

Policy and Procedure Manual	Section A13.1
Freedom of Information Act Practices and Procedures	Issued: March 15, 2010 Approving Authority: Board of Library Trustees

FREEDOM OF INFORMATION ACT PRACTICES AND PROCEDURES

I. Compliance

It is the policy of the Orland Park Public Library (the "Library") to permit access to as well as inspection and copying of public records in accordance with the Illinois Freedom of Information Act, hereinafter referred to as the "Act" or "FOIA" (5 ILCS 140/1 et seq.). In accord with the above stated policy, the following practices and procedures are provided and established by the Library.

II. Freedom of Information Officer

A. Designation. The Library Administrator is hereby designated to act as the Library's Freedom of Information Officer, to receive requests submitted under the Act, ensure timely responses to requests and issue responses under the Act, except in instances where records are furnished immediately. In the event that the Library Administrator is not available, the Assistant Director is designated as the Deputy FOIA Officer to whom such requests are to be made.

B. Procedures. The Freedom of Information Officer shall:

1. develop a list of documents or categories of records to be immediately disclosed upon request;
2. note the date a written request is received;
3. compute the day on which the period for response will expire and make a notation of that date on the written request;
4. maintain an electronic or paper copy of a written request, including all documents submitted with it, until the request is complied with or denied; and

5. create a file for the retention of the original request, a copy of the response, a record of written communication with the requester and a copy of other communications.

C. Training.

1. On or before June 30, 2010, all the Freedom of Information Officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor. The Public Access Counselor is an attorney in the Attorney General's Office whose responsibility it is to insure compliance with FOIA.
2. After June 30, 2010, the Freedom of Information Officer shall successfully complete an annual training program.
3. Whenever a new Freedom of Information Officer is designated, he or she will successfully complete the electronic training curriculum to be developed by the Public Access Counselor within thirty (30) days after assuming the position.
4. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information Officer.
5. A list naming the Freedom of Information Officers shall be submitted to the Public Access Counselor.

III. Requesting Records

- A. Requests for all records must be in writing and submitted to the attention of the FOIA Officer by mail, facsimile or e-mail, or delivery during regular business hours of the Business Offices of the Library.

No oral request for records will be processed. The person orally requesting records shall be advised to put the request in writing.

- B. Designated office for submission of FOIA requests:

Freedom of Information Officer
Orland Park Public Library
14921 Ravinia Avenue
Orland Park, IL 60462

Hours: Those hours during which the Business Offices of the Library are open for business currently:

9:00 a.m. to 5:00 p.m. - Monday through Friday

- C. Content of Requests. In addition to being in writing, all requests must specify, in particular, the records requested to be retrieved and and/or inspected. Provide as much information as possible on the subject matter. This will help expedite the search process. All requests must also specify whether the records are requested for a commercial purpose as well as whether the requestor is requesting a fee waiver. If any records are to be certified, it must be so indicated in the request, specifying which records are to be certified. A written request should include the requestor's name, address, the date and a daytime telephone number so that the Library can contact the requester if it has any questions.

- D. When a person requests a copy of a record maintained in an electronic format, the Library shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Library shall furnish it in the format in which it is maintained by the Library or in paper format at the option of the requester. The Library may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. The Library may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.

IV. Responses to Requests for Records Not Sought for a Commercial Purpose

Within five (5) business days from receipt of a written request for records not sought for a commercial purpose, one or more of the following responses will be given to the person requesting records:

1. The requested inspection or copying of the records may be granted immediately if the request is for a record or records that are easily accessible and immediately available. The person releasing the records shall prepare a memorandum of the release.

2. Advise in writing that the records are available for inspection or copying at the Library.

3. Advise in writing that the request is unduly burdensome with an offer to the person making the request of an opportunity to confer with the FOIA Officer in an attempt to reduce the request to a manageable proportion.

4. Advise in writing that the request cannot be filled within five (5) days and that it will be responded to within an additional five (5) days from the original due date and notify the requestor of the reason(s) for the extension.

