

**Section I: Management Policies**

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**TITLE: Freedom of Information Act**

Lake Villa District Library (LVDL) conforms to the Freedom of Information Act (FOIA) (5 ILCS 120/1) by fostering an open and transparent organization for the right of our constituents to know and understand the operation of this tax-based facility, and also complies with the guidelines of the Illinois Open Meetings Act (5 ILCS 120/1).

The following guidelines are intended to assist the public in requesting information and public records pursuant to the "Freedom of Information Act." (FOIA) (5 ILCS 140/1 *et seq*) and amended by the various Public Acts passed since the creation of this policy:

Record Request Guidelines:

1. Requests for records must be made in writing either in person, by mail to 140 N. Munn Rd., Lindenhurst, IL 60046, by email at foia@lvdl.org, or by fax at 847-265-9595. Requests may be submitted using the FOIA Request Form which is available at [www.lvdl.org](http://www.lvdl.org). Request should be submitted to the attention of the FOIA Officer or Library Director.
2. Public records may be inspected or copied by library personnel during the business hours of Monday thru Friday, 9:00 a.m. to 4:00 p.m. (except for holidays), after submission of a written FOIA request. If the person making the request desires that any records be certified, they must indicate that in the request and specify which records must be certified.
3. The fees for copies of any such records are listed below.
4. In the event that requested records cannot be provided by the library within five (5) working days of receipt of the written request for information, the library shall so inform the person requesting the information, in writing that the library is requesting an extension of five (5) working days is required to produce the document.
5. In the event that a request for records is denied by the FOIA Officer or authorized designee, the denial may be appealed to the State of Illinois Public Access Counselor (PAC), who may be contacted within 60 days of the notice.

Office of the Illinois Attorney General  
100 W. Randolph Street  
12<sup>th</sup> Floor  
Chicago, IL 60601  
(312)814-3000  
<http://illinoisattorneygeneral.gov/>

The PAC will review the request and denial and make a decision pursuant to the procedures of the Office of the PAC.

When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material

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released (5 ILCS 140/7). A copy of the redacted release should be maintained for proof of what was actually released and in order to document the reasons for the redactions.

The denial of a request for records is subject to the following:

- a. Denial of a request by the FOIA Officer shall be in writing and identify the specific exemptions being claimed under 5 ILCS 140/9. Failure to respond in a timely manner to a request under the Illinois Freedom of Information Act constitutes a denial (5 ILCS 140/3(d)).
  - b. A detailed factual basis for any claimed exemption, and the names and titles of each person responsible for the denial, will be provided (5 ILCS 140/9).
6. FOIA does not require the library to create records that are not currently maintained in record form.

Records Catalogue:

The following examples are the types or categories of records are maintained by LVDL:

Financial Records

- Budget
- Appropriation Ordinance
- Annual Financial Report
- Bills and invoices
- Receipts of revenue
- Cancelled checks
- Receipts for fines
- Salary schedules
- Utility bills (e.g., telephone, gas, electric, and water)
- General ledgers

Board Records

- Minutes of Board meetings
- Minutes of Committee meetings
- Board Resolutions
- Board Ordinances
- Board Policies

Other

- Personnel policies
- Contracts for maintenance and repair
- Professional consultant contracts
- Pension fund records
- Insurance policies
- Building inspection reports
- Computer records concerning the library's holdings and cataloging records, patron requests and transactions

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Note: Provision of some of this information may be prohibited by the Library Records Confidentiality Act.

**Release Restrictions**

Examples of release restrictions include:

- a. Personal identifying information, including an individual's photograph, Social Security and driver identification number, name, address and telephone number, and medical or disability information that is contained in any record, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- b. Private information including, but not limited to, unique identifiers such as Social Security numbers, driver's license numbers, employee identification numbers, biometric identifiers (DNA, fingerprints, retinal scans), personal financial information, passwords or access codes, medical records, home or personal telephone numbers, home address, personal email addresses, personal license plates, or date of birth (5 ILCS 140/7(1)(b); 5 ILCS 140/2(c-5); 5 ILCS 140/7(1)(c)).
- c. Information contained in personnel and other public records that would constitute an unwarranted invasion of personal privacy, in which the individual's right to privacy outweighs any legitimate interest in obtaining the information.
  1. The disclosure of personal information that bears on the public duties of employees of the Library shall not be considered an invasion of personal privacy (5 ILCS 140/7(1)(c)).
  2. The disclosure of employee performance evaluations is prohibited (5 ILCS 140/7.5(q); 820 ILCS 40/11).
- d. Records that were created exclusively in anticipation of potential litigation, which would not be subject to discovery or which may be subject to an attorney-client privilege involving the Library (5 ILCS 140/7(1)(m)). Any record relating to vulnerability assessments, security measures and response policies or plans (5 ILCS 140/7(1)(v)).

