

FREEDOM OF INFORMATION ACT

ILLINOIS FREEDOM OF INFORMATION ACT

FOIA undergoes amendments annually; always refer to the Act and take your annual training to ensure you are on top of any changes.

Both the Illinois Freedom of Information Act (FOIA) and the Open Meetings Act (OMA) are “Sunshine Laws”; the point of these two laws is to ensure the public’s access to the records and activities of their elected officials and tax-funded organizations.

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 the 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. - Illinois Freedom of Information Act, 5 ILCS 140/1.

Every public body must designate one or more employees to serve as a FOIA Officer; this/these person(s) receive and respond to FOIA requests in a timely manner. Each FOIA Officer must also undergo annual online training provided by the Public Access Counselor.

FOIA is actually intended to ensure open access to records NOT open access to information. So what’s the difference? Non-exempt records must be provided per FOIA; the municipality is NOT required to interpret the records nor are they required by FOIA to answer questions. However, from a practical standpoint, you may choose to respond to questions outside of the scope of FOIA

Additional FOIA Requirements

- Every public body must prominently display at each of its administrative offices a **FOIA Directory** which includes:
 - An explanation of how the public may request records pursuant to FOIA (e.g. by email, in writing at the counter, and/or oral requests)
 - The FOIA Officer(s) name(s) and the address where requests should be sent
 - The fees charged by the municipality in accordance with FOIA
 - Up to \$1.00 per photocopied document certification
 - No more than 15 cents per black and white copy for either standard or legal size page after the first 50 pages – cannot charge for copies made for the City’s own records; all other fees must be the actual cost of reproducing the record whether that is a color copy, oversized page such as a plat or plan, or CD/flashdrive
 - Commercial request fees (must keep record of actual time logged in responding to commercial FOIA request) can be up to

\$10.00 per hour after the first 8 hours logged in searching for/responding to such request

- Voluminous Records Request Fees:
 - Non-PDF format - up to \$20 for not more than 2 megabytes of data, up to \$40 for more than 2 but not more than 4 megabytes of data, and up to \$100 for more than 4 megabytes of data.
 - PDF - up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data.
 - If the responsive electronic records are in both a portable document format and not in a portable document format, the public body may separate the fees and charge the requester under both fee scales.
- A brief description of the public body which includes
 - A short summary of its purpose
 - A block diagram giving its functional subdivisions
 - The total amount of its operating budget
 - The number and location of all of its separate offices
 - The approximate number of full and part-time employees
 - The identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures, or to which the public body is required to report and be answerable for its operation

I received a FOIA request...Now what?

- 1) Note the day which the request was received – seems simple enough, but what if the requester submitted it to meter reader on Tuesday and you didn't receive it on Thursday?
 - a. Encourage staff to direct any FOIA request to the appropriate FOIA Officer; however, if they insist on handing their request to the wrong individual, they should accept it and ***immediately*** transmit it to the FOIA Officer.
- 2) Calculate the due date for responding to the requester
 - a. Day one starts the next business day after the request was received. So if you receive a request on Monday, Day One doesn't start until Tuesday
 - b. You have 5 business days to respond to a standard FOIA request; 21 working days to respond to commercial requests, ***but***
 - i. The response within the first 5 business days may be to extend the response time either by agreement or if
 1. (i) The records are stored at another location; (ii) The request requires the collection of a substantial number of records; (iii) The request is categorical and requires an extensive search for

responsive records; (iv) The requested records have not been located after a routine search; (v) The requested records require examination by qualified personnel to determine whether any exemptions apply; (vi) The request is unduly burdensome; or (vii) Consultation with another public body having a substantial interest in the subject matter of the request is needed.

2. For commercial requests and recurrent requesters, the response may be to provide them an estimated timeframe when you anticipate the records being accumulated and transmitted, as well as an estimate of fees (for commercial request only; not recurrent requester).
 - 3) Retain either a digital or hard copy of the request, response letter/email, and any records transmitted to the requester in accordance with the Local Records Act.
 - 4) Provide the records in the format that the requester is seeking – if possible; you do not have to purchase a specialized software to provide it in an obscure format, but if you have the record in an Excel spreadsheet, or a Word format, and that is what the requester is seeking, then you have to provide it to them in that format.
 - 5) Your response may be a full or partial denial of the request.
 - a. There are myriad exceptions to FOIA where certain information **may** be denied or redacted; these exceptions must be very narrowly construed.
 - i. A very small number **must** be denied (e.g. home addresses, Social Security numbers, and personal telephone numbers must be redacted from certified payroll records)
 - b. If you issue a full or partial denial of records, you must provide a detailed explanation of which exemption(s) you are citing, reason why the information is exempt from disclosure, and what remedies are available to the requester to appeal such full or partial denial (such as filing an appeal with the PAC, how to contact them, and their right to judicial review.)
- Failure to respond to the FOIA request constitutes a denial of the request.
 - Requests from news media cannot be classified as voluminous and they cannot be declared recurrent requesters
 - Unduly burdensome – there are some requests to which the public body may not be capable of responding to; an opportunity must be offered to the requester to narrow the scope to manageable proportions. If, however, no compromise can be reached without creating such a burdensome situation, it is possible to deny the request based on the “unduly burdensome” clause – but, the public body must respond to the request in a timely fashion, provide the opportunity to narrow, and then detail how the request will burden the operations of the public body.

