

Procedures for Requesting Information from the Pikes Peak Library District

Introduction

The Pikes Peak Library District publishes its policies, procedures, reports and plans on this website in the interest of facilitating citizen access to information about the library's business. For example, the following documents are available from this section of the Pikes Peak Library District website:

- Access to Materials Policy
- Annual Financial Report
- Challenged Materials Policy
- Code of Conduct Policy
- Collection Development Policy
- Community Relations Policy
- Confidentiality Policy
- Gifts and Donations Policy
- Internet Use Policy
- Legal Reference Service Policy
- Library Bill of Rights
- Library Card Policy
- Meeting Room Policy
- Memorials Policy
- Mission Statement
- Strategic Plan

The purpose of this page is to provide direction and to facilitate requests for information that is not published in the above policies, plans and standard reports.

Procedures for Law Enforcement Inquiries

- **Inquiries from law enforcement officers or agents without a court order**

Law enforcement officers or agents should direct their inquiries to the Director or to one of the Associate Directors in the Director's absence.

The Director or Associate Director will explain the library's confidentiality policy.

- **Inquiries from law enforcement officers or agents with a search warrant**

Law enforcement officers or agents should direct their inquiries to the Director or to one of the Associate Directors in the Director's absence. The search warrant is "executable

immediately” which means the agent or officer may begin a search of library records as soon as the director is served with the court’s order.

The Director will ask to have library counsel present before the search begins to allow counsel to examine the search warrant and to assure that the search conforms to the terms of the search warrant.

Library staff will cooperate with the search to ensure that only records identified in the warrant are produced and that no other users’ records are viewed.

- **Inquires from law enforcement officers or agents presenting a subpoena**

Law enforcement officers or agents should present the subpoena to the Director or to an Associate Director in the Director’s absence.

The Director or Associate Director will have the library’s legal counsel examine the subpoena for legal sufficiency, including the manner in which it was served on the library, the breadth of the request, its form, or and other issues.

Library staff will follow the subpoena strictly so that only information that is specifically requested is provided.

- **Inquires from law enforcement officers or agents presenting a search warrant issued under the USA Patriot Act**

Law enforcement officers or agents should follow the same procedures listed above under presentation of a warrant.

This warrant also contains a “gag order”. This means that no staff member can disclose that the warrant was served or records produced. The library and its staff must comply with this order. No information can be disclosed to any other party including the patron whose records are the subject of the search.

Procedure for Requests of Public Records

Inspection of Public Records. All public records of the District shall be open for inspection at the times designated herein, unless prohibited by the provisions of Part 2 of Title 24, Article 72 (“Open Records Act”) (including section 204 relative to attorney-client privilege) or policies adopted by the Board of Trustees in conformance with the Open Records Act.

Request for Inspection. Request for inspection and copying of any public records of the District shall be made by signed written request to the office of the appropriate Official Custodian and shall set forth the particular documents or record desired to be inspected or copied. If such document or record is available for inspection and copying, the appropriate Official Custodian will notify the applicant of the date, time and location where the material can be inspected or copied. If such public record is not available in such Official Custodian’s office, the applicant shall be notified of this fact.

Times for Inspection. Inspection of the District's public records shall be made, where permitted by law, during normal business hours, Monday through Friday, except on holidays, at an hour specifically set by the appropriate Official Custodian for each particular request for inspection.

Copies, Print-Outs or Photographs of Public Records. In a case where a person has a right to inspect a public record under the control of the Official Custodian and requests in writing that the District furnish copies, print-outs or photographs thereof, the Official Custodian shall notify the applicant if such record is available for copying, and may furnish such copies, print-outs or photographs for a reasonable fee to be set by the Official Custodian, which shall not exceed One Dollar and Twenty-Five (\$1.25) per page, unless the actual cost exceeds that amount, in which case the actual cost may be charged.

