



Book	District Policies
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## **Mokena Community Public Library District Public Records Request Policy**

**POLICY:** It is the policy of the Mokena Community Public Library District (the "Library") to comply with the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (the "Act" or "FOIA"), recognizing that all persons are entitled to full and complete information regarding the affairs of Library government and the official acts and policies of those who represent them as public officials and public employees, while, at the same time, protecting the legitimate privacy interests of persons and maintaining administrative efficiency. To achieve that objective, the Library, and its subsidiary bodies, such as, its boards, commissions and committees, will make available for inspection or copying, all public records, as defined in Section 140/2(c) of the Act, which are not specifically exempted under Sections 7 and 7.5 of the Act. The Act does not obligate the Library to maintain or prepare any public record not ordinarily maintained or prepared by the Library, or compel the Library to interpret or advise a requestor as to the meaning or significance of public records.

### **I. PROCEDURE FOR PROVIDING PUBLIC RECORD**

#### **A. Requests for Public Records**

- 1. General:** Except as otherwise provided in this Policy, requests for public records must be made in writing. Requestors may use the Library's FOIA request form, which is attached hereto as Exhibit A and is available on the Library's website. The Library will comply with written requests for public records within the time required by the Act. Working/business days are Monday through Friday, excepting recognized holidays.
- 2. Oral Requests:** The release of public records based upon routine oral requests will be subject to the discretion of the Freedom of Information Officer. Examples of such routine oral requests include minutes of public meetings and copies of Library ordinances.
- 3. Submitting a Request:** FOIA requests should be submitted to the designated Freedom of Information Officer at the following location:

Mokena Community Public Library District  
11327 W. 195<sup>th</sup> Street  
Mokena, Illinois 60448  
Attn: Freedom of Information Officer

4. The Request: Persons making requests for Library records must specify:

- a. The name or a brief description of the public record(s) requested, being as specific as possible.
- b. Whether the request is for inspection of public records, copies of public records, or both.
- c. The desired method of delivery, i.e., will call, mail, facsimile, etc. The Library will attempt to accommodate the desired method, depending upon the records requested.
- d. Whether the request is for a commercial purpose.

**B. Extensions**

In the event that the Library cannot comply with a request within the five (5) business day period, the Library will notify the requestor in writing that an additional five (5) business day period is necessary to comply with the request. Such notification will include the specific reason for the delay and the date by which the public 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, which are as follows:

1. The requested public records are stored in whole or in part at locations other than the office having charge of the requested public records;
2. The request requires the collection of a substantial number of specified public records;
3. The request is couched in categorical terms and requires an extensive search for the public records responsive to it;
4. The requested public records have not been located in the course of a routine search and additional efforts are being made to locate them;
5. The requested public 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 public 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.

An extension beyond the additional five (5) business days requires a written agreement between the requestor and the Freedom of Information Officer to extend the time to respond to a different date.

**C. Exemptions**

The Act creates a presumption that all public records in the custody or possession of the Library are presumed to be open to inspection or copying. The Library is not required to provide copies of, or allow access to, any public records which are exempt from disclosure under the Act or are unduly burdensome, subject to certain requirements. Exemptions shall be considered as follows:

1. Exempt Public Records: The Library will not provide copies of, or allow access to, any public records which are exempt from disclosure under the Act.
2. Exempt Public Record with Non-Exempt Material: If a public record is not exempt from disclosure under the Act but contains material that is exempt, the Library shall delete the exempt material and make the public record available for inspection and copying.
3. Unduly Burdensome: Requests for all public records within a category shall be complied with unless compliance would be unduly burdensome for the Library, the request cannot be narrowed, and the burden on the Library outweighs the public interest in the information. Before invoking this exemption, the Library shall extend to the requestor an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If the Library responds to a categorical request by stating that compliance would unduly burden its operation, and an attempt to reduce the request is unsuccessful, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Library. Such a response shall be treated as a denial of the request for public records. Repeated requests from the same person for the same public records that are unchanged or identical to public records previously provided or properly denied are unduly burdensome.
4. Burden of Proof: If the Library asserts that a public record is exempt from disclosure, it has the burden of proving, by clear and convincing evidence, that it is exempt.

## D. Inspection

Public records may be viewed at the Library during normal business hours or at such other time and place as the Library may determine. When a request is made to view public records, the requestor should be advised not to appear at the Library assuming the requested records will be available, unless confirmed by a Library employee, authorized to coordinate such viewing.

## E. Library Response

1. Freedom of Information Officer Designation: The Library Board of Trustees shall designate an employee(s) as the Freedom of Information Officer(s), and shall appoint such assistants to the Freedom of Information Officer, within each Library Department, as the the Library Board of Trustees shall deem necessary and appropriate.

2. Freedom of Information Officer Training: The Freedom of Information Officer(s), and his/her/their assistants, shall complete the training within thirty (30) days of appointment/designation.