- Recurrent Requester - a person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period.
- Voluminous Request – you still have to respond to their request within five business days after the receipt, however, they have 10 business days from when the response is sent to narrow their request. See FOIA for additional details as to what the response may be if they do not respond or do not narrow their request.
- **Cooperation is the key** – whether the request is from the media, a recurrent requester, a commercial requester, etc., quite often (most often, really), simply explaining the limitations of your office (hours, staff, ability to search) and asking to reach a compromise can really go a long way. Treat them as humans and they will generally do the same – it works at least 99% of the time. **If you agree to narrow or arrive at a mutually agreed upon due date outside of the standard due date, you must document it in written form and should transmit that agreed upon amendment to the requester.**
- FOIA Log – it is useful to maintain a log of FOIA requests with the requester’s name, the information they are seeking, the date received, due date, agreed-upon extension, and response date.

Freedom of Information Act Officers

The Freedom of Information Act (FOIA) requires that all public bodies designate one or more officials or employees to act as a Freedom of Information Act Officer (FOIA Officer). These FOIA Officers (or their designees) shall receive requests for records, ensure that the public body responds to the requests in a timely fashion, and issue responses under FOIA. The FOIA Officer also shall develop a list of documents or categories of records that the public body shall immediately disclose upon request. (5 ILCS 140/3.5(a))

FOIA Electronic Training

FOIA Officers must successfully complete the electronic training on an annual basis. When a public body designates a new or additional FOIA Officer, that person must successfully complete the electronic training within 30 days after that designation.

FOIA Officer Registration

FOIA Officers are not required to register with the Public Access Counselor. When taking the electronic training, however, FOIA Officers will have an opportunity to provide their contact information and register with the Public Access Counselor. If a FOIA Officer registers during the electronic training process, the Public Access Counselor's Office will be able to contact that FOIA Officer with any updates or other communications.

THE CITY OF O'FALLON

FREEDOM OF INFORMATION ACT POLICY GOVERNING REQUESTS FOR PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT

The City of O'Fallon (the "City") maintains comprehensive Rules and Regulations and Regulations Implementing the Illinois Freedom of Information Act (the "FOIA Rules and Regulations"), which provide procedures, instructions, and forms for obtaining City public records under the Code of Ordinances, Chapter 31, Section 31.168.

This document provides a brief summary of the City's FOIA Rules and Regulations.

All requests to inspect, copy, or certify public records must be submitted to the City in writing. The City encourages requestors to submit their requests on the convenient form provided by the City, which is available at the City Hall or on our website at <https://ofallon.seamlessdocs.com/f/FOIA>. The City will respond to each written request to inspect, copy, or certify public records in a manner consistent with the Illinois Freedom of Information Act.

Copies of public records will be provided upon payment of a copying fee, if applicable. If requested, copies of public records will be mailed after the City receives payment of the actual cost of postage and copying.

Requests and other communications regarding City records relating to a request to inspect, copy, or certify public records, all requests for copies of the FOIA Rules and Regulations and Regulations, and all requests for any other information relating to the City's implementation of the Illinois Freedom of Information Act must be directed to:

Freedom of Information Officer
The City of O'Fallon
255 S. Lincoln
O'Fallon, Illinois 62269
Phone: (618) 624-4500
Facsimile: (618) 624-4508
E-mail: mfair@ofallon.org



REQUEST FOR RECORDS

To: Freedom of Information Officer, City of O'Fallon, 255 South Lincoln, O'Fallon, Illinois 62269

1. Requester Information

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE (S): _____

e-mail address: _____

Describe below the public records that you are requesting. To expedite the search, be as specific as possible. If known, include date(s) of requested records.

