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 ADDITONAL 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:

<u>Police Department</u>:
Robert Legg
Roselle Police Department
103. S. Prospect St.
Roselle, IL. 60172

<u>Fire Department</u>:
Liz Lahey
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

<u>Requester</u>
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.