3. Public Records for Immediate Disclosure: The Freedom of Information Officer(s) shall develop a list of documents or categories of public records that the Library shall immediately disclose upon request. That list shall be made available for all Library Departments.

4. Response to Request: Unless requested public records are provided immediately, any Library employee or official receiving a request for public records under the Act must immediately forward that request to the Freedom of Information Officer(s), who shall ensure that the request is responded to in accordance with the Act and this Policy. All requests shall be responded to as follows:

a. Timing of Response: Requests will be responded to within the five (5) business day period or the five (5) additional business day period if conditions for an extension of time exist, subject to further extension based upon a written agreement. Commercial requests shall be responded to as provided in Section IV.E. below.

b. Receipt of Request: Upon receipt of a request for a public record, the Freedom of Information Officer(s) shall:

- (1) Note the date received;
- (2) Compute the day on which the period for response ends and note that date on the request;
- (3) Maintain an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been complied with or denied; and
- (4) Create a file for the retention of the original request, a copy of the response, a record of the written communications with the requestor, if any, and a copy of any other communications.

c. To Approve a Request: Complete the proper response indicating if public records are enclosed, payment due or the date, time and location for inspection, and send to the requestor, maintaining a copy of the completed letter.

d. To Obtain an Extension of Time to Respond to a Request: Complete the extension letter indicating the reason for an extension and send to the requestor, maintaining a copy of the completed letter.

e. To Deny a Request: Complete the proper response citing the factual basis for any claimed exemption, and send to the requestor, maintaining a copy of the completed letter.

f. To Deny a Request In Part: Complete the proper response indicating the reason for denying a portion of the request and a detailed factual basis for such denial, and send to requestor along with the redacted public records.

g. To Address an Unduly Burdensome Request: Contact the requestor and advise that the request is unduly burdensome and request a conference to attempt to narrow the request to a manageable proportion.

## II. APPROVAL OF REQUEST FOR PUBLIC RECORDS

Upon approval of a request for public records, the Library may either provide copies of the public records immediately, give notice that the public records shall be made available upon payment of reproduction and postage costs, if applicable, or give notice of the time and place for inspection of the public records.

## III. DENIAL OF REQUEST FOR PUBLIC RECORDS

**A. Notice of Denial:** 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 authorizing the denial. When the Freedom of Information Officer(s) denies a request for public records, he/she 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 under Sections 3(g), 7 or 7.5 of the Act, 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 Public Access Counselor's address and phone number: 1-877-299-3642; Public Access Counselor, Office of the Illinois Attorney General, 500 2nd Second Street, Springfield, Illinois 62701, public.access@ilga.gov. The requestor shall also be notified of the right to seek judicial review pursuant to the Act.

**B. Categorical Requests:** 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.

**C. Review by Public Access Counselor:** Upon receipt of a request for review, the Public Access Counselor is authorized to determine whether further action is warranted. The Public Access Counselor may find a request for review to be unfounded, so advising the requestor and the Library. In other cases, the Public Access Counselor will forward the request for review to the Library, specifying the public records or other documents that the Library must furnish to facilitate the Public Access Counselor's review. The Library must provide copies of the requested public records within seven (7) working days after receipt of the request and fully cooperate with the Public Access Counselor. The Library within that time period may, but is not required to, answer the allegations of the request for review by letter, brief or memorandum. The Public Access Counselor will forward such an answer, with any alleged confidential information redacted, to the requestor who may provide a response. The requestor or the Library may provide affidavits or records concerning any matter relative to the review. The Attorney General, through the Public Access Counselor, will provide an opinion in response to the request for review within sixty (60) days after its receipt, unless extended by the Public Access Counselor for up to twenty-one (21) additional business days. The opinion is binding upon the Library and the requestor, subject to administrative review under the Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

The Attorney General, through the Public Access Counselor, may exercise his/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 is not reviewable.

**D. Judicial Review During Public Access Counselor Review:** If a requestor files suit in court while a denial is pending review before the Public Access Counselor, the requestor is required to notify the Public Access Counselor, who shall take no further action with respect to that request, and shall so notify the Library.

**E. Denial Due to Time:** The Library's failure to respond to a written request within five (5) business days, an extension of an additional five (5) business days, or an extended date agreed to in writing between the parties, if any, may be considered by the requestor as a denial of the request.

**F. Retention of Denial Notices:** 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 public records requested. That file shall be maintained by the Freedom of Information Officer(s).

**G. Advisory Opinions by Attorney General:** The Library may request the Attorney General, through the Public Access Counselor, to issue an advisory opinion regarding compliance with the Act. Such a request must be in writing executed by the Library Director or the Library Attorney, and shall contain sufficient accurate facts from which a determination can be made. The Library may rely upon such an opinion so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.

