

## **Montauk Library**

### **PUBLIC ACCESS TO RECORDS**

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

ARTICLE I: The Library Director is hereby designated as the Records Access Officer. The Records Access Officer is the person from whom those Library records, memoranda, documents, or other written information required to be made available to the public by the Act may be obtained. In the absence of a Director of the Library facilities, the Librarian-in-Charge is so designated as the Records Access Officer.

ARTICLE II: Request for inspection or copies of such records required to be made available by the Act, as well as other applicable law, may be made to the Library Director at the Director's office during hours in which the library is regularly open for business. These hours shall ordinarily be Monday through Friday from 10 A.M. to 4 P.M.

ARTICLE III: Request to inspect records, or to secure copies thereof, shall be submitted to the Library's Records Access Officer. The Library prefers a request to inspect records be done by completion of a requisition form.

- a.) The requisition form shall contain the name and address of the Requestor, 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 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.

All fees shall be turned over to the Library Treasurer.

ARTICLE IV: The Library Director shall maintain a register which shall include the date of requisition, the name and address of the Requestor and a description of the documents or records to be examined or copied, as well as the action taken by the Records Access Officer 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 its possession, whether or not such records are available pursuant to subdivision "2" of Section "87" of the Public Officers Law, which list shall be sufficiently detailed to permit identification of the category of the records requested.

*Approved by the Montauk Library Board of Trustees, August 2022*

ARTICLE VI:

- a.) The Records Access Officer, as expeditiously as possible, and within five (5) business days of a request for records, shall (1) make such record available to the person requesting it, (2) deny such request in writing, or (3) furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a law. If the Records Access Officer determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the Records Access Officer shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.
- b.) If the records are in the possession of the Library, the records shall be available to the requestor for inspection.
- c.) In the event that a portion of the material, records or documents requested 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 and/or redact such information from any copies made available to the requestor, or to not make available for inspection the original of such record but only a copy thereof having first deleted the unauthorized information.

ARTICLE VII: No record shall be made available for inspection or copying where, in the judgment of the Records Access Officer, the disclosure of such records:

- a.) Is specifically excepted from disclosure by state or federal statute;
- b.) Is an unwarranted invasion of personal privacy, including:
  - i. disclosure of employment, medical or credit histories or personal references of applicants for employment;
  - ii. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
  - iii. sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
  - iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
  - v. disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency; or information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law.

Unless otherwise provided by law, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy pursuant to paragraphs (a) and (b) of this subdivision:

- i. when identifying details are deleted;
  - ii. when the person to whom a record pertains consents in writing to disclosure;
  - iii. when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him.
- c.) If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- d.) Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- e.) 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;
  - iii. final agency policy or determinations; or
  - iv. external audits
- f.) if disclosed could endanger the life or safety of any person;
- g.) If compiled for law enforcement purposes and disclosed would interfere with judicial proceedings;
- h.) Records related to the circulation of library materials which contain names or other personally identifying information regarding the users of the library;
- i.) if disclosed would jeopardize the Library's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

Should the requested record be exempt as set forth in this Article "VII", the Library Director shall deny such request, in writing, and furnish a written acknowledgment of receipt of such request, and advise the Requestor 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 requestor declares entitlement, the Requestor may submit a written appeal directed to the Board of Library Trustees within thirty days of the denial from which such appeal is taken. The Board of Library Trustees is hereby authorized to investigate all facts surrounding the particular requisition. A decision on such appeal shall be rendered thereon within ten (10) business days of the Board of Trustees' receipt of the Appeal. In addition, the Library shall immediately forward to the New York State Committee on Open Government a copy of the appeal and the Board of Trustees' determination. In the event of a denial of such an appeal, the Requestor 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.

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ARTICLE IX: A notice containing the title or name and business address of the Records Access Officer and appeals person or body and the location where records can be seen or copied, shall be posted in a conspicuous location wherever records are maintained and/or published in a local newspaper of general circulation.

ARTICLE X: This regulation, as amended, shall be deemed effective on [insert date].

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.

## **YOU HAVE A RIGHT TO SEE PUBLIC RECORDS**

The Freedom of Information Law gives you the right of access to many public records.

Montauk Library has adopted regulations governing when, where and how you can see public records.

The regulations can be seen at all places where records are kept.

According to these regulations, records can be seen and copied at the Library facility:

Montauk Library  
871 Montauk Highway  
Montauk NY 11954

The following officials will help you to exercise your right to access:  
Records Access Officers, Library Director

Montauk Library  
871 Montauk Highway  
Montauk NY 11954

If you are denied access to a record, you may appeal to the following body:

Board of Trustees  
Montauk Library  
871 Montauk Highway  
Montauk NY 11954