**Schedule of Fees:**

- First fifty (50) pages of letter or legal size black and white copies: FREE
- After the first fifty (50) pages: \$.10 per page
- Color copies and copies sized other than legal or letter size: \$.25 per page.
- Electronic format (if available): FREE
- Certification: \$1.00 per document
- Commercial Requests: The Library will charge \$10.00 per hour for each hour in excess of 8 hours spent searching for or retrieving records or for examining the record for necessary redactions and will also charge the actual costs of retrieving records stored off-site by a third party storage company, if any.

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

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the requester fails to accept or collect the records. If a requester does not pay a fee charged pursuant to Section 6 of the FOIA, the debt shall be considered a debt due and owing to the library and may be collected in accordance with applicable law.

Records may be furnished without charge or at a reduced charge, as determined by the library, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public. In setting the amount of the waiver or reduction, the public body may take into consideration the amount of materials requested and the cost of copying them.

**Notifying Personnel:**

Whenever a FOIA request asks for records about a specific employee, that specific employee shall be notified as soon as practicable, but within 24 hours of the date the request is received. The employee shall be notified when the responsive records have been gathered and shall be given the opportunity to review those records before they are sent to the requestor. It is the responsibility of the employee to review the records as soon as is practicable because the right to review a FOIA response does not supersede the response times under FOIA. Further, the right to review a FOIA response does not include a right to redact information.

Adopted: December 12, 2011  
Revised: 4/21

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Form: FOIA-1

**VERBAL REQUEST FOR RECORDS**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at the hour of \_\_\_\_\_.M., the following individual(s) appeared in person at the Administrative Services Office, of Lake Villa District Library, and asked to inspect the following records:

Individual(s) making the request:

Records sought to be inspected:

The above records were presented to such individual(s) for inspection at \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, except for:

(here insert any records not presented)

The reason(s) for not providing the above records (or portion of records) was

\_\_\_\_\_  
(here insert reason – such as the fact that the records were exempt records, or that they could not be immediately located and a search would continue, or that no such records existed)

Of the records requested, copies of the below records were provided to or made by the individual(s) making the request:

Date and Time: \_\_\_\_\_

Printed Name of Employee: \_\_\_\_\_

Signature of Employee: \_\_\_\_\_

Title of Employee: \_\_\_\_\_

Witness: \_\_\_\_\_

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Form: FOIA -2

**LAKE VILLA DISTRICT LIBRARY**

**WRITTEN REQUEST FOR INSPECTION OR COPYING OF PUBLIC RECORDS**

1. Name of person making request: \_\_\_\_\_
2. Address of person making request:  
\_\_\_\_\_
3. Telephone number of person making request: \_\_\_\_\_
4. Date of request: \_\_\_\_\_
5. Is request for commercial purposes? (yes/no) (if yes, see Form FOIA-7)  
(It is a violation of the Freedom of Information Act for a person to knowingly obtain a public record for commercial purposes without disclosing that it is for a commercial purpose.)
6. Are you requesting a fee waiver (yes/no) If yes, state reason:  
\_\_\_\_\_  
\_\_\_\_\_

Describe in detail below the public records you are requesting and state whether you wish to inspect and/or copy such records. Also, please state whether such public records are to be certified. If you wish to receive the records in a specific electronic format, please describe.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lake Villa District Library will respond to the above request within five (5) working days from the above date unless one or more of the seven (7) reasons for an extension of time provided for in Section 3(e) of the Act are invoked by the Library.

\_\_\_\_\_  
Signature of person making request

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(ROUTING OF REQUEST – FOR OFFICE USE ONLY)

FOR COMPLETION BY FOIA OFFICER:

Date received: \_\_\_\_\_

Date response time expires: \_\_\_\_\_

Copy of request and attachments filed: \_\_\_\_\_

File folder # for this request: \_\_\_\_\_

Date created: \_\_\_\_\_

DEPARTMENT OR OFFICE

- Administration
- Adult Services
- Circulation
- Community Services
- Information Technology
- Technical Services
- Youth Services
- Other

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Form: FOIA-3

**DENIAL LETTER**

Dear (individual involved):

You are hereby notified that your request for the disclosure of \_\_\_\_\_ (records requested) is hereby denied and the reason for such denial is as follows:

(reason for denial – citing exemption under the Act)

This decision to deny disclosure of the records requested has been made by the Director, FOIA Officer for the Lake Villa Public Library District.

