

Policy and Procedure Manual	Section A13.1
Freedom of Information Act Practices and Procedures	Issued: March 15, 2010; revised April 20, 2015; revised October 4, 2016; revised April 17, 2018; revised July 16, 2018 Approving Authority: Administration

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 Resolution No. 2010-01 Resolution Setting Forth Provisions for Compliance with the Illinois Freedom of Information Act (A 13), the following practices and procedures are provided and established by the Library.

II. Freedom of Information Officers

A. Current FOIA Officer

Mary G. Adamowski
Assistant Library Director
708-428-5202
madamowski@orlandparklibrary.org

B. Designation

The Library Director or other indicated Library staff members are hereby designated to act as the Library’s FOIA Officer(s), 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.

C. Procedures

The FOIA Officer(s) shall:

1. Develop a list of documents and/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.

The FOIA Officer(s) shall also make available to the public at no charge the following materials:

1. A brief description of the Library, including a short summary of its purposes, operating budget, location, approximate number of full and part-time employees and identification of and membership of the Library Board and its committees;
2. A brief description of the methods for requesting information and public records, a directory of the Freedom of Information Officers, the address where requests for public records should be sent and any fees allowed by FOIA; and
3. A list of types and categories of public records maintained by the Orland Park Public Library.

This information must also be posted on the Library's website.

D. Training

1. Whenever a new FOIA Officer is designated, he or she will successfully complete the electronic training developed and maintained by the Public Access Counselor within thirty (30) days after assuming the position. This can be found at:

http://foia.ilattorneygeneral.net/electronic_foia_training.aspx

The *Public Access Counselor (PAC)* is an attorney in the Attorney General's (AG) office whose mission is to help people obtain access to public records.

2. Annually, the FOIA officer(s) shall successfully complete the electronic training curriculum at:

http://foia.ilattorneygeneral.net/electronic_foia_training.aspx

3. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information Officer.
4. A list naming the Freedom of Information Officers shall be submitted annually 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(s) by mail, fax, e-mail, or delivery during regular business hours of the Administration Office 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 mailing address for submission of FOIA requests:

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

FOIA requests may also be submitted via email to FOIA@orlandparklibrary.org

Hours: The hours during which the Administration Office of the Library is open for business are:

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

FOIA requests received after 5:00 p.m., Monday through Thursday, will be dated as received the next business day. FOIA requests received after 5:00 p.m. on Friday will be dated as received the following Monday as the next business day.

- 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. Requesters should 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 requester is requesting a fee waiver. If any records are to be certified, it must be indicated in the request,

specifying which records are to be certified. A written request should include the requester's name, the date and contact information (phone number or email address), so the FOIA Officer can contact the requester with questions.

- D. When a person requests a copy of a record maintained in an electronic format, the FOIA Officer shall furnish it in the electronic format specified by the requestor, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the FOIA Officer 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, USB flash drive, 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 That are Not Commercial Requests, Voluminous Requests or Requests from Recurrent Requesters

The Library shall respond to FOIA requests within five (5) business days (the count starts the next business day after the day of the request) from receipt of a written request for records except for commercial requests, recurrent requesters and voluminous requests. One or more of the following responses will be given to the person requesting records:

- A. The requested inspection or copying of the records may be granted immediately if the request is for a record or records easily accessible and immediately available. The person releasing the records shall prepare a response letter regarding the release.
- B. Notify the requester that the record is available online and direct the requester to the website where the record can reasonably be accessed. If the person is unable to reasonably access the record after being directed to the website, he/she may resubmit the request stating his or her inability to reasonably access the record. In that event, the Library will make the requested record available for inspection and/or copying in accordance with FOIA.
- C. Advise in writing the records are available for inspection at the Library if the records cannot be copied.
- D. Advise in writing 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.
- E. Advise in writing the request cannot be filled within five (5) business days and that it will be responded to within an additional five (5) business days from the original due date and notify the requester of the reason(s) for the extension.