The records above are requested for: Inspection Copy Certification Electronic

(Standard black and white photocopies will be provided at no charge for the first fifty (50) pages. Requestor will be charged 15¢ per page beyond fifty. Color copies are 20¢ per page. Certification is \$1 per document.)

Is this request being made for commercial purpose? Yes No

The City of O'Fallon will respond to this request within five (5) business days. If responding to the request requires an extension of time up to five (5) additional days, the requestor will be sent notice in writing. Commercial requests will receive a response within twenty-one (21) business days.

(Requestor Signature) (Date)

For office use only: Check approved or denied Approved Denied
Request received by: _____ Date: _____ Date due: _____
E-Mail Pickup Mail (circle) Documents made available on: _____ Fees collected: _____

Certification? Yes No If denied, attach reason. Attach a copy of written responses for file.

Mail or deliver to: Maryanne Fair, FOIA Officer, 255 S. Lincoln, O'Fallon, IL 62269
Facsimile: (618) 624-4508, email: mfair@ofallon.org
For police requests: Clara Harrison, Deputy FOIA Officer, 285 N. Seven Hills Road, O'Fallon, IL 62269
Facsimile: (618) 632-6370, email: DistList-PoliceRECORDS@ofallon.org
For library requests: Molly Scanlan, Deputy FOIA Officer, 120 Civic Plaza, O'Fallon, IL 62269
Email: molly@ofallonlibrary.org

Village of Streamwood Categories of Records

Following is a summary of the available categories of records under our control. Please contact the Freedom of Information Act Officer to request access to these records.

Community Development

Building

- Building Permits, Plans and Specifications Review
- Building and Property Code Complaints and Violations
- Inspection Reports
- Municipal Building Information
- Occupancy Certificates and Reviews
- Rental Inspections
- Staff Building Reviews
- Stop Work Orders

Health

- Food Inspection Reports and Violations
- Public Health Information Notices
- Public Health and Nuisance Reports
- West Nile Virus Information

Planning and Zoning

- Plats of Surveys
- Zoning Code Review, Enforcement, Verifications & Violations
- Zoning Designation
- Zoning Maps
- Zoning Applications

Sign Information

- Sign Code Review & Enforcement
- Sign Permits

Clerk's Office

- Board Meeting Agenda and Minutes
- Board and Commission Appointments
- Commission Agendas and Minutes
- Contracts, Agreements, and Leases
- Intergovernmental Agreements
- Legal Notices
- Liquor Licenses
- Newsletter
- Ordinances and Resolutions
- Press Releases
- Proclamations

Finance Department

- Audits
- Bookkeeping
- Budget
- Business Licenses
- Calendar
- Cash Receipts and Disbursements
- Complaint Reports
- Contracts, Agreements, and Leases
- Copies of Purchase Orders and Corresponding Checks
- Financial Statements
- Invoices
- Liens
- Tax Incentives
- TIF Districts
- Waste Survey
- Water Billing

Categories of Records

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Fire Department

- Emergency Responses
- Fire Code Violations
- Fire Inspection Reports
- Fire Reports
- Hazardous Materials Records (Incident Reports)

Personnel Department

- Incident Reports
- Number of Employees in Each Department

Police Department

- Civil Defense
- Crime Reported
- Licenses
- Persons Arrested
- Police Reports
- Police and 911 Files on CD
- Services Rendered
- Traffic Accident Reports

Public Works Department

- 50/50 Sidewalk Information
- Construction Improvement Projects
- Contracts, Leases and Agreements
- Engineering plans and as-built drawings for subdivisions and single-building developments
- Flood Maps
- MWRD and IEPA permits and information
- NPDES Phase 2 Information
- Reports, Studies, and Surveys
- Staff Engineering Reviews
- Vehicle Maintenance Records
- Vehicle Specifications
- Water Quality Reports

**VILLAGE OF ROSELLE
POLICY GOVERNING ACCESS TO PUBLIC RECORDS
UNDER THE FREEDOM OF INFORMATION ACT**

1. SUMMARY AND PURPOSE

The purpose of this document is to set forth rules and procedures established by the Village of Roselle to implement the provisions of the Freedom of Information Act, as revised (P.A. 096-0558, effective January 1, 2010, Illinois Compiled Statutes, Chapter 5, Act 140 , hereinafter the “Act”). The Village of Roselle Policy Governing Access to Public Records (hereinafter known as “Policy”) creates a procedure by which the public may request and obtain public records in conformance with the Act.

THE PURPOSE OF THIS POLICY IS NOT TO PROVIDE LEGAL ADVICE. THE ACT IS LENGTHY AND COMPLEX AND ANYONE DESIRING ADDITIONAL INFORMATION REGARDING THE ACT SHOULD REVIEW THE ENTIRE ACT WHICH IS A LEGISLATIVE PUBLIC RECORD OF THE STATE OF ILLINOIS. THE VILLAGE OF ROSELLE DOES NOT AND WILL NOT PROVIDE LEGAL ADVICE REGARDING THE ACT. ANYONE SEEKING LEGAL ADVICE REGARDING THE ACT MAY CONTACT THEIR OWN LAWYER OR THE ILLINOIS ATTORNEY GENERAL’S OFFICE IN THOSE CIRCUMSTANCES AUTHORIZED BY THE ACT. THE FOLLOWING IS A BRIEF OUTLINE TO ASSIST REQUESTORS IN UNDERSTANDING THE VILLAGE OF ROSELLE’S PROCEDURES UNDER THE ACT.

2. DEFINITIONS

Terms used in this Policy shall have the same meaning as those contained in the Act.

“FOIA” means the Freedom of Information Act.

“Requester” means a person who submits a request for public records in accordance with the Act/this Policy.

“Village” means Village of Roselle.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Requests for public records shall be submitted to one of the Village’s FOIA Officers listed below:

Police Department:
Robert Legg
Roselle Police Department
103. S. Prospect St.
Roselle, IL. 60172

Fire Department:
Stacie Riser
Roselle Fire Department
100 E. Maple Ave.
Roselle, IL. 60172

All Other Departments:

Patty Burns
clerk@roselle.il.us
Roselle Village Hall
31 S. Prospect St.
Roselle, IL. 60172

4. FORM AND CONTENT OF REQUESTS

Requests in accordance with the Freedom of Information Act shall be in writing (example of a format is attached) and requests are to be submitted by mail, personal delivery, fax, email, etc. No specific written form is required. Oral requests may be considered based upon circumstances.

A FOIA request should contain the following*:

- a. The requester's full name (printed and signature), address, daytime phone number, fax number and email address if applicable.
 - b. A brief, yet specific description of the public records sought.
 - c. Whether the request is for inspection of public records, copies of public records, or both. Copies will be provided in the manner/medium requested, in the format the Village maintains or other agreed upon manner as feasible.
 - d. Whether the copies of public records requested should be certified.
- * Please note, under the revised law, if the request is being made for a commercial purpose, the requester shall make such statement when requesting a record(s).

5. TIMELINESS FOR VILLAGE RESPONSE TO REQUEST FOR PUBLIC RECORDS

The Village shall respond to a written request for public records within five (5) working days **after the day of receipt** of such request.*

The Village may give notice of an extension of time to respond which should not exceed an additional five (5) working days unless agreed upon by the requestor and FOIA Officer. Such an extension is allowable only if written notice is provided within the original five (5) working day time limit and only for the reasons provided in Section 3(e) of the Act. Such notice of extension shall state the reasons why the extension is necessary and the date by which the records will be available.

* Under the revised law, requests made for a commercial purpose have a different timeframe.

6. TYPE OF VILLAGE RESPONSES TO REQUESTS FOR PUBLIC RECORDS

The Village shall respond to requests for public records in one of three ways:

- a. Approve the request.
- b. Approve in part and deny in part.
- c. Deny the request.

Upon approval of a request for public records, the Village may either provide the materials immediately or within the five day period, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of the records. The first fifty 8 ½ by 11 pages of black and white copies will be provided without charge. Other charges shall be imposed in conformance with the Act.

A denial of a request for public records shall be made in writing. It shall state the reasons for the denial, including a factual basis for the application of an exemption, and the names, titles or positions of individuals responsible for the denial. It shall also inform the requester of the right to review by the Public Access Counselor (Phone: 217.558.0486, or by writing to the Attorney General, State of Illinois, 500 S. Second St., Springfield, IL 62705). Notice of denial shall inform such person of his/her right to judicial review under Section 11 of the Act.

Categorical requests creating an undue burden upon the Village shall be denied only after extending to the requester an opportunity to confer in an attempt to narrow the request to manageable proportions in accordance with Section 3(g) of the Act. The denial of such a request must be made in writing, specifying the reasons why the request is unduly burdensome. (Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under the Act, shall be deemed unduly burdensome under this section.)

Failure to respond to a written request within five (5) working days shall be considered by the requester a denial of the request. (Timeframe is different for Commercial Purpose requests.)

