

FREEDOM OF INFORMATION ACT

STATEMENT OF PURPOSE: To establish criteria for distribution of information in accordance with the "Freedom of Information Act."

STATEMENT OF POLICY: The following procedures shall be followed on all requests for information or copies of public records:

A. Where there is no question the information can be provided to the public, the public may:

- Visually inspect public records
- Copy public records by hand
- Receive photocopies of public records
- Subscribe to future issues of public records

B. Where there is a question in the mind of the Director or staff of whether the information may or should be provided to the public for any reason, the following procedures shall be followed:

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Lake Odessa Community Library (Library) must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the Library to find it.
- A request must include the requester's name, address, and contact information.
 - If the requester is not an individual, the request must include the name, address, and contact information of the individual acting as the requester's agent.
 - The address must be written in compliance with United States Postal Service addressing standards.
 - Contact information must include a valid telephone number or electronic mail address.
 - This requirement does not apply to an individual who qualifies as indigent under Section 4(2)(a) of FOIA.
- The Director shall recommend whether the information requested shall be given to the individual.
- The Director shall respond within five (5) working days from the date a request is received.

C. The Library may charge fees to cover the cost of providing the information.

- Fees collected shall be limited to:
 - Actual mailing costs;
 - Actual incremental cost of duplication or publication including labor, the cost of the search, examination, review, and the deletion and separation of exempt from non-exempt information;
- The cost per page of duplication shall be 15 cents.
- If the Library has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the Library will require a deposit in the amount of 50% of the total estimated fee. Upon receipt of the

deposit, the Library will provide a non-binding best effort estimate of how long it will take to process the requested information.

- If the Library receives a request from a person who has not paid the Library for copies of public records made in fulfillment of a previously granted written request, the Library will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
 - the final fee for the prior written request is not more than 105% of the estimated fee;
 - the public records made available contained the information sought in the prior written request and remain in the Library's possession;
 - the public records were made available to the individual, subject to payment, within the time frame estimated by the Library to provide the records;
 - 90 days have passed since the Library notified the individual in writing that the public records were available for pickup or mailing;
 - the individual is unable to show proof of prior payment to the Library; and
 - the Library has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The Library will not require the 100% estimated fee deposit if any of the following apply:
 - the person making the request is able to show proof of prior payment in full to the Library;
 - the Library is subsequently paid in full for all applicable prior written requests; or
 - 365 days have passed since the person made the request for which full payment was not remitted to the Library.
- When a deposit is required:
 - The library will provide a written notice of deposit to the requester.
 - The notice will include the date by which the deposit must be received, which is 45 days from the date the requester received the notice.
 - The notice of deposit is considered received by the requester 3 days after it is sent, regardless of the means of transmission.
 - If the library has not received the deposit by the due date, and the requester has not filed an appeal of the deposit amount, the request shall be considered abandoned by the requester.

D. Any and all public records not exempt from disclosure may be examined by interested persons at the Library during regular business hours.

E. All examinations of public documents by interested persons shall be accomplished under the supervision of the Director or qualified staff member, whose obligation will be to make certain the records are neither destroyed, damaged, nor removed from the Library.

F. Inspection or copying of public records shall be accomplished at times which do not interfere with the proper functioning of regular library duties or with the duties and responsibilities required to supervise or assist interested persons in examining public records.

The FOIA coordinator is responsible for redacting appropriate information in accordance with state law. The Director is authorized and shall carry out all the provisions of *The Freedom of Information Act*.

Amended 7-26-17

Reviewed 6-27-18

Amended 8-28-19