5. Agree in writing to extend the time for compliance for a period of time to be determined by the parties and notify the requester of the reason(s) for the extension and response delay.
6. Deny, in whole or in part, the request in writing, stating the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial shall also inform the requester of the right to review by a Public Access Counselor and the Public Access Counselor's address and phone number. Each notice of denial shall inform the requester of his or her right to judicial review under Section 11 of the Act. Any denial shall be made in writing and mailed or given personally within the five (5) day period or any extension thereof. When a request for public records is denied on the grounds that the records are exempt under Section 7 of the Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. Copies of all notices of denial shall be retained by the Library in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

V. Responses to Requests for Records Sought for a Commercial Purpose.

Within twenty-one (21) working days from receipt of a written request for records sought for a commercial purpose, one or more of the following responses shall be given to the person requesting this record:

1. The requester's inspection or copying of the records may be granted immediately if the request is for a record or records that are easily accessible and immediately available. The person releasing the record shall prepare a memorandum of the release.
2. Advise in writing that the records are available for inspection or copying at the Library.
3. Advise in writing that the request is unduly burdensome with an offer to the person making the request of an opportunity to confer with the FOIA Officer in an attempt to reduce the request to a manageable proportion.
4. Deny, in whole or in part, the request in writing stating the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, as well as both the right to review by a Public Access Counselor and the Public Access Counselor's address and phone number. Any denial shall be made in writing and mailed or given personally. It shall include the name and title of the person responsible for the denial. Each notice of denial shall inform the requestor of his right to judicial review under Section 11 of the Act.

When a request for public records is denied on the grounds that the records are exempt under Section 7 of the Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. Copies of all notices of denial shall be retained by the Library in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

5. Provide, in writing, to the requestor an estimate of the time required to provide the requested records and an estimate of the fees to be charged, which must be paid in full before copying the requested document. Unless the records are exempt from disclosure, the Library shall comply with the request within a reasonable time period considering the size and complexity of the request and giving priority to records requested for non-commercial purposes.

VI. Interpretation/Advisement

The Library has no obligation to interpret public records or to advise requester of their meaning or significance.

VII. Exempt Records

When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under Section 7 of the Act, but also contains information that is not exempt from disclosure, the Library may elect to redact the information that is exempt. The Library shall make the remaining information available for inspection and copying.

VIII. Records Not in Library's Possession But In Possession of Contractor Party

A public record that is not in the possession of the Library but is in the possession of a party with whom the Library has contracted to perform a governmental function on behalf of the Library, and that directly relates to the governmental function and is not otherwise exempt under this Act, is to be considered a public record of the Library, for purposes of the Act.

IX. Public Access Counselor

- A. Review by Public Access Counselor. Any person whose request to inspect or copy a public record is denied may file a request for review with the Public Access Counselor established in the Office of the Attorney General within 60 calendar days after the date of final denial (or the date upon which the response was due).

- B. Written Request for Review. Requests for review must be written, signed by the requestor and include both a copy of the request for access to records and any response from the Library. Upon receipt, the Public Access Counselor shall determine whether further inquiry is warranted.
- C. Notice of Intent to Deny Under Subsection 1(c) or 1(f) of Section 7 of the Freedom of Information Act. If the Library asserts that records are exempt under subsection 1(c) or 1(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods for responding to a request, provide written notice to both the requestor and the Public Access Counselor, of its intent to deny the request in whole or in part. Specifically, the notice shall include: (1) a copy of the request for access to records; (2) the Library's proposed response; and (3) a detailed summary of the Library's basis for asserting the exemption. Upon receipt, the Public Access Counselor shall determine whether further inquiry is warranted within five (5) working days. If the Public Access Counselor determines that further inquiry is warranted, the procedures set out in the Act regarding the review of denials, including the production of documents, shall also be applicable to the inquiry and resolution of a notice of intent to deny from the Library. Times for response or compliance by the Library under Section 3 of the Act shall be tolled until the Public Access Counselor concludes his or her inquiry.
- D. Further Inquiry Warranted. Upon receipt of a request for review, the Public Access Counselor shall determine whether further action is warranted. If the Public Access Counselor determines that the alleged violation is unfounded, he or she shall so advise the requester and the Library, and no further action shall be undertaken. In all other cases, the Public Access Counselor shall forward a copy of the request for review to the Library within 7 working days after receipt and shall specify the records or other documents that the Library shall furnish to facilitate the review. Within 7 working days after receipt of the request for review, the Library shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. To the extent that records or documents produced by the Library contain information that is claimed to be exempt from disclosure under Section 7 of the Act, the Public Access Counselor shall not further disclose that information.

Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Library may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the Library.

In addition to the request for review, and the answer and the response thereto, if any, a requester or the Library may furnish affidavits or records concerning any matter germane to the review.

Unless the Public Access Counselor extends the time by no more than 21 business days by sending written notice to the requester and the Library that includes a statement of the reasons for the extension in the notice, or decides to address the matter without the issuance of a binding opinion, the Attorney General shall examine the issues and the records, shall make findings of fact and conclusions of law, and shall issue to the requester and the Library an opinion in response to the request for review within 60 days after its receipt. The opinion shall be binding upon both the requester and the public body, subject to administrative review under Section 11.5 of the Act.

