

"First Amendment Audit" Public Library Response Policy & Protocol

Purpose

This "Policy & Protocol" will be used by the Barker Public Library to address concerns related to non-employees photographing, recording and/or broadcasting/streaming images on library property (whether or not those conducting the stream or making the recording call it a "First Amendment Audit").

Policy

As a public library, the Barker Public Library is obligated to ensure information access, patron privacy, and library service.

To help fulfill those obligations, it is the policy of the Barker Public Library to honor state and federal law and policy with respect to photographing, recording, broadcasting, and streaming images of the premises, patrons, and employees while on library property (for the sake of clarity, all such activity is referred to in this document as "Recording").

The Library will allow all Recording consistent with its obligations and mission. The Library reserves the right at all times to refuse any Recording that will negatively impact safety, patron privacy, employee work conditions, and/or routine library operations.

Protocol

Whenever possible, individuals or media outlets who wish to engage in Recording should contact the Director to arrange, at least two business days in advance, how such Recording can be done without risking a breach of the library's ethics, its obligation to safeguard patron privacy, and to ensure a respectful environment for library employees. This may be done by calling the Director or emailing the Director. When contacting the Library with this need, please be ready to discuss what content is needed, and how to adapt that need to the library's ethical and operational priorities, if necessary.

Individuals or media outlets who wish to engage in Recording on a more immediate basis, please contact the Director, or their designee working at the time, **as soon as possible**. This may be done by calling 716-795-3344 or emailing lthom@nioga.prg. Just like recording with more notice, those with urgent requests should be ready to discuss what access will meet your needs, and to adapt your needs to the library's ethical and operational priorities, including not being able to grant a same-day request.

For individuals or media outlets who wish to engage in Recording without notifying the library in advance, please know that any Recording activity that risks negatively impacting safety, patron privacy, employee work conditions, and/or routine library operations, or a violation of our Patron Code of Conduct, will result in a requirement to cease Recording.

As with any other ongoing potential violation of Library policy, any individuals or media outlets who, after being asked to stop engaging in Recording, do not cease Recording, will be told to leave Library property, pending further action under any applicable policy.

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Recording with Permission in the Library (non-commercial)

Requests to Record in the Library for non-commercial purposes, including journalism from credentialed journalists, will be confirmed with this permission whenever time allows:

Thank you for working with the Library to explore recording/streaming/broadcasting in our space ("Recording"). As you know, any Recording in the Library must be conducted safely, without risking a breach of the library's ethics, with attention to its obligation to safeguard

patron privacy, and in a way that respects our employees and doesn't disrupt routine operations. To ensure these safeguards, we met on DATE, and agreed that you could record in [AREA] during the hours of [TIMESPAN]. You confirmed that the end project will be a non-commercial recording (commercial recordings are subject to additional requirements, including insurance). Thank you so much for your cooperation.

Recording with Permission in the Library (Commercial)

Requests to Record in the Library for commercial purposes (movies, advertisements, documentaries) will be confirmed by a contract, based on the project, and may include insurance requirements and indemnification.

"First Amendment Audits", harassing behavior, and other unannounced Recording The Library recognizes and honors that as a public entity, the public has a right to access information about the Library. This includes being subject to the Freedom of Information Law ("FOIL") and the Open Meetings Law ("OML"). To that end, the Library's policies and board materials are on our website, and the public may attend our meetings as required by law.

Further, the Library recognizes and honors that not all journalists are credentialed by formal media outlets, and the public has the right to know about the operations of the Library.

However, the Library's board of trustees also has the right to set the hours and conditions needed to operate the library, and this includes barring any activity that would impact safety, patron privacy, employee work conditions, and/or routine library operations, or a violation of a library policy. To that end, this policy, protocol, permission language, response script, and posted notice will be used to promote requests for access to Record on the premises, and to address any unauthorized Recording on the premises that risks mission and obligations.

Adopted on March 21, 2022

Barker Public Library
Board of Trustees

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