

**ADMINISTRATIVE REGULATIONS**

**TAB: Governance**

**DOCUMENT NUMBER: 10-55-11**

**SECTION: Resolutions by Library Board of Directors**

**SUBJECT: OPEN RECORDS**

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**SUMMARY**

This resolution and accompanying policies and procedures define the Board's compliance with open records practices required by statute.

**Effective Date:**

October 19, 2005

**Reviewed:**

October 4, 2017

February 11, 2021

**RESOLUTION**

WHEREAS, the Johnson County Library is a "public agency" within the meaning of the Kansas Open Records Act; and

WHEREAS, the Board of Directors of the Johnson County Library is accordingly required by that Act to "adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records."

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Johnson County Library:

1. The attached "Policies and Procedures Adopted by the Board of Directors of the Johnson County Library to be Followed in Complying with Requests for Inspection of Library Records Under the Kansas Open Records Act," is hereby approved and adopted and made the official statement of policy for the Johnson County Library under the Kansas Open Records Act.

2. Copies of the policies and procedures shall be provided to any person upon request.

3. A copy of the policies and procedures adopted by the Library Board shall be transmitted to the County Administrator for approval.

4. The policies and procedures shall be effective January 1, 1984; Revised October 20, 1993, to be immediately effective.

Approved by the Board of Directors of the Johnson County Library, December 14, 1983; Revised October 20, 1993.

POLICIES AND  
PROCEDURES  
ADOPTED BY THE  
BOARD OF DIRECTORS  
OF THE JOHNSON  
COUNTY LIBRARY TO  
BE FOLLOWED IN  
COMPLYING WITH  
REQUESTS FOR  
INSPECTION OF  
LIBRARY RECORDS  
UNDER THE KANSAS  
OPEN RECORDS

On December 14, 1983, revised October 20, 1993, the Board of Directors of the Johnson County Library by resolution adopted the following policies and procedures to be followed in the Johnson County Library (the Library hereinafter) when requests for inspection of the public records of the Library are submitted under the Kansas Open Records the Act. These policies and ACT procedures were made effective January 1, 1984; revised October 20, 1993, to be effective immediately.

PUBLIC POLICY

Section 1. Public Policy Subject to the exceptions set forth in Section 8 and as otherwise provided in the Kansas Open Records Act, all public records of the Library shall be open for inspection by any person. It is the duty of Library officials to construe and to apply the Kansas Open Records Act liberally to promote this policy.

DEFINITIONS

Section 2. Definitions

PUBLIC RECORD

A. "Public Record": A "public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of the Library, but shall not include records which are owned by a private

person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the Board of Directors of the Johnson County Library.

#### CUSTODIAN

B. "Custodian": The Administrative Officer of the Johnson County Library shall be the official custodian of all Library records and the person responsible for carrying out the duties of custodian for the purposes of the Kansas Open Records Act. The Business Office of the Johnson County Library, 9875 W. 87th Street, Overland Park, Kansas, shall be the custodian's official address.

#### AVAILABILITY

Section 3. Availability Records may be inspected during the regular business hours of the Business Office of the Johnson County Library, which are 8:00 A.M. to 5:00 P.M. on any day other than a Saturday, Sunday or day designated as a holiday by the Congress of the United States, by the Kansas legislature or governor, or by the county.

#### RESTRICTIONS ON ACCESS

Section 4. Restrictions on access. The protection of public records from damage or disorganization and the prevention of excess disruption to the Library's essential functions shall be paramount. The custodian may refuse to provide access to or to permit inspection of a public record if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Library. No person shall remove original copies of public records from the office of the Library without the written permission of the custodian.

#### FEES

Section 5. Fees The costs for photocopying shall be \$.25 per page unless otherwise provided for by law. Cost for computer access shall be in accordance with the published data processing fee schedule. In the event a member of the staff shall be required to be present during an inspection, the actual cost for that assistance shall be included in the total cost. Payment in advance may be

required. Any such fees collected by the custodian shall be remitted to the county treasurer who shall deposit the entire amount in the treasury and shall credit the library fund for that amount.

## PROCEDURE FOR ACCESS

Section 6. Procedure for access. A requestor may be required to furnish a written request setting forth the following:

### WRITTEN REQUEST

1. Name of the requester,
2. Address of the requester, and
3. Information sufficient to fulfill the request.

### FORM/IDENTIFICATION/ COUNTY ADMINISTRATOR

The written request may be submitted on the form herewith attached. Sufficient identification may be required to verify the identity of the requester. The written request shall be submitted to the custodian who shall then forward a copy of the request to the County Administrator for placement in county files. The custodian shall determine whether to allow or deny access, or whether to delete portions of the public record.