In responding to any request under Section 9.5 of the Act, the Attorney General may exercise his or her discretion and choose to resolve a request for review by mediation or by a means other than the issuance of a binding opinion. The decision not to issue a binding opinion shall not be reviewable. If the requester files suit under Section 11 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the Library.

- E. Violation Notice. Upon receipt of a binding opinion concluding that a violation of this Act has occurred, the Library shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 11.5 of the Act.
- F. Administrative Review. A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law. (735 ILCS 5/Art. III) An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook or Sangamon County. An advisory opinion issued to a Library shall not be considered a final decision of the Attorney General for purposes of this Section.
- G. Advisory Opinions. The Attorney General may issue advisory opinions to the Library regarding compliance with the Act. A review may be initiated upon receipt of a written request from the head of the Library or its attorney, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Library in order to assist in the review. If the Library relies in good faith on an advisory opinion of the Attorney General in responding to a request, it is not liable for penalties under the Act, so long as the facts upon which the

opinion is based have been fully and fairly disclosed to the Public Access Counselor.

X. Retrieval and Copying

Retrieval and copying of records is limited only to employees of the Library designated by the FOIA Officer.

XI. Inspection of Records

Inspection of records shall only be permitted by appointment, in the presence of an employee of the Library designated by the FOIA Officer, during regular business hours.

XII. Catalog of Records

Records are catalogued by type in accord with the List of Records below.

1. Financial records
2. Board resolutions
3. Board ordinances
4. Board minutes
5. Committee minutes
6. Correspondence received of the Library
7. Correspondence from the Library
8. Construction records
9. Insurance information
10. Grant records
11. Policy and Personnel records
12. Meeting room requests
13. Insurance records
14. Capital equipment and maintenance
15. Agendas and minutes of meetings
16. Contracts
17. Public notices
18. FOIA requests and responses

XIII. Central File for Denial Letters

A central file for denial letters, indexed by the type of exception for denial, will be maintained by the FOIA Officer.

XIV. Fees

The fees for copies of records are as follows:

- A. The first 50 pages of black and white, letter or legal size copies: Free

- B. 15¢ per page for each page in excess of 50 pages copied by a Library employee in house.
- C. The actual cost per page for each color copy or size other than letter or legal.
- D. The actual cost per page for each page copied by a third party when the Library is unable to copy the records in house.
- E. \$1.00 per certificate if the copies are to be certified.
- F. Reproduction on disc, diskette, tape or other media: actual cost of recording media.

If the person making the request for records states that the purpose of the request is for health, safety and welfare or legal rights of the general public rather than the personal or commercial gain and requests that the fee be waived or reduced, the FOIA Officer may, upon inquiry of the precise reason for the request, grant such waiver or reduction as he/she deems appropriate.

No fee shall be charged for copies of records if the Library fails to respond to a request within the time permitted for extension, but later provides the requested public records.

No fee shall be charged for any personnel costs related to searching for, reviewing or reproducing records.

XV. Questions

Should any person have any questions regarding access to public records of the Library that are not answered herein, those questions may be addressed to the FOIA Officer.

XVI. Orland Park Public Library Freedom of Information Act Directory

The Orland Park Public Library is a Local Municipal Library incorporated and organized under the laws of the State of Illinois for the purpose of providing its residents with access to information for educational, informational and recreational needs. The information is provided jointly from the Library's collection of materials and services and by referral and/or access to levels of information and research beyond the Library's collection through interlibrary loan, Metropolitan Library System services and other similar services.

The Orland Park Public Library has certain functional subdivisions which are shown below. The approximate amount of the operating budget of the Orland Park Public Library is \$4,167,245. The Library's sole office is located at 14921 Ravinia Avenue, Orland Park, Illinois. The Orland Park Public Library currently employs approximately 25 full-time and 70 part-time employees. The members of the Board of Library Trustees and standing committees of the Orland Park Public Library are as follows:

Board of Library Trustees

Diane I. Jennings, President
Catherine M. Lebert, Vice-President
Carole D. Hillman, Secretary
Nancy W. Healy, Treasurer
Mary Ann Ahl, Trustee
George R. Sims, Trustee
Brian K. Wydajewski, Trustee

Committees

- a. Finance –Sims, Healy
- b..Building and Maintenance – Sims, Wydajewski
- c. Personnel—Hillman, Lebert, Ahl
- d. Service and Policy—Healy, Jennings, Ahl
- e. Law—Jennings, Wydajewski
- f. Long Range Planning—Board functioning as a committee of the whole

XVII. Organizational Chart

A block diagram of the functional subdivisions of the Library is attached to these Practices and Procedures.

