

POLICY

**FREEDOM OF INFORMATION REQUESTS
VILLAGE OF ELWOOD**

Adopted and Approved
Village Board of Trustees
December 16, 2009

VILLAGE OF ELWOOD

FREEDOM OF INFORMATION

It is the policy of the Board of Trustees of the Village of Elwood to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, balanced, however, by the limited exceptions recognized in the Act to safeguard individual privacy and the efficient operation of the Village. The Village Clerk, who is hereby appointed the Village's Freedom of Information Officer, shall insure that the Village complies with the Act through execution of the Village's regulations adopted pursuant to this policy. A copy of this policy shall be posted on the Village's website.

A. Introduction

1. Brief Description of the Village

Village of Elwood, Will County, Illinois, is a municipality organized pursuant to the Illinois Municipal Code (65 ILCS 5/1 *et seq.*) to provide governmental services to the residents of the Village. The Village's operating budget is comprised of tax collections for services along with grants, donations, and other miscellaneous forms of revenue. The Village's headquarters is located at 401 E. Mississippi Avenue, Elwood, Illinois 60421.

The Village employs approximately 21 full-time employees and 5 part-time employees.

The Board of Trustees consisting of the following members governs the Village:

William Offerman, President
Robert Wagner
George Ruban
Chuck Bernhard
Francis "Bud" Jones
Mary Matichak
Jason Kucera

2. Brief Description of the Method to Request Information

All public requests for information and/or records will be processed through the administrative offices of the Village, located at 401 E. Mississippi Avenue, Elwood, Illinois 60421. The Village Clerk serves as the Freedom of Information Officer for the Village. Requests shall be directed to the Village Clerk (or designee) pursuant to the Village's administrative regulations at the address noted above. The current Village Clerk is Patricia Buchenau. The first 50 black and white copies are free. Thereafter, each page will be charged \$.15 per page. Electronic, color or oversized copies will be charged at the actual cost to the Village of reproduction.

For any additional information, the administrative office is open Monday through Friday, 8:30 a.m. to 5:00 p.m. The telephone number is (815) 423-5011.

B. Public Access to Records

1. Generally

The Village shall make available its public records to any person requesting access pursuant to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) (the "Act"), as well as other applicable law. The Village shall not provide access to public records or portions thereof that are exempt from disclosure under the Act or as provided by other applicable law. Denials of requests for records will contain a detailed factual basis for the denial.

2. Nonexempt Materials Contained in Exempt Records

The Village shall delete any information which is exempt from disclosure under the Act from a public document which contains nonexempt material, and make the remaining information available for inspection and copying.

3. Denial of Request for Public Records; Appeal

Any person denied access to inspect or copy any public record may appeal the denial to the Office of the Public Access Counselor at Illinois Attorney General, 100 West Randolph Street, Chicago, Illinois; telephone (312) 814-3000.

C. General Materials Available

The following information will be made available to the public:

1. List of all Types or Categories of Records Under the Village's Control

a. Financial records

- Budget
- Levy ordinance and certificate of tax levy
- Audit
- Bills
- Receipts for revenue
- Bills payable
- Revenue and Expense Reports
- Cancelled checks
- Labor agreements

b. General Records

- Board minutes
- Board resolutions and ordinances
- Bidding specifications
- Board policies and administrative procedures
- Administrative instructions to staff
- Personnel names, salaries, titles and dates of employment
- Office equipment
- Insurance
- Capital equipment

- Real estate
- Legal notices
- Application for contracts, permits, grants or agreements
- Consulting contracts
- Contracts for capital equipment
- Contracts for office supplies
- Contracts for maintenance and repair
- Number of employees

D. Request Procedures

1. Initiation of Request

Any person wishing to inspect or copy a Village's public record shall submit a written request to the Village Clerk. While the use of a specific form is not required, the Village will provide a form upon request. (see **Form 1**). Requests are accepted via personal delivery, mail, facsimile or email if directed to villageclerk@villageofelwood.com. Requests must specify Village records with reasonable particularity to avoid inefficient use of staff time in retrieving and preparing records for inspection.