### DEADLINE/DELAY/ DENIAL

The custodian shall act on the request no later than five o'clock p.m. of the third business day following the request. In the event the request cannot be acted upon prior to that time, the custodian shall inform the requester of the reasons for the delay and the anticipated time and place that the record will be made available. In the event the request is denied, the custodian shall, upon the application of the requester, provide a written statement on the grounds for the denial, including the specific provision of law upon which the denial was based. Such statement of denial shall be issued to the requester not later than the end of the third business day following the day on which the request for an explanation of denial is received.

### COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

Reasonable accommodation will be made for the individuals with disabilities, as defined in the Americans with Disabilities Act, in (ADA) accessing the public records of the JCL. Persons needing interpretative services and other accommodations

should make their request for these services at the time the application to access the records is made.

#### SUSPECTED CRIMINAL VIOLATIONS

Section 7. Suspected criminal violations -Any request which may violate section 11 of the Kansas Open Records Act shall be reported to the Johnson County District Attorney for appropriate action.

#### ACCESS TO LIBRARY PUBLIC RECORDS/EXCEPTIONS

Section 8. Access to Library Public Records- Exceptions A. Except to the extent disclosure is otherwise required by law, the Library shall not be required to disclose records which fall under the exceptions set forth in the Kansas Open Records Act, including, but not limited to the following:

#### RESTRICTION BY LAW

1. Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas Supreme Court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court to restrict or prohibit disclosure.

#### PERSONNEL RECORDS

2. Personnel Records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of the Library once they are employed as such.

#### LETTERS OF REFERENCE, ETC

3. Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual.

#### MATERIALS DONATED WITH LIMITATIONS

4. Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

#### IDENTITY OF DONOR

5. Information which would reveal the identity of an individual who lawfully makes a donation to the Library, if anonymity of the donor is a condition of the donation.

CIVIL LITIGATION

6. Records of the Library involved in administrative adjudication of civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation.

DOCUMENTS  
REGARDING  
ACQUISITION OF  
PROPERTY

7. The contents of appraisals or engineering or feasibility estimates or evaluations made by or for the Library relative to the acquisition of property, prior to the award of formal contracts therefore.

PRIVATE  
CORRESPONDENCE

8. Correspondence between the Library and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory, or enforcement responsibility of the Library or which is widely distributed to the public by the Library and is not specifically in response to communications from such a private individual.

EMPLOYMENT  
NEGOTIATIONS

9. Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319 and amendments thereto.

SOFTWARE

10. Software programs for electronic data processing and documentation thereof, but the Library shall maintain a register, open to the public, that describes:

A. The information which the Library maintains on computer facilities;

B. The form in which the information can be made available using existing computer programs.

RECORDS PROPERTY  
OF PRIVATE PERSON

11. Plans, designs, drawings or specifications which are prepared by a person other than an employee of the Library or records which are the property of a private person.

INTERNAL DOCUMENTS

12. Notes, preliminary drafts, research data in the process of analysis, un-funded grant proposals, memoranda, recommendations, or other records in

which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

PATRON AND  
CIRCULATION  
RECORDS  
ATTORNEY'S PRODUCT

13. Library patron and circulation records which pertain to identifiable individuals.

14. Records which represent and constitute the work product of an attorney.

BIDDING SPECS

15. Specifications for competitive bidding, until the specifications are officially approved by the Library or the Board of County Commissioners of Johnson County, Kansas.

BIDS, ETC.

16. Sealed bids and related documents, until a bid is accepted or all bids rejected.

DOCUMENTS OF  
PERSONAL NATURE

17. Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

BIDDER'S LIST OF  
CONTRACTORS

18. The bidder's list of contractors who have requested bid proposals for construction projects from the Library, until a bid is accepted or all bids rejected.

PUBLIC  
IMPROVEMENTS

19. Engineering and architectural estimates made by or for the Library relative to public improvements.

FINANCIAL  
INFORMATION

20. Financial information submitted by contractors in qualification statements to the Library.

SECURITY MEASURES

21. Records pertaining to security measures taken by the library.

DEFINITION

B. As used in this section, the term "cited or identified" shall not include a request to an employee of the Library that a document be prepared.

DELETION OF  
MATERIAL NOT  
SUBJECT TO  
DISCLOSURE

C. If a public record contains material which is not subject to disclosure pursuant to this act, the Library shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the Library shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the Library shall not be required to disclose those portions of the record which pertain to such individual or individuals.

February 11, 2021

**ARM 10-55-11 End**