

**CARROLL COUNTY PUBLIC LIBRARY**  
**DOCUMENTATION OF PROCEDURES REGARDING PUBLIC INFORMATION ACT**  
**REQUESTS**

**.01    *General.***

These are procedures for filing requests with Carroll County Public Library for the inspection and copying of records under the Public Information Act, State Government Article §§10-611 through §10-628, Annotated Code of Maryland. It is the policy of the Carroll County Public Library to facilitate public access to the public records of the Public Library when such access is allowed by law by minimizing costs and time delays to applicants. These procedures are based on the Carroll County Public Library's policy statement, adopted by the library board of trustees on September 25<sup>th</sup>, 1991 and updated on November 17<sup>th</sup>, 2010, and conform to the Attorney General's model for such procedures.

**.02    *Definitions.***

- A. "Act" means the Public Information Act, State Government Article §10-611 through §10-628, Annotated Code of Maryland.
- B. "Applicant" means a person requesting disclosure of public records.
- C. "Custodian" means the Carroll County Public Library.
- D. "Official Custodian" means the person who is responsible for the maintenance, care, and keeping of the public records of the County Library. Unless otherwise provided by law, the Library Director is the official custodian of the Carroll County Public Library's records.
- E. "Public records" means all paper, correspondence, forms, books, photographs, photostats, films, microfilm, sound recordings, maps, drawings, or other written documents, regardless of physical form or characteristics. "Public records" includes all copies made or received by the Public Library in connection with the transaction of public business and includes the salaries of all employees of the Public Library.
- F. "Written documents" means all books, papers, maps, photographs, cards, tapes, recordings, computerized records including e-mails, and other documentary materials, regardless of physical form or characteristics.

**.03    *Who May Request.***

Any person may ask to inspect or copy public records of the Carroll County Public Library.

**.04    *Necessity for Written Request.***

Except as otherwise provided in this procedure, the custodian shall generally make public records available for inspection by an applicant without demanding a written request.

The custodian shall require a written request if the custodian reasonably believes that the Act or any other law may prevent the disclosure of the record to the applicant or that a written request will materially assist the Public Library in responding to the request.

**.05 *Contents of Written Request.***

A written request shall contain the applicant's name and address, shall be signed by the applicant, and shall reasonably identify by brief description the record sought.

**.06 *Filing Written Request.***

A written request shall be addressed to the custodian of the record.

**.07 *Response to Written Request.***

- A. If the custodian decides to grant a written request for inspection, the custodian shall produce the record for inspection immediately or within a reasonable period, not to exceed 30 days from the date of the request where such period of time is needed to retrieve the information.
- B. If the custodian decides to deny the written request, the custodian shall do so within 10 working days of the written request and immediately upon deciding to deny the request, shall notify the applicant of the denial in writing including the reasons for the denial.
- C. If a requested public record is not in the custody or control of the person to whom written application is made, that person shall, within 10 working days of the receipt of the request, so notify the applicant. If that person knows the name of the custodian of the record or the location or possible location of the record, this information shall also be given to the applicant.
- D. With the consent of the applicant, any time limit imposed by .07 A to C may be extended for an additional period.

**.08 *Records Destroyed or Lost.***

If a requested record has been destroyed or lost, the custodian to whom the application is made shall, within 10 working days of the request, notify the applicant of this fact and explain in the response the reasons why the record cannot be produced.

**.09 *Fees.***

- A. The fee schedule for copying and certifying copies of records is as follows:
  - (1) ***Copies.*** The fee for each copy is \$.25 per page if reproduction is made by a photocopying machine within the Library. If records are not susceptible to photocopying (for example, punch cards, magnetic tapes, blueprints, and microfilm), the fee for copies will be based on the actual cost of

reproduction. There will be no charge for a request for five (5) pages or fewer. Additional fees may be charged for copies of large or unusual documents.

(2) ***Certification of Copies.*** If a person requests that a copy of a record be certified as a true copy, an additional fee of \$1.00 per page, or if appropriate, per item shall be charged.

(3) ***Search Fee Charged.*** A search fee hour will be charged for the time required to search for and assemble documents in response to the request. No charge will be assessed for the first two hours incurred. The fee charged will consist of the hourly wage or salary rate of the staff members involved, multiplied by the number of hours spent in preparing the response.

- B. Notwithstanding subsection A above, if the fees for copies, printouts, photographs, or certified copies of any record are specifically prescribed by a law other than the Act or this regulation, the prescribed fee shall be charged.
- C. If the custodian is unable to copy a record within the Public Library, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Public Library. The custodian shall either collect from the applicant a fee to cover the actual cost of reproduction or direct the applicant to pay the cost of reproduction directly to the facility making the copy.
- D. Before copying a record, the custodian shall estimate the cost of reproduction and will notify the applicant in advance. The notification will include a self-addressed, stamped envelope which the applicant will be required to return with enclosed payment before the request is fulfilled.
- E. The official custodian may not charge any search or preparation fee for the first two hours of official or employee time that is needed to respond to a request for information.
- F. Upon request, the official custodian may waive or reduce any fee charged pursuant to this regulation if the custodian determines that the waiver or reduction is in the public interest. The official custodian shall consider, among other relevant factors, the ability of the applicant to pay the cost or fee.
- G. If the applicant requests that copies be mailed or delivered to the applicant, the custodian may charge the applicant for the cost of postage or delivery to the applicant.
- H. For the purpose of calculating the number of hours the Library staff spends in responding to a single request, all requests for information by the same person or

entity made within any consecutive seven-day period shall be deemed a single request and calculated as such.

**.10 *Time and Place of Inspection.***

An applicant may inspect any public record that the applicant is entitled to inspect during the normal working hours of the Carroll County Public Library.

The place of inspection shall be the place where the document is located, unless the custodian determines that another place of inspection is more suitable and convenient.

**.11 *Review of Denial.***

If the Custodian denied a request to inspect or copy a public record, the applicant may seek judicial review of the denial.