# Freedom of Information Act

## Freedom of Information Act

The ***Freedom of Information Act*** (FOIA) is a state statute that provides the public the right to access government documents and records. The premise behind FOIA is that the public has a right to know what the government is doing. The law provides that a person can ask a public body for a copy of its records on a specific subject and the public body must provide those records, unless there is an exemption in the statute that protects those records from disclosure (for example: Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act [75 ILCS 70/1 et. seq.] *see* [5 ILCS 140/7.5(b)]).

## Purpose:

The Homewood Public Library District was formed pursuant to the Public Library Act of 1991, as amended [75 ILCS 16/1 et. seq.] and is governed by the provisions of that statute. The Homewood Public Library (Library) exists for the use of its patrons, subject to reasonable rules and regulations that the Board may adopt to render the use of the Library of the greatest benefit to the greatest number of patrons.

The objective of the Library is to provide services and materials in many varieties to meet the informational, educational and recreational needs of all members of the community, whether in their capacities as individuals, as professional or business people, or as responsible citizens.

The Library recognizes that its purpose is to provide information that contributes toward an individual's social and intellectual development and the removal of ignorance, intolerance, and indifference. Service is provided on a fair equitable basis to all individuals and groups within the district.

***The Library aspires to enrich and enhance the lives of our patrons and community.***

## Operating Budget:

The Library is supported primarily by local property taxes. The Library's operating budget for FY12-13 is $2354,310. Other funding sources include: property and personal property replacement taxes, Illinois State Per Capita Grant, investments, fines, fees and other state, federal, corporate, and private grants and donations. Tax levies are for:

- General operating expenditures
- Social Security
- Audit
- Maintenance of the buildings and equipment
- Tort liability (insurance premiums, worker's compensation insurance, risk management, attorney's fees and related expenses)

## Location:

The Library has one office located at 17917 Dixie Highway, Homewood, IL 60430, (708) 798-0121.

## Employees:

The Library employs approximately 15 full-time and 35 part-time employees.

## Governance:

The Library is governed by the Board of Library Trustees of the Homewood Public Library District, Cook

County, Illinois ("Board"). [75 ILCS 16/30-35] The Board is vested with the powers and duties set forth in the statutes and its Bylaws. The Board consists of seven Trustees.

## Advisory or Controlling Organizations

The Library is required to report and be answerable for our operations to the Illinois State Library, Springfield, Illinois. Its members are: State Librarian, Jesse White (Secretary of State); Director of State Library, Anne Craig; and various other staff. The Library files an Annual Report with the Illinois State Library each year.

## FOIA Request Procedures

Information and records available to the public may be requested in the following manner:

- All requests should be in written form.
- A request form is available at the Library, 17917 Dixie Highway, Homewood, IL 60430, weekdays 9:00 a.m. – 5:00 p.m., excluding holidays; it is also available online at http://www.homewoodlibrary.org/. You are not required to use the Library's request form, but its use is preferred since it will enable the Library to promptly and properly process your request.
- Your request must be completed legibly. There is no requirement under the FOIA for the Library to provide information other than what already exists in its records.
- Your request must specify the records requested to be disclosed for inspection or to be copied. If any records are to be certified, they must be specified. You may be consulted to clarify what records you are requesting and what records you wish to be certified.
- Legal counsel may be consulted to advise the Library as to the proper response to your request.
- The Library may not require the requester to specify the reason or purpose of the request "except to determine whether the records are requested for a commercial purpose or whether to grant a request for a fee waiver."
- The request is to be given to the FOIA Officer, 17917 Dixie Highway, Homewood, IL 60430.
- Requests received after 3 p.m. will be dated as being received on the next consecutive business day.
- Within five (5) business days of receipt of a written request, the Library will respond with information regarding: access to the information, extension of response time under the Act, or denial of the request in writing.
- The Library will, within the initial five (5) day period, notify the requester of the reason(s) and the date by which the documents will be available.
- One (1) extension of an additional five (5) business days may be used by the Library if:
    - The requested information is stored at a different location;
    - The request requires the collection of a substantial number of documents;
    - The request requires an extensive search;
    - The requested records have not been located and require additional effort to find;
    - The requested records need to be reviewed by staff who can determine whether they are exempt from FOIA;
    - The requested records cannot be produced without unduly burdening the public body or interfering with its operations; or
    - The request requires the public body to consult with another public body that has substantial interest in the subject matter of the request.
- Denial of the request will occur if the public records requested fall within one of the specific exemptions of the FOIA or in those situations where the public body does not have either a right of access or ownership of the information.

- If only part of the request is denied, and access will be given to the remainder, it will be stated it in the response.
- Denial of the request by the FOIA officer may be appealed to the Illinois Public Access Counselor ("PAC") in writing not later than sixty (60) days after the denial. You can file your Request for Review with the PAC by writing to:

  Public Access Counselor
  Office of the Attorney General
  500 South 2nd Street
  Springfield, Illinois 62706
  Fax: 217-782-1396
  E-mail: publicaccess@atg.state.il.us
- Denial of the request by the FOIA officer may also be judicially reviewed by filing a lawsuit in the Circuit Court of Cook County, Illinois. [5 ILCS 140/11].
- Records may be inspected or copied. If inspected, a Library employee must be present throughout the inspection.
- The maximum copying fees for requests of more than fifty (50) letter or legal size, black and white pages is $.15/per page. There is no charge for copies for a request of less than fifty (50) pages. If copies are non-standard size and/or in color, the Library will charge its actual cost for reproducing the records. Any and all fees will be consistent with applicable subsections of the Act.
- The cost for certifying a record is $1.00 per record.
- For requests of a record maintained in electronic format, the Library will furnish the copy in the requested format if feasible. If not feasible, then the copy will be provided in the electronic format in which it is maintained, or in paper format, at the option of the requester. If a copy is provided in electronic format, no fee will be charged beyond the actual cost of the recording medium.
- Records will be made available by appointment on weekdays, 10:00 a.m. to 5:00 p.m., excluding holidays, at the Library, 17917 Dixie Highway, Homewood, IL 60430.
- Certain types of information maintained by the Library are exempt from inspection and copying. However the following documents or categories of records are maintained and available for public viewing, and will be disclosed upon request:
  - Monthly financial statements.
  - Budget levy resolutions.
  - Operating budget.
  - Annual audits.
  - Minutes of the Library Board that have been approved and minutes of closed meetings that have been released.
  - Library ordinances, resolutions and policies.
  - Annual Reports to the Illinois State Library.

## FOIA Officer

**Cindy Rauch, FOIA Officer**
Homewood Public Library
17917 Dixie Highway
Homewood, IL 60430
(708) 798-0121

## Schedule of FOIA Fees

| FORMAT: | FEE: |
|---|---|
| First fifty (50) pages of black and white text either letter or legal sized copies (8 ½ x 11 or 11 x 14): | FREE |
| Each additional page: | $.15 per page |
| Non-standard size and/or in color: | Actual Cost |
| Certification of a record: | $1.00 per record |
| Electronic Copies | Actual cost of the recording medium |

## Freedom of Information Act Attachments:

- Organization Chart
- List of Current Members of the Board of Trustees
- Calendar of Regular Meetings of the Board of Trustees
- FOIA Request Form

*Our form should incorporate the Attorney General's Information*

**SAMPLE FOIA REQUEST**

(Office of the Attorney General)

**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