

Freedom of Information Act*Effective Date: 02/06**Reviewed and Revised: 09/23***Page 1 of 5***Policy No: 2.9***Policy**

The Ela Area Public Library District is committed to providing citizens and taxpayers access to applicable public records under the Illinois Freedom of Information Act (“FOIA” or “the Act”). 5 ILCS 140/1 *et. seq.* FOIA is incorporated in this policy by reference. These Rules do not supersede the provisions of FOIA. If a provision of this Policy conflicts with FOIA, then the provisions of FOIA will govern.

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 public records (as defined by FOIA) having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of the Library in the transaction of public business. Public records will be made available during normal business hours for inspection or copying. The Library assures that a written request for public records will receive a response within the statutory time frames established in FOIA.

I. A brief description of our public body is as follows:

- A. Our mission statement: Share the joy of discovery.
- B. Our website contains the most up-to-date information available about our Board, library policies, and financial position. Visit the Board page of our website <https://www.eapl.org/board-of-trustees>.
- C. An organizational chart is attached.
- D. For financial information about this and other years, visit the Freedom of Information Act page in the About Us section of our website <https://www.eapl.org/records-foia>.

Funding sources are property and personal property replacement taxes, state and Federal grants, fines, fees, charges, and donations. Tax levies are:

- 1. Corporate purposes (for general operating expenditures)
 - 2. IMRF (provides for employee’s pension and related expenses)
 - 3. FICA (provides for employee’s Social Security and Medicare costs and related expenses)
 - 4. Site and Building Maintenance
 - 5. Tort Liability (for insurance premiums, risk management, attorney’s fees and related expenses, unemployment and worker’s compensation insurance)
- E. The office is located at this address: 275 Mohawk Trail, Lake Zurich, IL 60047
- F. We have approximately the following number of persons employed:
- | | |
|-----------|----|
| Full-time | 44 |
| Part-time | 66 |

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- G. The following organization exercises control over our policies and procedures:
The Ela Area Public Library District Board of Library Trustees, which meets monthly on the third Tuesday of each month except August and December, 6:00 p.m., at the Library. Its seven members are listed at <https://www.eapl.org/board-of-trustees>.
- H. We are required to report and be answerable for our operations to:
Illinois State Library, Springfield, Illinois.
- I. The Library's FOIA officer(s) are:
- a. Executive Director
 - b. Deputy Director
- II. To expedite FOIA requests, we ask that you follow these guidelines when submitting a request:
- A. We encourage you to use the request form provided at our Freedom of Information Act page, although other written, electronic, and in person verbal requests will also be accepted. <https://www.eapl.org/records-foia>
 - B. Your request should be directed to the FOIA officer in the Administration Department. The FOIA page on our website provides a convenient means of submitting the requests. The FOIA officers' email is Foia_Requests@eapl.org. You may also deliver FOIA requests to our address, which is 275 Mohawk Trail, Lake Zurich, IL 60047. If you submit FOIA requests in this manner, be sure to clearly identify the request on the outside of the envelope.
All Library officials and employees who receive a request must immediately forward that Request to the FOIA Officer.
 - C. You must indicate whether you have a "commercial purpose" in your request.
 - D. You must specify the records requested to be disclosed for inspection or to be copied. If you desire that any records be certified, you must specify which ones.
 - E. Copies of public records will be provided after payment of any applicable fees under FOIA. The requester may be required to reimburse the Library for actual costs for reproducing and certifying (if requested) the records, you may be charged the following fees:
 - There is a \$1.00 charge for each certification of records;
 - There is no charge for the first fifty (50) pages of black and white text either letter or legal size;
 - There is a \$.15 per page charge for copied records in excess of 50 pages;
 - The actual copying cost of color copies and other sized copies will be charged.

The Library will impose a fee for electronic records that fall under a voluminous request, as set forth below:

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Records not in PDF format:

- up to 2 MB of data - \$20.00
- more than 2 MB but less than 4 MB of data - \$40.00
- more than 4 MB - \$100.00

Records in PDF format:

- up to 80 MB of data - \$20.00
- more than 80 MB but less than 160 MB of data - \$40.00
- more than 160 MB - \$100.00

The Library may impose the following fees for commercial requests:

- up to \$10 for each hour spent by personnel in searching for and retrieving a requested record or examining the record for necessary redactions, except that no fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record.
- the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the public body.

Fees under FOIA may be waived or reduced by the FOIA Officer if the requester includes in the request the specific purpose of the request and establishes to the reasonable satisfaction of the FOIA Officer that a fee waiver or reduction is in the public interest.

- F. If the records are kept in electronic format, you may request a specific format and *if feasible*, they will be so provided, but if the Library does not have the record in the electronic format requested and it is not feasible for the Library to produce the record in the electronic format requested, then the requested record will be provided in the format in which it is kept. You would be required to pay the actual cost of the medium (i.e. a CD if the documents are too large to email)
- G. The office will respond to a written request within five (5) business days (excluding federal holidays) or sooner, if possible, except for commercial requests or requests from recurrent requesters, as defined under FOIA, which will be responded to within 21 days. An extension of an additional five (5) business days may be taken if the Library meets the criteria for the additional five day extension under Section 3(e) of FOIA. The Library and the requester may agree to a longer extension if necessary.
- H. Records may be inspected or copied. If inspected, an employee must be present throughout the inspection.

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The place and times where the records will be available are as follows:

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

Ela Area Public Library, Administrative Offices

- I. Certain types of information maintained by us are exempt from inspection and copying under Section 7 and Section 7.5 of FOIA. If we determine that all or any part or portion of any public records requested are not subject to disclosure, we will notify you in writing of that determination, including: (i) a detailed factual basis for the application of any exemption claimed; (ii) the reason for the denial; (iii) the person responsible for the denial; and (iv) your right to judicial review and review by the Public Access Counselor, including the Public Access Counselor's address and phone number.
- J. FOIA does not require us to create records that do not exist. FOIA also does not require the Library to interpret or advise requesters as to the meaning or significance of public records.
- K. If your request is deemed unduly burdensome, the Library will respond to you within the first five business days of receipt of request to extend the requester an opportunity to narrow the request to more manageable proportions.
- L. Pursuant to Section 8.5 of FOIA, the Library is not required to copy a public record that is published on the Library's website, and in response to a request may notify a requester that the record is available online and direct the requester to the website where the record can be reasonably accessed. However, if a requester is unable to reasonably access the record online after being directed to the website, the requester may re-submit his or her request for the record stating his or her inability to reasonably access the record online, and the record will be made available for inspection or copying.
- M. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under FOIA will be deemed unduly burdensome in accordance with Section 3(g) of FOIA.

III. The following types or categories of records are maintained under our control:

- A. Monthly Financial Statements
- B. Annual Receipts and Disbursements Reports
- C. Budget and Appropriation Ordinances
- D. Levy Ordinances
- E. Operating Budgets
- F. Annual Audits
- G. Minutes of the Board of Library Trustees
- H. Library Policies, including Materials Selection
- I. Adopted Ordinances and Resolutions of the Board
- J. Annual Reports to the Illinois State Library

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