- F. 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.
- G. Deny, in whole or in part, the request in writing, stating the reasons for the denial. When a request for public records is denied on the grounds the records are exempt under Section 7 or Section 7.5 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. Each notice of denial shall inform the requester of his or her right to judicial review under Section 11 of the Act, 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 emailed within the five (5) business day period or any extension thereof. Copies of all notices of denial shall be retained by the Library in a single central office file 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) business days (the count starts the next business day after the day of the request) 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:

- A. 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 record shall prepare a memorandum of the release.
- B. Notify the requester that the record is available online and direct the requester to the website where the record can reasonably be accessed. If the person is unable to reasonably access the record after being directed to the website, he/she may resubmit his request stating his or her inability to reasonably access the record. In that event, the Library will make the requested record available for inspection and/or copying in accordance with FOIA
- C. Advise in writing the records are available for inspection at the Library if the records cannot be copied.
- D. 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.
- E. Deny, in whole or in part, the request in writing, stating the reasons for the denial. When a request for public records is denied on the grounds 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. Each notice of denial shall inform the requester of his or her right to judicial review under Section 11 of the Act, 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 emailed within the twenty-one (21) business day period or any extension thereof. Copies of all notices of denial shall be retained by the Library in a single central office file 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.

- F. Provide, in writing, to the requester 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. Responses to Requests from Recurrent Requesters

A recurrent requester is a person, who, in the twelve (12) months immediately preceding the request, submitted to the Library (i) a minimum of fifty (50) requests for records; (ii) a minimum of fifteen (15) requests for records within a thirty (30)-day period, or (iii) a minimum of seven (7) requests for records within a seven (7)-day period. Recurrent requester does not apply to requests by news media and non-profit, scientific or academic organizations, when the principal purpose of the requests is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interests to the public, or (iii) for the purpose of academic, scientific, or public research or education. A request may identify multiple records for inspection or copying.

Within five (5) business days after receiving a request from a recurrent requester, the Library shall notify the requester (i) that the Library is treating the request as a recurrent request under Section 2(g), (ii) the reason for such treatment, and (iii) that the Library will send an initial response within twenty-one (21) business days after receipt.

Within twenty-one (21) business days after receiving a request from a recurrent requester, the Library shall respond to the recurrent requester in one of the following ways:

- A. Provide an estimate of the time required for the Library to provide the requested records and an estimate of the fees to be charged, which fees must be paid in full before copying;
- B. Deny the request pursuant to applicable exemptions under the Act. When a request for public records is denied on the grounds the records are exempt under Section 7 or Section 7.5 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. Each notice of denial shall inform the requester of his or her right to judicial review under Section 11 of the Act, 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 emailed within the five (5) business day period or any extension thereof. Copies of all notices of denial shall be retained by the Library in a single central office file 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;

- C. Notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable portions; or
- D. Provide the requested records.

VII. Responses to Voluminous Requests

A voluminous request is a request that:

- A. includes more than five (5) individual requests for more than five (5) different categories of records or a combination of individual requests that total requests for more than five (5) different categories of records in a period of twenty (20) business days; or
- B. requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape or recording.

As with commercial requests and recurrent requesters, the definition of voluminous requests does not include requests made by news media and non-profit, scientific, or academic organizations if the principal purpose of the request is (1) to access and disseminate information concerning news and current or passing events; (2) for articles of opinion or features of interest to the public; or (3) for the purpose of academic, scientific or public research or education.

Within five (5) business days of the receipt of a voluminous request, the Freedom of Information Officer must inform the requester of the following:

- A. the Library is treating the request as a voluminous request;
- B. the reasons why the Library is treating the request as a voluminous request;
- C. that the requester has ten (10) business days to amend the request in such a way that the Library will no longer treat the request as a voluminous request;

- D. that if the requester does not respond within ten (10) business days or if the request continues to be a voluminous request even after an attempted amendment, the Library will respond to the request and assess any fees the Library may charge under FOIA;
- E. that the Library has five (5) business days after the receipt of the requester's response or the last day for the requester to amend his or her request, whichever is earlier, to respond to the request;
- F. that the Library may extend its time to respond up to an additional ten (10) business days;
- G. that the requester has a right to a review of the Library's determination by the Public Access Counselor ("PAC") and provide the contact information of the PAC; and
- H. if the requester fails to accept or collect the responsive records, the Library may still charge the requester applicable fees and the requester's failure to pay the fees will be considered a debt due and owing to the Library.

If the request continues to be voluminous or the requester fails to respond to the Library's initial notification, the Library shall respond to the voluminous request within five (5) business days after (1) it receives the requester's response; or (2) the final day for the requester to respond to the initial notification.

