra-agency or interagency advisory or deliberative material which are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.
- (9) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.
- (10) Personnel files of Library employees and files of applicants for employment except for:
  - (a) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment or present or former employees of the Library;
  - (b) information relating to the status of any formal written complaint or charge made against the employee; and
  - (c) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

- (11) Administration or technical information that would jeopardize the Library's record keeping or security system.
- (12) Computer programs, computer codes, computer filing systems, and other software that are owned by the Library or entrusted to it.
- (13) Records specifically prepared for discussion, or developed during discussion in an executive session under IC 5-14-1.5-6.1.
- (14) The identity of a donor of a gift made to the Library if the donor or his family requires nondisclosure of his identity as a condition of making the gift.
- (15) Library records which can be used to identify any Library patron except in instances in which the Library Director or Board deems otherwise.
- (16) A record or part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack.