

## **PUBLIC ACCESS TO RECORDS**

The following regulation is hereby enacted by the Deer Park Public Library Board of Trustees in accordance with Public Officers Law, Article 6, Sections 84 through 90, commonly known as the *Freedom of Information Law*, and hereinafter referred to as the "Law".

ARTICLE 1: The Library Director, whose office is located at 44 Lake Avenue, Deer Park, New York, telephone number (631) 586-3000, is hereby designated as the Record Access Officer.

The Records Access Officer is the person from whom those library records, memoranda, documents, or the written information required to be made available to the public by the Law may be obtained. In the absence of a Director of the Library facilities, the Assistant Director is so designated as the Public Access Officer.

ARTICLE II: Request for inspection of copies of such records as are required to be made available by the Law, as well as other applicable law may be made to the Library Director at the Director's office during the hours which the Library is regularly open for business. These hours shall ordinarily be Monday through Friday from 9 a.m. to 6 p.m.

ARTICLE III: Request to inspect records or to secure copies thereof shall be submitted to the Library Director by completion of a requisition form or letter.

- (a) The form shall contain the name and address of the requester, identification of the record, document or other data required, with as great a degree of clarity and specificity as may be practical.
- (b) In the event a copy of the particular document, record or other data is requested, a fee payable by cash, check or money order to the order of the Library shall be paid as follows:
  - i. 25 cents a page for photocopies not exceeding 9" x 14".
  - ii. Computer read-out and copies of records other than 9" x 14" or less in size shall be the actual cost excluding fixed agency costs such as salaries.

All fees shall be turned over to the Library Director.

ARTICLE IV: The Library Director shall maintain a register which shall include the date of requisition, the name and address of the requester and a description of the documents or records to be examined or copied, as well as the action taken by the Library Director in response to such requisition, and a notation of the fees received.

ARTICLE V: The Records Access Officer shall maintain a reasonable detailed current list, by subject matter, of all records in the library's possession, whether or not such records are available to subdivision of Section 81 of the Public Officers Law, which list shall be sufficiently detailed to permit identification of the category of the records requested.

ARTICLE VI: The Library Director, as expeditiously as possible shall:

- (a) If the records are in the possession of the Library Director, make the same available to the requester for inspection.
- (b) In the event that in the material or the records or documents requested a portion of such record or document is deemed by the Library Director to be excludable material as outlined in Article "VII" hereof, the Library Director is authorized and directed to delete such information from any copies made available to the requester, or to not make available for inspection the original of such record but only a copy of thereof having first deleted the unauthorized information.

ARTICLE VII: However, no record shall be made available for inspection or copying where, in the judgment of the Library Director, the disclosure of such records:

- (a) is specifically excepted from disclosure by state or federal statute;
- (b) is an unwarranted invasion of personal privacy;
- (c) would impair present or imminent contract awards or collective bargaining negotiations;
- (d) have been reported in confidence to the library;
- (e) are not relevant or essential to the ordinary work of the library;
- (f) relate to employment, medical or credit histories or personal references of employment applicants, except when the applicant has provided a written release permitting such disclosure;
- (g) are inter-agency or intra-agency materials which are not:
  - i. statistical or factual tabulations or data;
  - ii. instructions to staff that affect the public; or
  - iii. final agency policy or determinations;
- (h) are medical reports;
- (l) is a list of names and addresses to be used for private, commercial or fund-raising purposes;
- (j) relate to the circulation of library materials which contain names or other personally identifying details regarding the users of the library;
- (k) relate to items of a personal nature when disclosure would result in an economic or personal hardship to a subject party and such records are not relevant or essential to the ordinary work of the library.

The Library Director shall deny such request, in writing, or furnish a written acknowledgment of the receipt of such request, and advise the requester of the right to appeal.

ARTICLE VIII : In the event of the refusal of the Library Director to furnish library records or other data to which the requester declares entitlement, an appeal shall be directed to the President of the Board of Library Trustees within thirty days after the denial from which such appeal was taken. The President of the Board of Library Trustees is hereby authorized to investigate all facts surrounding the particular requisition, including an interview with the requester for the purposes of ascertaining the exact record or document sought, the purpose for which such document is sought.

In the event the Library Director has declined to deliver the document by virtue of a determination by the Director that such document is an excluded document under this Law or other law, and all other facts relevant to the particular requisition. A decision on such appeal shall be rendered within ten business days of the receipt of such appeal fully explaining in writing to the person requesting the record the reasons for such further denial, or provide access to the record sought. In the event of a denial of such an appeal, the requester shall have the right to commence an Article 78 proceeding in the Supreme Court, Suffolk County, to compel the production of the particular document or record.

ARTICLE IX: The following documents and records, whether produced, filed or maintained by the library, shall be available for public inspection and examination:

- (a) Library Board minutes
- (b) Bid specifications
- (c) Bids
- (d) Records of library expenditures
- (e) Lists of employees and their remuneration
- (f) Employee organization contracts
- (g) Library policies
- (h) Library regulations
- (i) Insurance policies
- (j) An itemized record setting forth name, business address, title and salary of every officer or employee which shall be compiled by each fiscal officer charged with the duty of preparing payrolls for such officers and such records shall be made available for inspection by the officer charged with the duty of certifying payrolls.

ARTICLE X: This regulation shall be deemed effective as of February, 1999.

ARTICLE XI: If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

## **CONFIDENTIALITY OF LIBRARY RECORDS**

The Deer Park Public Library Board of Trustees acknowledges its responsibility under New York State (CPLR Section 4509) to maintain the confidentiality of library records which contain the names or other personally identifying details regarding the users of libraries in this state. Such information shall not be disclosed except as specified in law.

REQUEST FOR ACCESS TO LIBRARY RECORDS

To: Library Director  
Deer Park Public Library 44 Lake Avenue  
Deer Park, NY 11729

Printed Name and Signature

\_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

I hereby request to inspect the following record(s). (Please describe fully the record sought and, if possible, supply a date, and any other information that will assist in locating the record(s) desired.)

Type of Record Requested: \_\_\_\_\_

Description of Record Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Approved
- Records not possessed or maintained by the Library
- Denied. Reason for denial.

\_\_\_\_\_

- Receipt of this request is acknowledged. There will be a delay in supplying the requested record(s) until \_\_\_\_\_ for the following reasons:

\_\_\_\_\_

Notice to Requester: You have the right to appeal a denial of this application in writing to the Board of Trustees within 30 days of the denial. The Board of Trustees will respond to you in writing within seven (7) business days of receipt of your appeal.

Board of Trustees Deer Park Public Library  
44 Lake Avenue  
Deer Park, New York 11729