

FREEDOM OF INFORMATION ACT POLICY

The Palos Heights Public Library subscribes to and observes the provisions of the Illinois Freedom of Information Act (“Act”). These rules and regulations are established to implement the provisions of the Freedom of Information Act. The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Palos Heights Public Library while, at the same time, protecting the legitimate privacy interest of residents and maintaining administrative efficiency.

These rules and regulations are filed in accordance with the Freedom of Information Act. A copy of the Freedom of Information Act is on file for inspection at the Library.

Procedure

Making a Request

Any person may request records of the Palos Heights Public Library by submitting a written request, delivered by mail, fax, e-mail or in person. Requesters may use the Library’s FOIA Request Form, which is available on the Library’s website or in the Library. The requestor shall provide the following information in a request for public records:

The requestor's full name, address and phone number.

A brief description of the public record sought, being as specific as possible.

Whether the request is for inspection of public records, copies of public records or both.

Whether the request is for a commercial purpose.

Mailed requests should be sent to:

Administrative Librarian/Freedom of Information Officer
Palos Heights Public Library
12501 S. 71st Avenue
Palos Heights, IL 60463

Requests may be faxed to: (708) 448-8950 or e-mailed to: (admin@palosheightslibrary.org). Any oral requests for records will not be processed. The person orally requesting records will be instructed to put the request in writing to the attention of the Freedom of Information Act Officer. Routine oral requests will be handled at the discretion of the Freedom of Information Officer. Examples of the routine oral requests that will be handled at the discretion of the Freedom of Information officer include requests for: minutes of public meetings and copies of Library ordinances.

Response to Requests

The Library shall respond to a request for public records in one of three ways: approve the request; approve in part and deny in part or deny the request. The Library shall respond to a written request for public records within five (5) working days after the receipt of the written request, except for commercial requests. Upon receipt of a FOIA request, the Freedom of Information Officer will note the date of receipt of the request, compute the deadline to respond to the request and write it on the request, maintain an electronic or paper copy of the written request and all documents submitted with the request until it is complied with or denied, and create a file for the retention of the original request, a copy of the response and a copy of any communications regarding the request.

The Library may give notice of an extension of time to respond which does not exceed an additional five (5) working days, unless the requester and the Freedom of Information Officer agree to extend the time to respond to a different date and put such agreement in writing. Such an extension is allowable only if written notice is provided within the original five (5) working day time limit and only for the reasons provided in Section 3(e) of the FOIA. Such notice of extension shall state the reasons why the extension is necessary and the date by which the records will be made available or denial will be made. Such an extension may be for any of the reasons set forth in the Act, as follows:

1. The requested records are stored in whole or in part at locations other than the office having charge of the requested records;
2. The request requires the collection of a substantial number of specified records;
3. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
5. The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the Act or should be revealed only with appropriate deletions;
6. The request for records cannot be complied with by the Library within the time limits prescribed above without unduly burdening or interfering with the operations of the Library; or
7. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

Exemptions

The Act creates a presumption that all records in the custody or possession of the Library are open to inspection or copying. Records are exempt only, as provided in Section 7 of the Act.

Exemptions shall be considered as follows:

1. The Library is not required to provide copies of or allow access to any public records, which are exempt from disclosure under the Act, as amended from time to time.
2. If any public record that is exempt from disclosure under the Act contains any material, which is not exempt, the Library shall delete the exempt information and make the remaining information available for inspection and copying.

Approval of a Request

Unless otherwise arranged, public records will be made available for inspection during normal working hours of the Library at the office of the Freedom of Information Officer, Monday – Friday from 9:00 a.m. to 5:00 p.m. Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. All copying shall be done by Library employees. Original documents may only be examined under close supervision of Library staff.

Denial of Request

When a request for public records is denied on the grounds that the records are exempt under the Act, the notice of denial shall specify the exemption claimed to authorize the denial. When the Library denies a request for public records, it shall notify the Requestor in writing of that decision, the reasons for the denial, including a detailed factual basis for the application of any claimed exception in accordance with either Section 3(g) and/or Section 7 of the FOIA, and the names and titles or positions of each person responsible for the denial. A notice of denial shall also inform the Requestor of his/her right to review by the Public Access Counselor, including the Counselor's address and phone number. The Requestor shall also be notified of the right to seek judicial review pursuant to the Act. The Public Access Counselor can be reached at: 1-800-243-0618 or (217) 558-0486; Illinois Attorney General's Office, 500 South Second Street, Springfield, Illinois 62701.

Failure to respond to a written request within five (5) working days, or an extended date agreed to in writing between the parties, if any, may be considered by the requestor as a denial of a request. Categorical requests creating an undue burden upon the Library shall be denied only after extending to the Requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(g) of the Act.

