

CHAPTER 15

FREEDOM OF INFORMATION POLICY

15-1-1 **DEFINITIONS.** For the purposes of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Copying". The reproduction of any public record by means of any photographic, electronic, mechanical, or other process, device or means.

"Freedom of Information Act". The Illinois Freedom of Information Act, 5 ILCS Sec. 140/1.1 et seq.

"Person". Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.

"Public Record". All records, reports, forms, writings, letters, memorandums, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials, regardless of physical form or characteristics, having been or being prepared, used, received, possessed, or under control of the City.

15-1-2 **POLICY.** It is declared to be the public policy of the City that all persons are entitled to full and complete information regarding the affairs of the City. The official acts and policies of the public officials and public employees of the City shall be consistent with the terms of this Chapter.

15-1-3 **INDIVIDUAL PRIVACY PROTECTED.** This Chapter is not intended to be used to violate individual policy, nor for the purpose of furthering a commercial enterprise, or to disrupt the duly undertaken work of the City.

15-1-4 **PUBLIC RECORDS AVAILABLE.** The City shall make available to any person for inspection or copying all public records, as provided in the Freedom of Information Act.

15-1-5 **REQUESTS TO BE IN WRITING.** All requests for inspection or copying of public records shall be in writing and shall be addressed to the Clerk. The requestor shall include the following information in any request for public records:

(A) The requestor's full name, mailing address and telephone number at which the requestor can be reached during normal business hours;

(B) A description of the records sought, being as specific as possible;

(C) Request for inspection or copies shall be made in writing and directed to the public body. Written requests may be submitted to a public body via personal delivery, mail, telefax, or other means available to the public body. A public body may honor oral requests for inspection or copying. A public body may not require that a request be submitted on a standard form or require the requestor to specify the purpose for a request, except to determine whether the records are requested for a commercial purpose or whether to grant a

request for a fee waiver. All requests for inspection and copying received by a public body shall immediately be forwarded to its Freedom of Information officer or designee. (Ord. No. 13-14; 07-22-13)

15-1-6 FEES.

(A) When a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the public body shall furnish it in the format in which it is maintained by the public body, or in paper format at the option of the requester. A public body may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. A public body may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records, except for commercial requests as provided in subsection (F) of this Section. Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of public records when furnished in a paper format shall not be applicable to those records when furnished in an electronic format.

(B) Except when a fee is otherwise fixed by statute, each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment for the public body to copy records. No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested by requester. The fee for black and white, letter or legal sized copies shall not exceed **Fifteen Cents (\$0.15)** per page. If a public body provides copies in color or in size other than letter or legal, the public body may not charge more than its actual cost for producing the records. In calculating its actual cost for reproducing records or for the use of the equipment of the public body to reproduce records, a public body shall not include the costs of any search for and review of the records, except for commercial requests as provided in subsection (F) of this Section. Such fees shall be imposed according to a standard scale of fees, established and made public by the body imposing them. The cost for certifying a record shall not exceed **One Dollar (\$1.00)**.

(C) Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the personal 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.

(D) The imposition of a fee not consistent with subsections (6) (A) and (B) of this Act constitutes a denial of access to public records for the purposes of judicial review.

(E) The fee for each abstract of a driver's record shall be as provided in Section 6-118 of "The Illinois Vehicle Code", approved September 29, 1969, as amended, whether furnished as a paper copy or as an electronic copy.

(F) A public body may charge up to **Ten Dollars (\$10.00)** for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first **eight (8) hours** spent by personnel in searching for or retrieving a requested record. A public body may charge 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. If a public body imposes a fee pursuant to this subsection (F), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (F) apply only to commercial requests. (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

(Ord. No. 13-14; 07-22-13)

15-1-7 **TIME LIMIT FOR COMPLIANCE WITH REQUEST.** Each public body shall, promptly, either comply with or deny a request for public records within **five (5) business days** after its receipt of the request, unless the time for response is properly extended under subsection (E) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within **five (5) business days** after its receipt shall be considered a denial of the request. A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (G). **(Ord. No. 13-14; 07-22-13)**

15-1-8 **EXTENSION OF TIME LIMIT; NOTICE.**

(A) The time for response under this Section may be extended by the public body for not more than **five (5) business days** from the original due date for any of the following reasons:

