

<p style="text-align: center;">MIDLOTHIAN PUBLIC LIBRARY FREEDOM OF INFORMATION ACT (FOIA) POLICY</p>
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I. PURPOSE

The Midlothian Public Library subscribes to and observes the provisions of the Illinois Freedom of Information Act (“FOIA”). 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 Midlothian 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 offices.

II. PROCEDURE

A. Making a Request

Any person may request records of the Midlothian Public Library by submitting a written request, delivered by mail, fax, email or in person. The requestor shall provide the following information in a request for public records:

1. The requestor's full name, date, and contact information (phone number or email address)
2. A brief description of the public record sought, being as specific as possible.
3. Whether the request is for inspection of public records, copies of public records, or both.
4. Whether the request is for a commercial purpose.

To make a Freedom of Information Act request, send your request to one of our Freedom of Information Act Officers at:

Midlothian Public Library
14701 S. Kenton Avenue
Midlothian, IL 60445

Requests may be faxed to: (708) 535-2053 and emailed to: FOIA@midlothianlibrary.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.

FOIA requests after 4:00 p.m., Monday through Thursday will be dated as received the next business day. FOIA request received after 4:00 p.m. on Friday will be dated as received the following Monday as the next business day.

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B. 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, recurrent requesters or voluminous 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 days' time limits and only for the reasons provided in Section 3(e) of the FOIA (5 ILCS 140). 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 one or more of the reasons set forth in the Freedom of Information 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 Freedom of Information 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

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body having a substantial interest in the determination or in the subject matter of the request.

C. Exemptions

The Freedom of Information 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 and 7.5 of the Act (5 ILCS 140).

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 redact the exempt information and make the remaining information available for inspection and copying.

D. 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 4:00 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.

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.

E. Denial of a Request

When a request for public records is denied on the grounds that the records are exempt under the Freedom of Information 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 or 7.5 of the FOIA (5 ILCS 140), and the names and titles or positions of each person responsible for the denial. A notice of denial shall also

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inform the Requestor of his/her right to review by the Public Access Counselor (PAC), including the Counselor's address and phone number. The Requestor shall also be notified of the right to seek judicial review pursuant to the Freedom of Information Act. The Public Access Counselor can be reached at: 1-877-299-3642; Illinois Attorney General's Office, 500 South Second Street, Springfield, Illinois 62706.

Failure to respond to a written request within five (5) working days, or up to an additional five (5) working days as determined by the Freedom of Information Officer, or an additional 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 FOIA (5 ICLS 140).

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. Commercial Requests

For commercial requests, the procedure shall be as follows:

1. The Freedom of Information Officer shall respond within twenty-one (21) working days.
2. The response shall: (a) 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; (b) deny the request pursuant to any of the applicable exemptions in the Freedom of Information Act; (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or (d) provide the requested records.

G. Recurrent Requests

A recurrent requester is a person, who, in the twelve (12) months immediately preceding the request, submitted to the Library (a) a minimum of fifty (50) requests for records; (b) a minimum of fifteen (15) requests for records within a thirty (30)-day period, or (c) 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 (a) to access and disseminate information concerning news and current or passing events, (b) for articles of opinion or features of interests to the public, or (c) for the purpose of academic, scientific, or public research or education. A request may identify multiple records for inspection or copying.

For recurrent requests, the procedure shall be as follows:

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1. Within five (5) business days after receiving a request from a recurrent requester, the Library shall (a) notify the requester that the Library is treating the request as a recurrent request under Section 2(g) (5 ILCS 140); (b) state the reason for treating the request as a recurrent request; (c) notify the requester that the Library will send an initial response within twenty-one (21) business days after receipt.
2. Within twenty-one (21) business days after receiving a request from a recurrent requester, the Library shall (a) 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; (b) deny the request pursuant to any of the applicable exemptions in the Freedom of Information Act; (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or (d) provide the requested records.

H. Voluminous Request

A voluminous request is a request that:

1. 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
2. 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 (a) to access and disseminate information concerning news and current or passing events; (b) for articles of opinion or features of interest to the public; or (c) for the purpose of academic, scientific or public research or education.

For voluminous requests, the procedure shall be as follows:

1. The Freedom of Information Officer shall respond within five (5) working days. The response shall: (a) inform the requester that the Library is treating the request as a voluminous request; (b) state the reasons why the Library is treating the request as a voluminous request; (c) inform the requester that he or she 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) inform the requester that if he or she fails to respond within the ten (10) business days or if the request continues to be voluminous, the Library

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- will charge the requester with any fees incurred in its response, as applicable under FOIA; (e) inform the requester that the Library has five (5) business days after the receipt of the requester's response or after the last day for the requester to amend his or her request, whichever is earlier, to respond to the request; (f) inform the requester that the Library may extend its time to respond up to an additional ten (10) business days; (g) inform the requester that he or she has a right to a review of the Library's determination via the PAC and provide the contact information of the PAC; and (h) inform the requester that if he or she 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.
2. The response shall: (a) 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; (b) deny the request pursuant to any of the applicable exemptions in the Freedom of Information Act; (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or (d) provide the requested records.

III. FREEDOM OF INFORMATION OFFICER

The Library Director shall be the Freedom of Information Officer. In the absence of the Library Director, the Office Manager 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 Freedom of Information Act within six (6) months of January 1, 2010 and annually thereafter. Persons assuming those positions thereafter shall complete the training within thirty (30) days of appointment. A list naming the Freedom of Information Officers shall be submitted annually to the Public Access Counselor.

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

- A. 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
- B. A brief description of the methods for requesting information and public records, the address where requests for public records should be sent and any fees to be charged as allowed by the Freedom of Information Act, a brief summary of the organization structure and a directory of the Freedom of Information Officers; and
- C. A list of types and categories of public records maintained by the Midlothian Public Library.

IV. FEES AND COSTS

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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 Freedom of Information 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	\$ 0.15
Paper copy – color copy or larger than letter or legal paper	actual cost
Additional pages:	actual cost
Computer printout - film	actual cost
Black and white film and prints	actual cost
(Different charges for Different sizes)	
Electronic format (USB flash drive, disk, diskette, etc.)	actual cost of medium
Certification of Public Records	\$ 1.00
Copy from a third party when unable to copy records in-house	actual cost

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

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

<u>Amount of data</u>	<u>Fee</u>
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:

<u>Amount of data</u>	<u>Fee</u>
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 (5 ILCS 140), the debt shall be considered a debt due and owing to the Library and may be collected in accordance with applicable law.

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V. 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 sixty (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 Freedom of Information 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

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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 FOIA (5 ILCS 140). In responding to any request under Section 9.5 of the FOIA (5 ILCS 140), 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 the Freedom of Information 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 FOIA (5 ILCS 140).

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 County. An advisory opinion issued to a Library shall not be considered a final decision of the Attorney General for purposes of this Section.

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