## IV. SPECIAL REQUIREMENTS UNDER THE ACT

**A. Records of Funds:** All records relating to the obligation, receipt and use of public funds of the Library are

public records subject to inspection and copying by the public. (See 5 ILCS 140/2.5)

**B. Payrolls:** Certified payroll records submitted to the Library under Section 5(a)(2) of the Prevailing Wage Act are public records subject to inspection and copying in accordance with the provisions of the Act; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the Library prior to disclosure. (See 5 ILCS 140/2.10)

**C. Settlement Agreements:** All settlement agreements entered into by or on behalf of the Library are public records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 7 of the Act may be redacted. (See 5 ILCS 140/2.20)

**D. Commercial Purposes:** When public records are requested for commercial purposes, the Freedom of Information Officer(s) shall respond within twenty-one (21) working days. The response shall:

1. provide the requestor with an estimate of the amount of time required to provide the requested public records and an estimate of the fees to be charged, which must be prepaid;
  2. deny the request pursuant to any applicable exemption(s);
  3. notify the requestor that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or
  4. provide the requested public records.
- (See 5 ILCS 140/3.1)

**E. Public Record in Possession of Another:** 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 of the Library, but is not otherwise exempt under the Act, is considered a public record of the Library for purposes of the Act.

## V. FEES

**A. Fees Generally:** Except when a fee is otherwise fixed by statute, the Library shall charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of Library equipment to copy public records.

**B. Electronic Format:** When a person requests a copy of a public record maintained in an electronic format, the Library shall furnish it in the electronic format specified by the requestor, if feasible. If it is not feasible to furnish the public record 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 requestor. For public records produced in electronic format, the Library shall charge the requestor for the actual cost of purchasing the recording medium, whether disc, diskette, tape or other medium. Any statutory fees applicable to copies of public records when furnished in paper format shall not be applicable to those public records when furnished in electronic format.

**C. Fee Schedule:** Fees may include postage, or the actual cost incurred in sending via facsimile if the requestor asks for the response to be sent via facsimile, but must exclude the costs of any search for and review of the public record. Such fees shall be imposed according to the following schedule of fees:

Public Record	Fee
Duplication of Black & White Library Records that are letter size (8½ x 11) or legal size (8½ x 14)	The first 50 pages shall be at no charge, with any pages in excess of 50 at \$0.15 per page
Duplication of Library Records that are in Color, or are not letter size (8½ x 11) or legal size (8½ x 14), except as noted elsewhere in this chart	Actual cost to copy
Certification of Records	\$1.00 per certification

**D. Payment of Fees:** If a request is made in person, and Library staff is able to comply with the request at that time, all fees must be paid upon receipt of the public records. If additional time is needed to comply with the request, the requestor will be notified when the public records are available, and fees must be paid at the time of delivery. Written confirmation from the requestor should be obtained for charges over \$25.00.

**E. Waiver or Reduction of Fee:** Public records shall be furnished without charge or at a reduced charge, as determined by the Library Director, if the requestor states the specific purpose for the request and indicates

that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public. In setting the amount of the waiver or reduction, the Library may take into consideration the amount of public records requested and the cost of copying them.

#### **IV. PUBLIC INFORMATION**

**A. General Information:** The Library shall post on its website and prominently display at the Library Building and at each of its administrative or regional offices, make available for inspection and copying, and send through the mail if requested, each of the following:

1. A brief description of itself, which will include, but not be limited to, a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to its operation, or which exercises control over its policies or procedures, or to which the Library is required to report and be answerable for its operations; and
2. A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information Officer(s) and address(es) where requests for public records should be directed, and any fees required for copying charges.

**B. List of records:** The Library shall maintain and make available for inspection and copying a reasonably current list of all types or categories of public records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to the Act. The Library shall furnish, upon request, a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

**FOIA REQUEST**

**\*\*Note to Requester: Retain a copy of this request for your files. If you eventually need to file a Request for Review with the Public Access Counselor, you will need to submit a copy of your FOIA request.\*\***

Name and Address of Public Body Receiving Request: \_\_\_\_\_  
\_\_\_\_\_

Date Requested: \_\_\_\_\_

Request Submitted By: \_\_\_ E-mail \_\_\_ U.S. Mail \_\_\_ Fax \_\_\_ In Person

Name of Requester: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/County Zip (required): \_\_\_\_\_

Telephone (Optional): \_\_\_\_\_ E-mail (Optional): \_\_\_\_\_

Fax (Optional): \_\_\_\_\_

Records Requested: \*Provide as much specific detail as possible so the public body can identify the information that you are seeking. You may attach additional pages, if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you want copies of the documents? YES or NO

--Do you want Electronic Copies or Paper Copies? \_\_\_\_\_

--If you want Electronic Copies, in what format? \_\_\_\_\_

Is this request for a Commercial Purpose? YES or NO

(It is a violation of the Freedom of Information Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the public body. 5 ILCS 140.3.1(c)).

Are you requesting a fee waiver? YES or NO

(If you are requesting that the public body waive any fees for copying the documents, you must attach a statement of the purpose of the request, and whether the principal purpose of the request is to access or disseminate information regarding the health, safety and welfare or legal rights of the general public. 5 ILCS 140/6(c)).