- (1) The requested records are stored in whole or in part at other locations other than the office having charge of the requested records.
- (2) The request requires the collection of a substantial number of specified records.
- (3) The request is couched in categorical terms and requires an extensive search for the records responsive to it.
- (4) The requested records have not been located in the course of routine search and additional efforts are being made to locate them.
- (5) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of this Act or should be revealed only with appropriate deletions.
- (6) The request for records cannot be complied with by the public body within the time limits prescribed by paragraph (C) of this Section without unduly burdening or interfering with the operations of the public body; and

(7) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among **two (2)** or more components of a public body having a substantial interest in the determination or in the subject matter of the request. The person making a request and the public body may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the public body agree to extend the period for compliance, a failure by the public body to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(B) When additional time is required for any of the above reasons, the public body shall, within **five (5) business days** after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. A public body that fails to respond to a request within the time permitted for extension but thereafter provides the requestor with copies of the requested public records may not impose a fee for those copies. A public body that requests an extension and subsequently fails to respond to the request may not treat the request as unduly burdensome under subsection (G).

(C) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If any body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Act shall be deemed unduly burdensome under this provision.

(D) Each public body may promulgate rules and regulations in conformity with the provisions of this Section pertaining to the availability of records and procedures to be followed, including:

- (1) The times and places where such records will be made available, and
- (2) The persons from whom such records may be obtained.

(E) The time periods for compliance or denial of a request to inspect or copy records set out in this Section shall not apply to requests for records made for a commercial purpose. Such requests shall be subject to the provisions of Section 3.1 of this Act. (Source: P.O. 96-542, eff. 1-1-10)

(Ord. No. 13-14; 07-22-13)

15-1-9 UNDULY BURDENSOME REQUEST.

(A) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the City, there is no

method of narrowing the request, and the burden on the City strongly outweighs the public interest in the information. If the City responds to a categorical request by stating that compliance would unduly burden its operation, it shall do so in a writing signed by the Clerk specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operation of the City.

(B) After receipt of this response in writing, the person making the request shall have an opportunity to reduce the request to manageable proportions. If the person making the request fails to reduce the request to manageable proportions, the response of the City shall be treated as a denial of the request information.

15-1-10 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING. Information exempted by **Section 15-1-7** of the Freedom of Information Act shall be exempt from inspection and copying. If a record contains both exempt and nonexempt information, the exempt information shall be deleted and the remainder of the record made available for inspection and copying.

15-1-11 NOTICE OF DENIAL OF REQUEST; APPEALS.

(A) Each public body denying a request for public records shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial shall inform such person of his right to judicial review under Section 11 of this Act.

(B) When a request for public records is denied on the grounds that the records are exempt under Section 7 of this Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. Copies of all notices of denial shall be retained by each public body in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

(C) Any person making a request for public records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the public body fails to act within the time periods provided in Section 3 of this Act. (Source: P.A. 96-542, eff. 1-1-10.)

(Ord. No. 13-14; 07-22-13)

15-1-12 GRANTING OF REQUEST; PROCEDURE FOR INSPECTION. When a freedom of information request is granted, the documents will be made available for inspection at the City Hall during regular business hours. Copies shall be made upon request as set forth in **Section 15-1-6**.

15-1-13 WRITTEN REQUEST NOT REQUIRED FOR CERTAIN DOCUMENTS.

The following documents shall be made available for inspection and copying without a written request; however, the requestor shall contact the Clerk or Deputy Clerk in advance to set a mutually convenient time. These documents, if copied, shall be subject to the copying fee set forth in **Section 15-1-6.**

- (A) Ordinances and written resolutions.
- (B) The journal of the City Council, not including executive session minutes.
- (C) Any personnel code, building code, other technical code, or any other regulation of the City adopted by the City, whether by ordinance, resolution or otherwise.

15-1-14 DISSEMINATION OF INFORMATION ABOUT PUBLIC BODIES.

The City shall prominently display at the City Hall, make available for inspection and copying without charge, and shall send through the mail if requested, each of the following:

- (A) A brief description of itself, which will include, but not be limited to 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, and 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 is required to report and be answerable for its operations; and
- (B) A brief description of the methods whereby the public may request information and public records, a directory designating by titles and business addresses those employees to whom requests for public records should be directed, and any fees allowable under **Section 15-1-6.**

15-1-15 LIST OF CATEGORIES OF RECORDS. As to public records prepared or received after the effective date of this Chapter, the City Clerk shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to this Chapter. The City Clerk shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.