Commercial Requests

For commercial requests, the procedure shall be as follows: The Freedom of Information Officer shall respond within twenty-one (21) working days. The response shall: (i) provide the requester an estimate of the amount of time required to provide the requested records and an estimate of the fees to be charged, which must be prepaid; (ii) deny the request pursuant to any of the applicable exemptions in the Act; (iii) notify the requester that the request is unduly

burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or (iv) provide the requested records.

Freedom of Information Officer

The Administrative Librarian shall be the Freedom of Information Officer. In the absence of the Administrative Librarian, the Acting Administrative Librarian shall be the Freedom of Information Officer. Officers initially designated as Freedom of Information Officers, and their designates, shall complete the training mandated by the Act within six (6) months of January 1, 2010. Persons assuming those positions thereafter shall complete the training within thirty (30) days of appointment.

The Freedom of Information Officer shall make available to the public at no charge the following materials:

A brief description of the organization structure and budget of the Palos Heights Public Library;

A brief description of the means for requesting information and public records and a directory of the Freedom of Information Officers; and

A list of types and categories of public records maintained by the Palos Heights Public Library.

This information will also be posted on the Library’s website.

Fees and Costs

Copies of public records shall be provided to the requestor only upon payment of any copy charges which are due. In the event that the charges for copies of public records are more than \$0.50, the Freedom of Information Officer shall require that advance payment be made in full. Written confirmation from the requestor will be required for charges over \$25.00. The copying charges may be waived, pursuant to the Act and at the discretion of the Freedom of Information Officer. The copying charges are as follows:

<u>Type of Duplication</u>	<u>Per Copy Charge</u>
Paper copy from paper original – black and white Charge is only for pages in excess of 50 pages	\$.15
Paper copy – color copy or larger than letter or legal paper	\$ actual cost
Paper copy from microfilm original (possibly different charges for different sizes)	\$ actual cost
Microfilm from microfilm original First ten pages:	No charge

Additional pages:	\$ actual cost.
Computer printout - film	\$ actual cost
Black and white film and prints (Different charges for Different sizes)	\$ actual cost
Electronic format (disk, diskette, etc.)	actual cost of medium
Certification of Public Records	\$ 1.00

For commercial requests, the costs shall be determined as stated on page 3.

Adopted
March 11, 2010

**PALOS HEIGHTS PUBLIC LIBRARY
FREEDOM OF INFORMATION REQUEST**

Name: _____

Address: _____

Telephone: Home: _____ Cell: _____

E-mail address: _____

DESCRIPTION OF REQUESTED RECORD(S):

Please indicate that if you wish to inspect the above captioned records or wish a copy of them:

____ Inspection

____ Copy

____ Both

Do you wish to have copies certified? _____

Is this information to be used for a commercial purpose: yes _____ no _____

This request is being made in accordance with the provisions of the Freedom of Information Act, and the undersigned agrees to abide by the Rules and Regulations, and to pay all charges involved with the copying of the documents including postage costs.

SIGNATURE

FOR OFFICE USE ONLY

Date Received

Date Response Due

Date and Type of Response: Approved on _____; partially approved on _____; denied on _____

**PALOS HEIGHTS PUBLIC LIBRARY
DENIAL OF REQUEST FOR PUBLIC RECORDS**

DESCRIPTION OF REQUESTED RECORDS: _____

Your request dated _____ for the above captioned records has been denied:

_____ The request creates an undue burden on the public body in accordance with Section 3 (g) of the Freedom of Information Act, and we were unable to negotiate a more reasonable request.

_____ The materials requested are exempt under Section 7_____ of the Freedom of Information Act for the following reasons (include detailed factual basis for any claimed exemption): _____

The individuals who were responsible for the denial are:

You have the right to appeal the denial of the records you have requested to the Public Access Counselor by submitting a written notice of appeal to:

Public Access Counselor
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62701
1-800-243-0618 or (217) 558-0486

You also have the right to judicial review pursuant to Section 11 of the Freedom of Information Act, 5 ILCS 140/11.

Freedom of Information Officer

Date

**PALOS HEIGHTS PUBLIC LIBRARY
DENIAL OF REQUEST FOR PUBLIC RECORDS
BASED ON SECTION 7(1)(c) OR 7(1)(f)**

A copy of your request dated _____ is enclosed. Your request dated _____ for the records listed therein has been denied:

_____ The request creates an undue burden on the public body in accordance with Section 3 (g) of the Freedom of Information Act, and we were unable to negotiate a more reasonable request.

_____ The materials requested are exempt under Section _____ 7(1)(c) _____ 7(1)(f) of the Freedom of Information Act for the following reasons (include detailed factual basis for any claimed exemption): _____

The individuals who were responsible for the denial are:

You have the right to appeal the denial of the records you have requested to the Public Access Counselor by submitting a written notice of appeal to:

Public Access Counselor
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62701
1-800-243-0618 or (217) 558-0486

You also have the right to judicial review pursuant to Section 11 of the Freedom of Information Act, 5 ILCS 140/11.

Freedom of Information Officer

Date

cc: Public Access Counselor
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62701