

# Freedom of Information Act

## STATUTORY BASIS

*“Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest.*

*This Act is not intended to be used to violate individual privacy, nor for the purpose of furthering a commercial enterprise, or to disrupt the duly-undertaken work of any public body independent of the fulfillment of any of the fore-mentioned rights of the people to information.*

*This Act is not intended to create an obligation on the part of any public body to maintain or prepare any public record which was not maintained or prepared by such public body at the time when this Act becomes effective, except as otherwise required by applicable local, State or federal law.*

*These restraints on information access should be seen as limited exceptions to the general rule that the people have a right to know the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of any or all of the people. The provisions of this Act shall be construed to this end.” 5 ILCS 140/1*

## PRINCIPLES

The DeKalb Public Library is committed to providing citizens and taxpayers access to applicable public records under the Illinois Freedom of Information Act (“IFOIA” or “the Act”). The intent of this policy is to clarify the requirements and to assist staff in compliance with both the letter and the spirit of the Act. The statutory provisions of the Act apply to all information collected, assembled or maintained by the Library in the course of official business. Information will be made available during normal business hours for inspection or copying. The Library assures that a written request for information will receive a timely response. The Act allows the library to recoup production costs incurred by supplying the response.

The Library is governed by an elected seven-member Board of Trustees. The library board meets at 7:00 p.m. on the second Wednesday of each month, unless rescheduled and notice given in accordance with the Illinois Open Meetings Act.

## LEGAL ORGANIZATION

In accordance with the Act the following information and the attachments to this policy shall be permanently displayed at each Library and made available to the public:

The Library is a municipal library supported primarily by local property taxes. 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).

The Library has one location: 309 Oak Street. The Library has approximately 45 full and part-time employees. The Library is a member of the statutorily created Prairie Area Library System, and other professional organizations such as the Illinois Library Association.

The Library is required to report and be answerable for our operations to: 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.

## **PROCEDURES**

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

- All requests are preferred to be in written form.
- Request form (attached) is available at the Library during open hours.
- Request forms must be completed legibly. There is no requirement under the Act to provide information other than what already exists in records.
- Requests 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. Legal counsel may be consulted to advise as to the proper response to the 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."
- Request is to be returned to: FOIA Officer, DeKalb Public Library.
- 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 in the Administrative Office, 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.
- One (1) extension of an additional five (5) business days may be used if: records are stored in whole or in part at other locations; the request requires the collection of a substantial number of records; the request is a categorical one and to be responsive requires an extensive search; the requested records are not located in a routine search and additional effort is necessary to locate them; the requested records require examination and evaluation as to exemptions or require appropriate deletions from them; the requested

records cannot be provided within the time limit without unduly burdening the operations of the Library. 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.

- Denial of the request will occur if the public records requested fall within one of the specific exemptions of the Act 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 in the response.
- Denial of access by the FOIA officer may be appealed to the Illinois Public Access Counselor in writing not later than sixty (60) days after the denial.
- 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, with 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.
- 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 recoding medium.
- Records will be made available by appointment on weekdays, 9:00 a.m. to 5:00 p.m., excluding holidays.
- 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 immediately disclosed upon request:
  - monthly financial statements
  - operating budget
  - 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

### **Freedom of Information Act Attachments & Request Form:**

1. [Organization Chart \(PDF\)](#)
2. [List of Current Members of the Board of Trustees \(PDF\)](#)
3. [Calendar of Regular Meeting of the Board of Trustees \(PDF\)](#)
4. [FOIA Officer and Fee Schedule \(PDF\)](#)
5. [FOIA Request Form \(PDF\)](#)

Approved by the DeKalb Public Library Board of Trustees June 10, 2015.