The Library's response to a voluminous request shall do one of the following:

- A. Provide the records requested;
- B. Deny the request. When a request for public records is denied on the grounds the records are exempt under Section 7 or Section 7.5 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. Each notice of denial shall inform the requester of his or her right to judicial review under Section 11 of the Act, 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 emailed within the five (5) business day period or any extension thereof. Copies of all notices of denial shall be retained by the Library in a single central office file 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;
- C. Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable portions;

- D. Extend the time to respond by ten (10) business days; or
- E. Provide an estimate of the fees to be charged.

VIII. Interpretation/Advisement

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

IX. Exempt Records

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

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

A public record not in the possession of the Library but in the possession of a party with whom the Library has contracted to perform a governmental function on behalf of the Library, and 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.

XI. 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. 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 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 seven (7) business days after receipt and shall specify the records or other documents the Library shall furnish to facilitate the review. Within seven (7) business 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 records or documents produced by the Library contain information claimed to be exempt from disclosure

under the Act, the Public Access Counselor shall not further disclose that information.

Within seven (7) business 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 seven (7) business days. The Public Access Counselor 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 twenty-one (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 sixty (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.

- D. Violation Notice. Upon receipt of a binding opinion concluding 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.
- E. 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.

XII. Retrieval and Copying

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

XIII. 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 Administration hours.

XIV. 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

XV. Central File for Denial Letters

A central file for denial letters indexed according to the type of exemption asserted and to the extent feasible according to the types of records requested will be maintained by the FOIA Officer.

XVI. 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, USB flash drive, or other media: actual cost of recording media.

If the person making the request for records states 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 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.

Commercial Requests

For commercial requests, the Library will charge \$10.00 per hour for each hour in excess of eight (8) hours spent searching for or retrieving records or for examining the record for necessary redactions and will also charge the actual costs of retrieving records stored off-site by a third party storage company, if any.

Voluminous Requests

For voluminous requests for electronic records, if the records are not in a portable document format (pdf), the Library will impose the following charges:

Amount of data	Fee
For up to 2 megabytes of data	\$20
For more than 2 and less than 4 megabytes of data	\$40
For more than 4 megabytes of data	\$100

For voluminous requests for electronic records, if the records are in a portable document format (pdf), the Library will impose the following charges:

Amount of data	Fee
For up to 80 megabytes of data	\$20
For more than 80 and less than 160 megabytes of data	\$40
For more than 160 megabytes of data	\$100

For fees imposed pursuant to this section regarding voluminous requests, the Library will provide the requester with an accounting of all fees, costs and personnel hours in connection with the request. The fees the Library may charge for voluminous requests can still be charged even if the requester fails to accept or collect the records. If a requester does not pay a fee charged pursuant to Section 6 of FOIA, the debt shall be considered a debt due and owing to the Library and may be collected in accordance with applicable law.

XVII. Questions

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

XVIII. 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, Reaching Across Illinois Libraries System Services (RAILS) 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 \$5,882,000. The Library's sole office is located at 14921 Ravinia Avenue, Orland Park, Illinois, 60462. The Orland Park Public Library currently employs approximately 30 full-time and 65 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

Christian Barcelona, President, cbarcelona@orlandparklibrary.org

Joanna M. Liotine Leafblad, Vice-President, jleafblad@orlandparklibrary.org

Elan Kleis, Secretary, ekleis@orlandparklibrary.org

Diane I. Jennings, Treasurer, djennings@orlandparklibrary.org

Nancy Wendt Healy, Trustee, nhealy@orlandparklibrary.org

Daniel McMillan, Trustee, dmcmillan@orlandparklibrary.org

Charles McShane, Trustee, cmcshane@orlandparklibrary.org

Committees

- a. Finance – Committee of the Whole
- b. Building and Maintenance – Barcelona (Chair), Kleis, McMillan, McShane
- c. Personnel – Jennings (Chair), Barcelona, Leafblad, McShane
- d. Service and Policy – Healy (Chair), Leafblad, McMillan
- e. Law – Leafblad (Chair), Jennings, Kleis
- f. Strategic Plan – Committee of the Whole
- g. By-Laws –Kleis (Chair), Healy, Jennings

XIX. Organizational Chart

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