



## Recording and Photography in the Library Policy

This policy will be used by the Geneva Public Library (“the 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”).

The 2003 United States Supreme Court case: *United States v. American Library Association*, ruled that public libraries in the United States are deemed “limited public forums.” *Kreimer v. Bureau of Police for Morristown*, 958 F.2d 1242 (3rd Cir. 1992), added public libraries are designated limited public forums “because it has been designated as a forum for only limited uses. As such, it is the Library’s duty and jurisdiction by law to establish Board-approved policies and rules imposing reasonable, operationally-related parameters on conduct while on Library property. Furthermore, by law, “All public and association libraries in New York State are required to keep library records confidential according to Civil Practice Laws and Rules, Section 4509.”

To help fulfill those obligations, it is the policy of the Library to honor state and federal law 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 recordings 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.

### 1. Protocol

Whenever possible, individuals or media outlets who wish to engage in recording should contact the Executive 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 safe environment for all. This may be done by calling 315-789-5303 or emailing [genevalibrarydirector@owwl.org](mailto:genevalibrarydirector@owwl.org). 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 should contact the Executive Director or their designee as soon as possible. Similarly, those with urgent requests should be ready to discuss what access will meet their needs and to adapt their needs to the Library's ethical and operational priorities, including not being able to grant a same-day request.

Individuals or media outlets who engage in recording without notifying the Library in advance should understand that any recording activity that risks negatively impacting safety, patron privacy, employee work conditions, and/or routine Library operations, or recording activity that is a violation of the Library's Safety Policy or 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 do not cease recording after being asked to stop will be told to leave Library property, pending further action under any applicable policy.

## **2. Non-Commercial Recording with Permission in the Library**

Requests to record in the Library for non-commercial purposes, including journalism from credentialed journalists, will be confirmed with this permission response script 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 jeopardizing patron privacy, and in a way that does not 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 for your cooperation.

## **3. Commercial Recording with Permission in the Library**

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.

## **4. "First Amendment Audits," Harassing Behavior, and Other Unannounced Recording**

The Library recognizes and honors that 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 website includes policies and Board of Trustees (“the Board”) meeting materials. The public may attend Board meetings and may address the Board during the provided time for public comment.

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 Board also has the right to set the hours and conditions needed to operate the Library. This includes barring any activity that would impact safety, patron privacy, employee work conditions, and/or routine Library operations, or violate Library policy. To that end, this policy will be used to promote requests for access to record on Library premises and to address any unauthorized recording on the premises that risks the Library’s mission and obligations.

## **5. Public Space Designations**

For the safety, welfare, and personal privacy of our employees and patrons, the library has defined public spaces in the Geneva Public Library’s Public Space Designation Policy.

**Adopted by the Board of Trustees:** December 22, 2021

**Amended by the Board of Trustees:** 10/25/2023, 12/18/2024

**Reviewed by the Policy Review Committee:** 12/5/2024