7. PROCEDURES FOR APPEAL OF A DENIAL

Requester

A requester whose request has been denied by the Village may appeal the denial within sixty (60) days to the Public Access Counselor. The request for review must be in writing, signed by the requester, and include (i) a copy of the request for access to records and (ii) any responses from the public body.

State of Illinois Attorney General
Public Access Counselor
500 S. Second Street, Springfield, IL 62705
Phone: 217.558.0486

FOIA Officer

If a denial is made asserting that the record(s) are exempt under subsection (1) (c) or (1) (f) of Section 7 of the Act, within the time periods provided for responding to a request, the FOIA officer must provide notice to the requester and the Public Access Counselor of their intent to deny the request in whole or in part.

8. PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Generally, public records will be made available for inspection during normal working hours at the Village offices as identified above in Section #3.

Documents which the requester wishes to have copied shall be segregated during the course of the inspection. A Village employee may be present throughout the inspection. Generally, all copying shall be done by a Village employee unless the items are sent out by the Village to a third party copy service of the Village's choosing. A requester may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Copies of public records shall be provided to the requester only upon payment of any fees which are due. When copies of voluminous records are requested and/or copies of records with a cost of \$5.00 or more to copy, the Village may require payment before copies are made.

Charges for copies of public records shall be assessed in accordance with the "Duplication Fees Schedule" (copy attached and as identified in the Village of Roselle Freedom of Information Directory). The Village does not have facilities to copy such items as plats, microfiche or cassette tapes, but it will contract an outside contractor of its choosing to have such copies made. A charge will be assessed for such copies based upon the actual cost of such copies incurred by the Village.

Charges for reproduction may be reduced or waived if the requester states the specific purpose for the reduction/waiver and states how or why the request is in the public interest, pursuant to the Act.

9. GENERAL MATERIALS AVAILABLE

The Village of Roselle, through the office of the Village Clerk, shall make available to the public at no charge the following material:

- The policy governing access to public records.
- A list of public records by classification maintained by the Village.
- A summary description of the organizational structure and budget of the Village:
as well as all other information required by the Act.
- Non mandatory Freedom of Information request forms.

Requestors are also encouraged to visit the Village's website at www.roselle.il.us. The Citizen Access tab and Clerk's tab both contain a variety of documentation, such as agendas, ordinances, minutes, budget documents, contract proposals and labor agreement information which may be accessed immediately.

10. NOTIFICATION OF EMPLOYEES AND ELECTED OFFICIALS

The Village of Roselle, through the office of the Village Clerk, shall make notification to an elected official and/or an employee of The Village of Roselle when they are the specific subject of a FOI request. This notification shall be in the form of an email or letter for documentation purposes and shall be done within 5 days of the completed FOI request.

Attachment/Sample form (not mandatory; letter or other written format can be used)

REQUEST FOR EXAMINATION OR COPY OF RECORDS

**** Note to Requester:** Retain a copy of this request for your files. If you eventually need to file a Request for Review with the Public Access Counselor, you will need to submit a copy of your FOIA request.

TO: FREEDOM OF INFORMATION ACT OFFICER – VILLAGE OF ROSELLE

Date Requested: _____

Request Submitted By: E-Mail U.S. Mail Fax In Person

Name of Requester (required): _____

Street Address (required): _____

City/State/County Zip (required): _____

Telephone: _____ E-Mail: _____

Fax : _____

Records Requested: **Provide as much specific detail as possible so the public body can identify the information that you are seeking. You may attach additional pages, if necessary.*

Do you want copies of the documents? Yes or No

■ Do you want Electronic Copies or Paper?

■ If you want Electronic Copies, in what format? _____

Is this request for a Commercial Purpose? Yes or No

(It is a violation of the Freedom of Information Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the public body. 5 ILCS 140.3.1(c)).

Are you requesting a fee waiver? Yes or No

(If you are requesting that the public body waive any fees for copying the documents, you must attach a statement of the purpose of the request, and whether the principal purpose of the request is to access or disseminate information regarding the health, safety and welfare or legal rights of the general public. 5 ILCS 140/6(c)).

FOR OFFICE USE ONLY

Date Received: _____

Date response due: _____

Fee Schedule:

DUPLICATION FEES:

- The first 50 basic Black and White copies are free, after which the following fees will apply.
- Copies 8 ½ x 11 or 8 ½ x 14 15 cents per page
- Certifications \$1.00 per page
- Address map 24 x 36 \$3.00 each
- Oversized materials that require duplication will be outsourced and shall be charged based on the cost of such copying or reproduction. There is a \$10 minimum charge for oversize duplication. Prepayment for the duplication of oversized materials will be required.