

# VG 300 Legislation

## VG 330 Open Records

*Revised: 11/02, 5/11, 5/13*

### Policy

The Open Records policy ensures that the Metropolitan Library System establishes reasonable access to Library System records subject to release under the Oklahoma Open Records Act (51 O.S. 24A.1. et seq, eff. June 1, 2001), protects the integrity and organization of Library records, and helps prevent disruption of the Library's essential functions.

### Regulations

#### 1. Language of the Law

- a) "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, and record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean computer software, non-government personal effects or, unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Turnpike Authority obtained in connection with the Authority's electronic toll collection system, personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit or for the purpose of becoming qualified to contract with a public body.
- b) "Public official" means any official or employee of any public body.

**Note:** Any document available for public inspection under the Open Records Act that contains information deemed confidential by law will be edited prior to releasing the document for public inspection.

#### 2. Inspecting and Copying of Public Records

- a) Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, records custodians will provide full access and assistance in a timely and efficient manner to persons who request access to open public records. Records Custodians are listed in VG 330.1.
- b) Records custodians will protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied.
- c) Records custodians will seek to prevent disruption of essential functions but will provide records at the earliest possible time.
- d) Records custodians will perform or supervise all inspections and/or copying of public records.

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- e) If the requester cannot provide sufficient information to identify a record, the records custodian will help make the identification.
- f) Hours for accepting requests for inspection or copying will be all regular working hours. Open public records may not be removed from the location where they are kept and maintained.
- g) If the records custodian denies inspection and/or copying or mechanical reproduction of any record, the records custodian must report such denial in writing or by e-mail to the Executive Director's office along with the reason for the denial.

### 3. Fees

- a) For each request, the first 10 pages of printed copies will be provided free of charge. The fee for subsequent copies will equal the fee per copy charged by copy machines available to Library customers (see AL 350 Copying or Printing of Library Materials).
- b) The fee for other types of copies (computer disks, videos, sound recordings, etc.) will take into consideration the cost of reproduction and be comparable to the fee charged for print copies.
- c) A fee of \$2.00 will be charged for each quarter (1/4) hour spent conducting a document search.
- d) Fees are due when copies are provided to the requesting party, with the following exception: If a large amount of copies is requested, a deposit equivalent to 50 percent of the anticipated total reproduction cost will be required before copies are made; the remainder will be due when copies are provided.
- e) Library officers or employees will not be charged reproduction fees when requesting records necessary to perform their official duties.

### 4. General Exceptions

The act does not apply to records determined confidential by law. These include library users' records, protected by Section 1-105 of Title 65, Oklahoma Statutes; and the home addresses of current and former employees, protected by Section 24A.7 of Title 51, Oklahoma Statutes.

### 5. Specific Exceptions

- a) The following list of exceptions to the Oklahoma Open Records Act is not intended to be all-inclusive and other exceptions may apply. All registration information of minors including any information required of a minor in order to become eligible to borrow books, utilize library services and other materials shall not be disclosed to any person except:
  - Persons acting only within the legitimate scope of their duties in the administration of the library;
  - Persons authorized to inspect such records, in writing, by the individual; or

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- By order of a court of law

**Note:** Any suspicious requests for records of minors that may be indicative of criminal intent shall be reported immediately to appropriate law enforcement authorities

- b) Unless persons who may be adversely affected from disclosure of their personnel records specifically consent to disclosure, personnel records shall be kept confidential:

- which relate to internal personnel investigations, including examination and selection material for employment, appointment, promotion, demotion, discipline or resignation; or,
- where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, or employment applications submitted by persons not hired by the Library.

**Note:** All personnel records not falling within the exceptions are available for public inspection and copying including, but not limited to, records of:

- Employment applications of public employees
- Gross receipts of public funds
- Dates of employment, title or position
- Any final disciplinary action resulting in loss of pay, suspension, demotion of position or termination

**Note:** Unless confidential by statute, an employee of a public body has the right to access his or her own personnel file.

- c) Purchasing records may be kept confidential if disclosure would give an unfair advantage to competitors or bidders. Considered confidential are:
- Bid specifications for competitive bidding prior to publication by the Library
  - Contents of sealed bids prior to the opening of bids
  - Appraisals relating to the sale or acquisition of real estate by the Library prior to award of a contract
- d) Concerning data processing, computer programs or software may be kept confidential but not the data thereon.
- e) Gifts or donations where anonymity is a condition of the donation as follows:
- Library, archive or museum materials donated to the Library to the extent of any limitations imposed as a condition of the donation or any information which would reveal the identity of an individual who lawfully makes a donation if anonymity of the donor is a condition of the donation;
  - Library, archive or museum materials donated to the Library that may be claimed as a tax deduction, to the extent of any limitations imposed as a condition of donation except the date of the donation, the appraised value

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claimed for the donation, and a general description of the materials donated and their quantity.

- f) Records coming into the Library's possession from the federal government or records generated or gathered as a result of federal legislation may be kept confidential to the extent required by federal law.
- g) Personal communications received at the Library may be kept confidential except the fact that a communication has been received and that it is or is not a complaint. A written response to personal communications may be kept confidential only to the extent necessary to protect the identity of the other person.
- h) Working papers, personal notes and preliminary data an employee gathers to prepare a report or make a recommendation may be kept confidential, but only until the recommendation or report is submitted. At that time, all preliminary information and notes that are saved become public records.
- i) Documents protected by the attorney - client privilege, both those noted as such or and ones not so noted
- j) Records made during an executive session portion of a public meeting.