



## **Access to Public Records Policy**

*Approved by the Eckhart Public Library Board of Trustees June 14, 2016*

*Revised January 10, 2017*

*Revised November 10, 2021*

This policy outlines access to public records and limitations on that access to protect patron privacy.

A public record is defined in IC 5-14-3-2 (r) as: "any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics."

As required by IC 5-14-3-1, any person may inspect and copy the public records of the Library during regular business hours.

### **Public Records Exempted from Access**

The following public records are specifically excluded from disclosure to the public, as enumerated in IC 5-14-3-4, and will not be open for inspection by members of the public at any time:

1. 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 descriptions, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the Library;
  - b. Information relating to the status of any formal charges against the employee; and
  - c. Information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged. However, all personnel file information shall be made available to the affected employee or his representative. General personnel information on all employees or for groups of employees, without individual names, may not be excepted from disclosure.
2. Administrative or technical information that would jeopardize a record keeping or security system.
3. Computer programs, computer codes, computer filing systems, and other software that are owned by the Library or entrusted to it.

4. Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.
5. The identity of a donor of a gift made to the Library if the donor requires nondisclosure of his identity as a condition of making a gift; or after the gift is made, the donor, or the donor's family, requests nondisclosure.
6. Library or archival records which (A) can be used to identify any library patron; or (B) deposited with or acquired by the Library upon a condition that the records be disclosed only: (i) to qualified researchers; (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or (iii) after the death of persons specified at the time of the acquisition or deposit.
7. All records deposited with or acquired by the Library upon condition that the records be disclosed only upon certain circumstances are strictly confidential, subject to said records being used i) in claims against library patrons for collection of fines, materials and other expenses, ii) in any other litigation wherein said records are material, or iii) when said records are ordered to be disclosed by a civil, criminal or administrative court having jurisdiction over the same. Circumstances for disclosure are limited to:
  - a. Qualified researchers;
  - b. After the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
  - c. After the death of persons specified at the time of the acquisition or deposit.

Furthermore, the Library participates in the Evergreen Integrated Library System and is bound by a shared Code of Ethics under which all libraries must operate in order to use the software. In order to protect all of the shared patron data in the system, the Code of Ethics states "a patron's personal information, history, or records will not be provided to anyone without legal authorization."

The Library shall make all reasonable attempts to keep patron circulation and registration records, and other patron inquiry records, confidential unless court ordered. Library employees are not authorized to disclose such records to any third party, except as set forth herein, and shall contact the Executive Director or the Director's designee, who may consult with the Library's legal counsel prior to responding to such request. Records of minors, those younger than eighteen (18) years of age, may be disclosed to their parents, stepparents or guardians.