Exemptions. No person shall be permitted to inspect or copy any record of the district if, in the opinion of the Official Custodian after consultation with the District's general counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth in the Open Records Act.

If there are any questions regarding possible exemptions, please forward them to the Director for determination.

The District is not required to create records for patrons that do not exist and/or are not maintained in the normal course of the business of the District.

Official Custodians of Public Records

The following Custodians of Public Records have been established by vote of the Trustees of the Pikes Peak Library District:

- The Secretary of the Board of Trustees and officer of the District is hereby designated as the Primary Official Custodian responsible for the maintenance, care and keeping of all records of the District, except as provided herein.
- The Executive Assistant to the Director is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all official minutes of the regular, special and executive session meetings of the District, and all other legal records of the District.
- The Facilities Officer for the District's construction projects is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records associated with the District's construction projects, subject to the control, supervision and direction of the Primary Official Custodian.

- The Finance Officer for the District is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records associated with the District's finances, subject to the control, supervision and direction of the Primary Official Custodian.
- The Associate Director of Administrative Services is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records associated with the District's employee personnel records, subject to the control, supervision and direction of the Primary Official Custodian.
- The Official Custodians shall have the authority to designate such agents as they shall determine appropriate to perform any and all acts necessary to enforce and execute the provision of the Resolution.

Procedures for Personnel Information Requests

Confidentiality of Personnel Records

The Pikes Peak Library District maintains the confidentiality of personnel files as provided under the law.

Access to a personnel file must be scheduled with the Human Resources Office (HRO) and is generally restricted to the employee, the employee's supervisor, or other library supervisor considering hiring the employee for a position within their department. Any public request for the release of information from personnel files must be made in writing and forwarded to the library's legal counsel for advice before any information is released.

All requests for letters of recommendation, references, or employee information must be coordinated through HRO.

It is the responsibility of the Executive Director to respond to subpoenas for information. All requests for access to library records accompanied by a subpoena must be forwarded to the Executive Director (see above procedures for law enforcement inquiries).

Non-Employee Requests for Information

Audit requests:

Requests for employee files in the course of the library's annual financial audit are authorized without approval from the employee.

Legal requests:

Requests for employee files concerning legal proceedings will be referred to the library's legal counsel for decision.

Requests by persons other than the employee:

Requests by someone other than an employee for employee personnel files requires written permission of the employee or permission under the provisions of the Open Records Act.

Requests for medical information:

Requests for employee medical information requires the written permission of the employee and is subject to the confidentiality provisions of HIPAA.

Requests by other employers:

- Request for references by another employer require written permission of the employee.

Requests under open records laws:

Requests by members of the public under the Open Records Law are referred to PPLD legal counsel.

Requests by unsuccessful applicants:

Requests for information by unsuccessful applicants will be supplied according to the following guidelines: Unsuccessful applicants may be provided with information that describes the recruitment and selection process (e.g. "there were 100 applicants ranked and the recruitment plan calls for the top 10 to be interviewed. You were not among the top ten ranked candidates") No specific reasons will be given unsuccessful applicants except that in a group ranking of a competitive field of applicants, there were "stronger" candidates. HRO will inform candidates about what stage of the recruitment process they were selected out.

Employee Requests for Information

Employees may inspect their own personnel and medical records (except those records that are confidential and not available to the employee under the Open Records Act) and may copy and/or request additions to, but not remove, documents in the file. Inspections by employees must be requested of HR in writing and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of HR. A reasonable charge will be made for any copies of records made by the employee.

Employees are not authorized to obtain or inspect records that belong to another employee except as noted below.

Supervisors may inspect some employee files if approved by HR. The inspection must be approved by HRO and should be recorded in the file inspected. The following are justifiable reasons for supervisory inspection of an employee file:

- Review for prospective hiring (employee is a candidate for a position that the supervisor is hiring for)
- Review for disciplinary action (supervisor is considering disciplinary action against a subordinate)
- Review for performance evaluation (supervisor wants to review previous performance appraisals)