

## **FREEDOM OF INFORMATION**

The Freedom of Information Law, provides the public the right of access to Library records.

The public may review official Library records such as the minutes of The Smithtown Library Board of Trustees, written policies, and Library financial records. It shall be the policy of the Library to make available for public inspection all records subject to such inspection in accordance with the provisions of Article 6 of the Public Officers Law. However, no records pertaining to the circulation of Library materials which contain names or other personally identifying details of patrons will be released for inspection to an unauthorized person.

The Board of Trustees has adopted regulations governing when, where, and how an individual can view public records as follows:

### **I. Designation of Records Management Officer**

1. The Records Management Officer shall be the Clerk. The Records Management Officer shall ensure that Library records that are not permitted to be released are not released. He/She shall receive requests for records of the Library and make such records available for inspection or copying when such requests are granted.
2. The Records Management Officer shall compile and maintain a detailed current list by subject matter of all records in the possession of the Library whether or not available to the public. In addition, he/she shall develop and oversee a program for the orderly and efficient management of Library records, including maintenance of information security as it pertains to the release of Library records.

### **II. Definition of Records**

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the Library in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, storage media, rules, regulations or codes, and emails.
2. The Records Management Officer will have the responsibility for compiling and maintaining the following records:
  - a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes; and
  - b. a record setting forth the name, business address, title and salary of every employee of the Library;

- c. a reasonably detailed current list by subject matter of all records in possession of the Library whether or not available for public inspection and copying.
3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the Library to create any record not possessed or maintained by it.

### **III. Access to Records**

1. Requests to inspect or secure printed or electronic copies of records shall be submitted in writing (or by completing the Library's *Freedom of Information Application*) to the Records Management Officer at 148 Smithtown Boulevard, Nesconset, NY 11767 either in person or by mail. Requests may also be submitted via e-mail at [smithlib@smithlib.org](mailto:smithlib@smithlib.org).
2. Records may be inspected in-person at, the Office of the Records Management Officer, located at the Nesconset building, 148 Smithtown Boulevard, Nesconset, NY, during the hours of 10:00 a.m. to 5:00 p.m. on any business day on which the Library Administration offices are open. Records may also be received via email.
3. The fee for documents up to 8-1/2" x 14" is 25 cents per page. To determine the actual cost of reproducing a record that is either in excess of 8 1/2" x 14" or is in a different format (i.e. storage media record), the Library will charge an amount equal to the hourly rate attributed to the lowest paid Library employee who has the necessary skill required to prepare a copy of the requested record, as well as the cost of reproduction of said record. However, no fee shall be charged for records maintained digitally and sent via email, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited as to the discretion of the Records Management Officer.
4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Management Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.
5. If a request cannot be granted within 20 business days from the date of acknowledgement of the request, the Library must state in writing both the reason the request cannot be granted within 20 business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.
6. When a request for access to a public record is denied, the Records Management Officer shall indicate in writing the reasons for such denial, and the right to appeal.
7. An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Library Director within 30 days after the denial from which such appeal is taken.

8. The applicant will be informed of the Library Director's determination in writing within 10 business days of receipt of an appeal. The Library Director shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

**IV. Records Exempted from Public Access**

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed to the Library and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. are compiled for law enforcement purposes and which, if disclosed, would:
  - a. interfere with law enforcement investigations or judicial proceedings;
  - b. deprive a person of a right to a fair trial or impartial adjudication;
  - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
  - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records which if disclosed, would endanger the life or safety of any person;
7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
  - a. statistical or factual tabulations or data;
  - b. instructions to staff which affect the public;
  - c. final Board policy or determinations; or
  - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. records which, if disclosed, would jeopardize the Library's capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure).

**V. Prevention of Unwarranted Invasion of Privacy**

To prevent an unwarranted invasion of personal privacy, the Records Management Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Library which are not relevant or essential to the ordinary work of the Library;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Library if such lists would be used for private, commercial or fund-raising purposes;
4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Library; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

**VI. Notification of Disclosure of Employee Disciplinary Records**

In accordance with New York State Public Officers Law § 87(6), this policy establishes a process to notify Library employees when the Library responds to a request for disciplinary records.

This notification will apply to all current and former employees of the Library whose disciplinary records may be subject to public disclosure under the Freedom of Information Law (FOIL).

1. For purposes of this policy, disciplinary records will constitute any records created in furtherance of a disciplinary proceeding, including, but not limited to:
  - a. the complaints, allegations, and charges against an employee;
  - b. the name of the employee complained of or charged;
  - c. the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;
  - d. the disposition of any disciplinary proceeding; and
  - e. the final written opinion or memorandum supporting the disposition and discipline imposed including the District's complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee.

**2. Notification Upon Release of Disciplinary Records**

When the Library releases an employee's disciplinary records in response to a FOIL request, it will promptly provide written notification to the affected employee, unless the request is from the employee for his/her own records.

For current employees, this notification will be sent to the employee's work email address or, if unavailable, his/her home address on file with the Business Office.

For former employees, this notification will be sent to the employee's last known home address on file with the Business Office. The Library will make every reasonable effort to notify former employees, and will document the steps taken to do so.

**3. Content of Notification**

The notification will include a brief description of the released records. This notification is for informational purposes only and does not require employee consent. Its purpose is to ensure that employees are aware of the disclosure.

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