



Open Records & Records Retention

Last modified **OCTOBER 18 2023**

The Rowan County Public Library (“the Library”) is subject to the Kentucky Open Records Act (KRS 61.870–61.884) and to certain requirements regarding records retention.

RETAINED RECORDS

The Library shall maintain and retain its records in accordance with applicable laws and regulation. Unless otherwise provided by law, records may be retained or discarded according to the Records Retention Schedules as adopted by the State Libraries, Archives, and Records Commission.

PUBLIC RECORDS

All Library records are public records. Not all public records are open records under the Open Records Act. “Public record” should be understood generally to mean all documentary materials—regardless of format or storage medium—prepared, owned, used, in the possession of, or retained by the Library. This definition does not include any records owned by a private individual, business, or organization that may currently be in the possession of the Library or its employees.

REQUESTS FOR RECORDS

The Executive Director or their designee acts as custodian for all public records on behalf of the Library. Any Kentucky resident may request to inspect or receive copies of the Library’s non-exempt public records. All requests to view or copy such records pursuant to the Open Records Act must be made in writing and must include the requestor’s name, signature, and the manner in which they are a resident of Kentucky under KRS 61.870(10), as well as a description of the documents being requested. If a request is made to be provided with copies of non-exempt public records, the requestor must provide a sufficiently precise description of the documents sought, to best enable the custodian to readily identify them.



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All open records requests must be submitted via U.S. mail, facsimile transmission, email, or hand delivery. Open records requests made through any other means shall not be honored, but instead the requestor will be directed to make their request through one of the accepted methods. Application forms for the inspection of the Library's public records will be furnished to any person upon request. Requestors may use the Request to Inspect Public Records form provided by the Office of the State Attorney General, but are not required to do so. Assistance in completing an application form will be provided by Library staff upon request.

Open records requests should be directed to the attention of the Library's records custodian as follows:

Rowan County Public Library
ATTN: Jasmyne Lewis, Executive Director
175 Beacon Hill Rd
Morehead, KY 40351-6031

Requests may also be emailed to director@rowancountylibrary.org, or faxed to (606) 784-2130.

Response

The Library has five (5) business days (excepting Saturdays, Sundays, and legal holidays) in which to respond to an open records request. This period begins on the next business day following receipt of the request.

The response to an open records request may:

- Grant the request; or
- deny the request; or
- explain that there will be a delay in responding to the request; or
- any combination of these.

To the extent a request is granted, persons requesting to view records will be allowed to schedule a time to conduct on-site inspection of non-exempt public records during the Library's regular operating hours. An on-site inspection may be required by the Library if a request is imprecise in nature or if the requestor resides or maintains their principal place of business in Rowan County.



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Public records must be inspected in a location specified by the Library. During their inspection a requestor may copy non-exempt public records at their own cost, but may neither remove nor alter documents provided for review, nor add documents to those extant. The Library is responsible for protecting the security of public records in its custody, and may require that staff be present during any inspection or copying of its public records.

Copies

The following expenses must be prepaid by the requestor.

- To the extent a request is granted, copies of the responsive non-exempt public records requested may be provided at the current rate for copying and/or printing services specified by the Library's fee schedule, plus any applicable postage costs.
- Requests for specialized or non-standard copies (e.g. color or oversized copies) will be provided at the cost incurred by the Library's production of such.
- Copies of non-written records (e.g. photographs or maps) will be furnished upon payment of charges equal to the actual cost of producing copies of such records by the most economical process not likely to damage or alter them.
- The Library may also recover costs associated with employee time spent in responding to a request made for a commercial purpose.

Non-public or likewise exempt information may be redacted as appropriate from copies of otherwise non-exempt public records provided to requestors.

Denial of Request

Certain public records are exempt from inspection under the Open Records Act. Circulation and Library usage records for individual persons are exempt from inspection, and any request to inspect or receive copies of such records shall be denied, as shall any request to inspect or receive copies of all other records which are not public or which are exempt under the Open Records Act.

Under certain circumstances, the Library may find that compliance with a request would create an unreasonable burden, and may deny such a request for that reason. Requests the Library believes are intended to disrupt its essential functions shall also be denied.



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Reasons that compliance with a request may be deemed unduly burdensome, or that a request may be deemed disruptive to the Library's essential functions, may include the time and/or expense involved in the retrieval and/or duplication of requested record(s) and/or in the type and nature of the request.

To the extent a request is denied, any response will include a statement of the specific exception(s) authorizing the withholding of the record(s) and a brief explanation of how any such exception applies to the record(s) withheld.

DESTRUCTION OF RECORDS

The Library regularly destroys documents as a part of its record retention schedule. Once a document has been retained for a period sufficient to satisfy its retention cycle, it is subject to destruction at any time.

The Library's records custodian ensures compliance with the schedule of retention and oversees the proper and timely destruction of records. A Records Destruction Certificate shall be completed and filed with the Kentucky Department for Libraries and Archives (KDLA) Division of Archives and Records Management whenever documents are destroyed according to the retention schedule.

ADDITIONAL INFORMATION

The Kentucky Open Records and Open Meetings Acts: A guide for the public and public agencies and the Request to Inspect Public Records form, published by the Office of the State Attorney General, as well as other information regarding open records requests may be found online at <https://aq.ky.gov>.