

## **Freedom of Information Act (FOIA)**

The *Freedom of Information Act* is used to ensure that all persons are entitled to full and complete information regarding the affairs of government. Unless information falls within an express statutory exemption, it must be disclosed under FOIA (5 ILCS 140/3).

Considered a public body, the Berkeley Public Library must generally comply with a request within five (5) working days after receipt of the request. An extension of an additional five (5) working days may be necessary to properly respond.

Any patron requesting public records of the Berkeley Public Library under the Illinois Freedom of Information Act, 5 ILCS 140/1 as amended by Public Act 96 – 542, must make such a request in writing. The person requesting records should specify in particular the records to be provided and copied.

## **Procedures**

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

- All requests must be in written form.
- Records will be made available by appointment on weekdays, 10:00 a.m. to 5:00 p.m., excluding holidays, at the Library Administrative Office.
- 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, Berkeley Public Library, 1637 N. Taft Ave., Berkeley, IL 60163.
- 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:
  1. records are stored in whole or in part at other locations;
  2. the request requires the collection of a substantial number of records;
  3. the request is a categorical one and to be responsive requires an extensive search;
  4. the requested records are not located in a routine search and additional effort is necessary to locate them;

5. the requested records require examination and evaluation as to exemptions or require appropriate deletions from them;
  6. 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 twenty-five (25) letter or legal size black and white pages is 10¢ per page, with no charge for copies for a request of less than twenty-five (25) 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.
  - 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.
  - 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 (IPLAR) to the Illinois State Library