You are hereby further notified that you have the right to appeal the State of Illinois Public Access Counselor, (PAC), who may be contacted within 60 days of the notice at the Office of the Illinois Attorney General, 100 W. Randolph Street, 12<sup>th</sup> Floor, Chicago, Il 60601 (312)814-3000, who under the Illinois Freedom of Information Act, will review the request and denial and make a decision pursuant to the procedures of the Office of the PAC. Details regarding the process that the PAC will follow may be obtained from that Office.

Lake Villa Public Library District

By: \_\_\_\_\_

FOIA Officer

[If reason for denial is exempt under Sec. 7(1)(c) or 7(1)(f) of FOIA, Form FOIA-8 must be used]



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Form: FOIA-4

**DENIAL LETTER – UNDULY BURDENSOME**

Dear (individual involved):

You are hereby notified that your request for all the Lake Villa Public Library District financial records are hereby denied because to comply with your request would be unduly burdensome for the following reasons(s):

(set forth why it would be unduly burdensome, such as this is a repeated request for the same records by the same person).

After meeting and conferring with you on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, we were unable to reduce your request to manageable proportions and it appears from our explanation as to why you are requesting these records, that the burden on the Library outweighs the public interest in the information being sought.

Lake Villa Public Library District

By: \_\_\_\_\_  
Title: \_\_\_\_\_

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Form: FOIA-5

**EXTENDING TIME FOR DISCLOSURE FORM**

Dear (individual involved):

We have been unable to fill your request dated \_\_\_\_\_ requesting

(the records requested)

for the following reason or reasons (check one or more of the following reasons as appropriate):

- The requested 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 categorical in nature and requires an extensive search for the records responsive to it.
- We have failed to locate the requested records in the course of a routine search and additional efforts are being made to locate them.
- The requested records require examination by a competent person in order to determine which, if any, are exempt under Section 7 of the Act or should be revealed only with appropriate deletions.
- It would unduly burden or interfere with the operations of the Library to fill the request within the initial five (5) working days.
- There is a need for consultation with another public body, which has a substantial interest in the determination, or in the subject matter of the request.

With respect to the records you have requested, such records will be available to you by \_\_\_\_\_ or we will make a decision denying your request by such date. Such date will be within five (5) additional working days from \_\_\_\_\_ (here insert the date of the 5<sup>th</sup> working day after the original request was filed)

If you are willing to extend the time for compliance beyond this date, please contact the undersigned with the date by which you agree to extend the time for compliance.

By: \_\_\_\_\_  
FOIA Officer

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Form: FOIA-6

**DISCLOSURE WITH DELETION OF EXEMPT MATERIAL  
PURSUANT TO SECTION 8 OF ACT**

Dear (individual involved):

Pursuant to written request of \_\_\_\_\_ (date), enclosed you will find copies of the records you have requested. Please note that pursuant to Section 8 of the Freedom of Information Act, certain material originally contained in such records has been deleted because such material is exempt material under Section 7(\_\_\_\_\_) or 7.5(\_\_\_\_\_) (subsection) of the Act.

By: \_\_\_\_\_  
FOIA Officer

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Form: FOIA-7

**RESPONSE TO REQUEST FOR RECORDS TO BE USED FOR A  
COMMERCIAL PURPOSE**

The undersigned has determined/you have informed us that your request for Library records, received \_\_\_\_\_, 20 \_\_, is a request for a commercial purpose.

Accordingly, I provide you with the following information:

- I estimate that the records sought can be ready for you within \_\_\_\_\_ days of the date of this notice. The copying charge is estimated as \$\_\_\_\_\_. Please remit this amount. Copying will not proceed until payment is received.
- The request is denied because the records are exempt under Section \_\_\_\_\_ of the Freedom of Information Act.
- The request in its current form is unduly burdensome. Please contact me for discussion as to whether we can reduce the request to manageable proportions.
- The records you requested are ready for pick up/attached.

By \_\_\_\_\_  
FOIA Officer

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Form: FOIA-8

**NOTICE TO REQUESTOR AND TO PUBLIC ACCESS COUNSELOR OF  
INTENT TO DENY ALL OR PART OF REQUEST BASED ON FOIA  
EXEMPTION 7(1)(C) (PERSONAL INFORMATION) OR 7(1)(F) (PRELIMINARY  
DOCUMENTS).**

Dear Public Access Counselor and Requester:

The undersigned is a FOIA Officer for the Lake Villa Public Library District. We are in receipt of the attached request received on the date noted, and intend to deny the request because the documents sought fall under the exemption to FOIA for 7(1)(c) Personal Information/7(1)(f) Preliminary Documents.

The proposed denial letter is attached.

A summary of the Library's basis for the proposed denial is as follows:

Sincerely,

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FOIA Officer