

La Porte County Public Library Access to Public Records

The Access to Public Records Act (APRA), Indiana Code 5-14-3, provides that a person has the right to access information regarding the government and the official acts of public officials and employees. The statute also states that government officials have a responsibility to provide that information.

APRA covers all "public records" [as defined by IC 5-14-3-2(r)] of a "public agency" [as defined by IC 5-14-3-2(q)] , including but not necessarily limited to writings, reports, maps, tape recordings, and photographs. You can request to view or copy these items at any time, so long as these public records are not confidential or otherwise non-disclosable by law. The La Porte County Public Library (LPCPL) is a "public agency".

The LPCPL has the responsibility to protect its public records from loss, alteration, mutilation, unauthorized access, or destruction, and regulate any material interference with the regular discharge of the functions or duties of the library and its employees.

A request for inspection or copying of public records owned by the LPCPL must identify with reasonable particularity the record(s) being requested. The request must be in writing on the ["Request for Access to Public Records"](#) form provided by the LPCPL. Completed request forms can be submitted in person, by fax, mail, or e-mail.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

A LPCPL customer shall be allowed access to his/her LPCPL records concerning currently checked out material and history of previously checked out items if the customer has opted to retain such history. The LPCPL is not responsible for information gained by anyone other than the customer if the customer has lost or loaned his/her card or, if someone has obtained the customer information by illegal or inappropriate methods.

A legal guardian and/or parent of a child may also have access to a child's records concerning items currently checked-out, requested, interlibrary loans, fines/fees owed, or payments made. The LPCPL will not allow a noncustodial parent access to the child's LPCPL records if a court has terminated the parent's legal rights and the LPCPL has received a copy of the court order or has actual knowledge of the court order.

Requesting Records

Upon receiving an APRA request, the LPCPL director shall acknowledge such request, and in the absence of the director, the assistant director shall acknowledge the request. The LPCPL's attorney may be consulted, as needed, when a request is received.

Pursuant to Ind. Code 5-14-3-4.4(c)(1), acknowledgment of the request shall occur within twenty-four (24) hours if the request is delivered personally to the LPCPL, is made by telephone, or is a request for enhanced access.

Pursuant to Ind. Code 5-14-3-4.4(c)(2), acknowledgement of the request shall occur within seven (7) days if the request is delivered by mail or facsimile.

Responses will be made in writing if the request was made in writing. If a request is denied, the response will include: i) a statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and ii) the name and the title or position of the person responsible for the denial.

If the request is not denied, the LPCPL shall either allow inspection or provide copies to the person as requested. The LPCPL has a reasonable period of time to provide copies or permit the copying of the records.

Originals shall not be removed from LPCPL premises and inspection may be supervised.

The LPCPL will not charge any fee to inspect a public record; or to search for, examine, or review a record to determine whether the record shall be disclosed.

If someone requests the certification of or a copy of a public record, then the LPCPL may charge a fee for doing so.

In accordance with IC 5-14-3-8(d), the LPCPL board of trustees has established the following fee schedule for copies provided by the library:

1. Photocopies, letter or legal size-\$.10 per page
2. Photocopies, ledger size - \$.20 per page
3. Photocopies, color - \$.25 per page
4. E-mail transmission - no charge (E-mail transmission is only available if the record(s) is in electronic format suitable for duplication on such medium.)

Exceptions to Disclosure

Some records are excepted from disclosure by law (see IC 5-14-3-4). Requests to inspect or receive copies of such records will be denied unless access is specifically required by a state or federal statute or is ordered by a court under the rules of discovery. These records include, but are not necessarily limited to:

- Personnel files of employees and files of applicants for employment except for:
 - o The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates off first and last employment of present or former officers or employees of the LPCPL.
 - o Information relating to the status of any formal charges against an employee; and
 - o The factual basis for disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.However, all personnel file information shall be made available to an affected employee or the employee's representative.
- Administrative or technical information that would jeopardize a record keeping or security system.
- Computer programs, computer codes, computer filing systems, and other software that are owned by the library or entrusted to it.
- Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1.
- Identity of donors of gifts made to the library if the donor or donor's family requests nondisclosure as a condition of making the gift.

- Information identifying library customers in accordance with provisions in the Indiana Code (IC 5-14-3-4(b) and IC 5-14-3-4(b)(16)).
- Personal information of library trustees, except for name, appointing body and dates of appointment, library contact information such as library address and library email address.