

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 Village.

**"Village".** The Village of New Berlin, Illinois.

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

**15-1-4 PUBLIC RECORDS AVAILABLE.** The Village 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;

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(C) A statement as to whether the request is for inspection, copying, or both.

The Clerk shall make available a form for use by requestors; however, no request shall be denied for failure to use the form.

### **15-1-6 FEES.**

(A) The Village hereby establishes and shall 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 of the Village to copy records. Such fees exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by state statute. The charge for copying shall be **Ten Cents (\$0.10)** per page for photocopies, **Seven Cents (\$0.07)** per page for computer printouts, and **Two Dollars Fifty Cents (\$2.50)** per audio tape.

(B) Documents shall be furnished without charge or at a reduced charge where the Village determines that waiver or reduction of the fee is in the public interest because furnishing information can be considered as primarily benefiting the general public. 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. In setting the amount of the waiver or reduction, the Village may take into consideration the amount of materials requested and the cost of copying them.

**15-1-7 TIME LIMIT FOR COMPLIANCE WITH REQUEST.** The Village shall either comply with or deny a request for public records within **seven (7) working days** after its receipt. Denials shall be in writing and in accordance with **Section 15-1-11**.

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

(A) The time limit prescribed in **Section 15-1-7** may be extended in each case for not more than **seven (7)** additional working days 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.

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- (4) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the terms of the Illinois Freedom of Information Act or should be revealed only with appropriate deletions.
- (5) The request for records cannot be complied with by the Village within the time limits prescribed by the foregoing paragraph without unduly burdening or interfering with the Village.
- (6) **The requested records have not been located in the course of routine search and additional efforts are being made to locate them.**
- (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.

(B) When additional time is required for any of the above reasons, the Clerk shall notify the person making the request, by letter, within the time limits specified in this Section, of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance may the delay in processing last longer than **seven (7) working days**. A failure to render a decision within **seven (7) working days** shall be considered a denial of the request.

### **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 Village, there is no method of narrowing the request, and the burden on the Village strongly outweighs the public interest in the information. If the Village 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 Village.

(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 Village shall be treated as a denial of the request information.

**15-1-10 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.** Information exempted by Section 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) The Clerk, when denying a request for public record, shall notify the requestor, by letter, of the decision to deny the information, and the reason for the denial. Each notice of denial by the Clerk shall inform the person of his or her right to appeal to the Mayor in accordance with Section 10 of the Freedom of Information Act. When a request is denied on the grounds that the records are exempt under the provisions of this Chapter, the notice of denial shall specify the exemption claimed to authorize the denial and briefly explain how the exemption applies to the specified records withheld.

(B) A requestor may appeal a denial of a request for public records to the Mayor. All appeals shall be in writing, shall be addressed to the Mayor in an envelope clearly marked "FOIA APPEAL", and shall include a copy of the original request, a copy of the denial or a statement that the Village failed to respond within **seven (7) working days**; and a written statement setting forth the reasons the requestor believes the appeal should be granted.

(C) The Mayor shall respond in writing to an appeal within **seven (7) working days** of receipt thereof. Failure to respond shall be considered a denial of the appeal. If the Mayor denies an appeal in whole or in part, the requestor shall be informed of his or her rights to judicial review under Section 11 of the Freedom of Information Act.

**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 Village 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 Board of Trustees, not including executive session minutes.

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(C) Any personnel code, building code, other technical code, or any other regulation of the Village adopted by the Village, whether by ordinance, resolution or otherwise.

**15-1-14 DISSEMINATION OF INFORMATION ABOUT PUBLIC BODIES.** The Village shall prominently display at the Village 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 Village 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 Village 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.

**(Ord. No. 07-09; 06-20-07)**