



## **Application to Access Library Surveillance Images**

4/16/2014

### **Background**

Library surveillance images are subject to the Massachusetts Public Records Law, which states in part that every record made or received by a government entity or employee is presumed to be a public record unless a specific statutory exemption permits or requires it to be withheld in whole or in part.

Specific statutory exemptions have been created by State and Federal legislatures. These exemptions, some of which are discretionary to the records custodian, allow the custodian to withhold a record from the general public. The records custodian for the Norfolk Public Library is the Library Director.

Exemptions to the Massachusetts Public Records Law are described in the official guide to the law, which may be read at: <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>  
Other exemptions to the Public Records law exist, such as those created by the USA Patriot Act, among others.

### **How to Request Access to Library Surveillance Images**

Requests to access Library surveillance images must be made in writing using the form attached. To make a request, complete and mail the application to the Library Director. Requests must include a reasonable, specific, and complete description of the record/s to be accessed, the extent of access requested (access to record or copies of records), including all other information necessary for the Library to act on the request. Incomplete or illegible requests shall be returned to the requestor without further action. Failure of a requestor to provide a complete request after being asked to do so shall constitute withdrawal of the request, in which case the Library shall be under no obligation to take further action.

### **Requests Made by Lawful Authorities**

The Norfolk Public Library complies with all lawful records requests made by governmental and law enforcement agencies. The practices, policies and procedures used by such agencies in making requests to access surveillance images may supersede those described in this document.

### **USA Patriot Act Notice**

Under the provisions of the USA Patriot Act, Libraries are subject to search and seizure of records. Further, the Patriot Act forbids an entity from disclosing records under certain circumstances. For this reason, it is possible the Library may be legally barred from providing certain records.

### **Response to Requests**

The Library Director or their designate will, where permitted by law and regulation, provide a written response to a request within ten (10) calendar days of receiving it. The response includes the following items of information:

- **notice of approval or denial of the request,**
- **if approved, a good-faith estimate of the costs to comply with the request, and**
- **if denied, the reason(s) for denial.**

### **Denial of Access to Records and Right of Appeal**

Surveillance records relevant to an anticipated or ongoing administrative, civil or criminal matter, and/or those that have been requested by law enforcement or other lawful authority are not available to the public. The Library Director and/or the Board of Library Trustees may determine that other surveillance records do not meet the criteria for public release. In such cases, a request may be denied.

Denials may be appealed in writing to the Board of Library Trustees. The appeal must include a copy of the original written request and copies of all correspondence between the requestor and the Library Director. Appeals may be mailed to:

**Board of Library Trustees  
Town of Norfolk Public Library  
139 Main Street  
Norfolk, MA 02056**

The Board of Library Trustees considers appeals at regularly scheduled Board meetings. In all cases, the Board determines the appropriateness of the Library response and a decision as to whether the requested record qualifies for public release. The decision of the Board of Library Trustees is final in all cases. Board decisions are provided in writing to the appellant.

### **Costs**

Under state law, the Library may charge for the actual costs of accessing and producing record/s. A good-faith estimate of these costs is provided in the initial written response to each request. For each request, full payment of the good-faith estimate is required before the Library begins work to produce records. The Library may assess additional costs incurred during work to produce record/s.

### **Availability and Preservation of Surveillance Records**

Library surveillance records are available only to the extent feasible by the technologies used to create them. The Library is under no obligation to preserve surveillance records beyond the limitations of these technologies, except only as may be required by law, regulation or lawful authority.

### **Forms of Availability**

Where **access** to a record is requested, access is provided during normal Library opening hours in an area and using media and technologies deemed appropriate by the Library Director or their designate. The duration of access is limited according to the availability of qualified Library personnel. A government-issued photo ID is required to be presented before access is provided. The name on the identification presented must match that shown on the written request for access.

Where a **copy** of a record is requested, the Library reserves the right to produce such record on media it deems appropriate to the request, where the selection of media shall be at the sole discretion of the Library Director or their designate. Media is available for pickup during normal Library opening hours. A government-issued photo ID is required to be presented before media is given to the requestor. The name on the identification presented must match that shown on the written request for access. The Library assumes no responsibility for media unreadable by requestor owned or operated equipment.

### **Withdrawal of Request**

A request may be withdrawn at any time by written notice sent to the Library Director. The notice must clearly specify the requestor's name and contact information, the date the request was made, a description of the records requested, along with the requestor's signature.

In the event a request is withdrawn after payment of the good-faith estimate but before all requested records are produced, a full or partial refund of the good-faith amount may be made at the sole discretion of the Library Director. Requests withdrawn after records are produced are charged the full amount of the good-faith estimate plus all incidental costs incurred during production of records. Amounts not paid are referred for collection.

### **Liability**

By filing a request for surveillance records, the requestor agrees to indemnify and forever hold harmless the Town of Norfolk, the Library, its employees, agents and assigns, and the Board of Library Trustees from all direct and indirect consequences that may arise from disclosure of records.

