

OPEN RECORDS & RECORDS RETENTION

Open Records

The Library, as a public agency, is required to comply with all applicable state and federal laws and regulations related to Open Records. KRS 61.870 through KRS 61.884 covers the Kentucky General Assembly's intent regarding Open Records. These statutes are further clarified, as necessary, by decisions of the Office of the Attorney General.

Requests for Records

The Library Director (or designee) acts as Custodian for all Open Records Requests. KRS 61.870(5).

There are two ways to prepare an open records request:

1. A self-prepared written request that must contain:
 - a description of the records you seek;
 - your name printed/typed legibly;
 - your signature;
 - your mailing address or email address if you ask for copies by mail or email.

It should also include:

- the date submitted;
 - whether you wish to review records on agency premises OR receive copies by mail;
 - a statement that your request is noncommercial or commercial;
 - A statement that you are a resident and the section of KRS 61.870(10) under which you qualify:
 - A person who lives in KY - KRS 61.870(10)(a);
 - A business located in KY - KRS 61.870(10)(b);
 - A business registered in KY - KRS 61.870(10)(c);
 - A person who is employed/works in KY - KRS 61.870(10)(d);
 - A person who owns property in KY - KRS 61.870(10)(e);
 - An authorized representative of any of the above - KRS 61.870(10)(f);
 - A news gathering organization as defined in KRS 189.635(8)(b)1 - KRS 61.870(10)(g).
2. Requestors may use the standardized request form provided by the Kentucky Attorney General's office, which is available on the agency's website (<https://ag.ky.gov/>), but it is not required.

Mailed requests must be addressed to:

Spencer County Public Library
ATTN: OPEN RECORDS REQUEST
168 Taylorsville Road
Taylorsville, KY 40071

Requests may be delivered in person to the same address. Requests may also be delivered by fax to (502) 477-5033 or submitted via email to scpl@spencercolibrary.us.

Open Records Requests made through any other means will not be honored. The requestor will be directed to make the request through one of the acceptable methods.

Response

A public agency has five days (excluding Saturdays, Sundays, and legal holidays) in which to respond to an Open Records Request. This time begins to expire the day after the request is received. KRS 61.880(1).

The response to a request ideally will contain the materials collected but may instead indicate a reasonable timeframe for securing the requested documents or a reason why the request will not be met. KRS 61.880(1)

On-Site Examination of Records

Individuals requesting information will be allowed to conduct on-site inspection of records during the regular office hours of administration staff (9 a.m. until 4 p.m., Monday through Friday). An on-site inspection may be required by the Library if the request is not specific or if the requestor resides or maintains an office within Spencer County. KRS 61.872(3)(a).

Exempt Records

The Library will not honor requests for personnel or medical records for past or present employees nor the circulation records for individual patrons. KRS 61.878(1)(a). The Library also considers other records as exempt as determined by KRS 61.878.

Denial of Request

In some cases, the Library may find that a request creates an unreasonable burden and may deny such request. Requests that the Library believes are intended to disrupt its essential functions may also be denied. In these cases, the Library will provide evidence to the requestor of the basis of its belief, and notice of the refusal will be reported to the Office of the Attorney General. Evidence may include an estimation of time/expense to retrieve the records or duplication in the type/nature of the request. KRS 61.872(6).

The Kentucky Open Records Act relates to existing public records, not the compilation or creation of records upon request. We cannot guarantee access to records that are not being actively collected.

Copies

Copies of any requested materials may be provided at a cost of \$0.10 per page. Requests for specialized copies (i.e. color or oversized copies, other physical formats) will be provided at the cost incurred by the Library to produce them. Payment is expected before the delivery of the requested pages, along with postal costs, as necessary. KRS 61.872(3)(b).

Retained Records

The Library will maintain and retain records in accordance with applicable laws and regulations. Such practices will include the permanent retention of:

- Annual budgets;
- Auditor reports;
- Blueprints (duplicate copies may be discarded);
- Board meeting minutes and agendas;
- Financial records (not including invoices);
- Library policies;
- Official correspondence;
- Payroll records.

Other records not specifically noted or required by applicable laws may be retained or discarded according to applicable timetables.

Destruction of documents

The Library destroys documents regularly as a part of its record retention schedule. Once a document has been retained for a sufficient time to satisfy its retention cycle, it is subject to destruction at any time. The Library Director acts as the Custodian for the Library's official documents and will ensure that the schedule of retention and destruction of records is maintained.

A Records Destruction Certificate will be completed and filed with the Kentucky Department for Libraries and Archives' Records Division whenever documents are destroyed according to the retention schedule.