2. Response to Request

- a. Upon receipt, the Village Clerk shall mark the date received upon the request, along with the date a response is due.
- b. The Village shall either comply with or deny the written request for public records within five (5) working days after its receipt. (see **Forms 2, 3 and 4**.) Denial shall be by letter as provided below and contain a detailed factual basis for the denial. Failure to respond to a written request within five (5) working days after its receipt shall be considered a denial of the request.
- c. The Village's time for response may be extended for not more than five (5) additional working days for any of the following reasons (see **Form 5**):
 - i) The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
 - ii) The request requires the collection of a substantial number of specified records;
 - iii) The request is couched in categorical terms and requires an extensive search for the records responsive to it;
 - iv) The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
 - v) 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 Act or should be revealed only with appropriate deletions;

- vi) The request for records cannot be complied with by the Village within five (5) working days without unduly burdening or interfering with the operations of the public body;
 - vii) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of the Village having a substantial interest in the determination or in the subject matter of the request.
- d. When additional time is required for any of the reasons listed, the Village shall notify by letter the person making the written request within five (5) working days of receipt of request (see **Form 5**).
 - e. The response times contained in this Section may be extended with the written agreement of the requestor; and
 - f. The Village Clerk shall maintain a copy of each request, response and written communications with the requestor and all documents submitted.

3. Procedure for Inspection or Copying

- a. Inspection of Village public records not excluded from inspection under the Act shall be permitted between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, on days the Village office is open for business.
- b. Inspection must be made at the Village office, and records are not to be removed from the Village office.
- c. The Village Clerk or his designee shall be present during inspection of Village records.
- d. Inspection will not be allowed when records are in immediate use by persons exercising official duties which require use of the records.
- e. Copies of requested records will be provided by Village employees within the limitations of Village copying equipment.

4. Fees

- a. Letter-sized, black and white copies are charged at \$.15 per page after the first 50 copies. Each color copy will be charged at \$.25 per page. Persons requesting electronic or oversized copies of Village public records shall reimburse the Village for its actual cost for reproducing public records, as determined by the Village Clerk or his designee. Each record certified shall cost \$1.00.
- b. Documents shall be furnished without charge or at a reduced charge, as determined by the Board of Trustees, if the person 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" pursuant to Section 6(b) of the Act (5 ILCS 140/6(b)). In setting the amount of the waiver or reduction, the Village shall take into consideration the amount of materials requested and the cost of copying them.

- c. Records may be produced electronically, if requested. The Village will email records where practicable. When requests are unable to be sent via email or the requestor does not desire emailed copies, the Village shall purchase appropriate electronic media and copy the documents to the electronic media. The requestor will pay the actual cost of the media. In no event may the Village accept electronic media from a requestor.

5. **Unduly Burdensome Request Exemption**

- 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 and there is no way to narrow the request, and the burden on the Village outweighs the public interest in the information.
- b. Before invoking this exemption, the Village shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.
- c. The Village shall invoke this exemption in writing to the person making the request specifying the reasons why it would unduly burden the Village and the extent to which compliance would so burden the operations of the Village.
- d. Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision.

6. **Documents Containing Personal Information**

- a. When a requested document contains information of a highly personal nature or whose release would be objectionable to a reasonable person, the Village Clerk must determine if the subject's right to privacy outweighs and legitimate public interest. If the Village Clerk determines the legitimate public interests outweigh privacy interests, the Village Clerk shall release the documents.
- b. If the Village Clerk determines the right to privacy outweighs any legitimate public interest, the Village Clerk shall seek an advisory opinion from the Public Access Counselor pursuant to the procedures adopted by that body.
- c. If the Village Clerk believes the advisory opinion is in error, with the consent of the Board of Trustees, the Village Clerk may seek judicial review of the decision.

7. **Preliminary Drafts and Similar Documents**

- a. When the Village Clerk determines that a requested document is exempt under Section 7(1)(f) as a preliminary draft or other document exempted under this section, he shall initiate the advisory opinion procedures of the Public Access Counselor.

- b. If the Village Clerk believes the advisory opinion is in error, the consent of the Board of Trustees, the Village Clerk may seek judicial review of the decision.

8. Commercial Requests

- a. Prior to responding to a request for records, the Village Clerk shall determine whether the requested records will be used in any sale, resale, solicitation or advertisements for sales or services. If the Village Clerk determines that the request is for one of these purposes, it shall be deemed a commercial request and response shall be governed by this section. Requests received from news media, non-profit, scientific or academic organizations shall not be considered commercial requests.
- b. When a request is for a commercial purpose, the Village Clerk shall respond to the requestor within five (5) business days, informing the requestor that the request is considered commercial.
- c. Within twenty-one (21) business days after the receipt of the commercial purpose request, the Village Clerk shall respond to the requestor. Such response shall either: 1) provide an estimate of the time required to provide the records, including a requirement that the requestor pay for the copies; 2) deny the request pursuant to one or more exemptions found in the Freedom of Information Act; 3) notify the requestor that the request is unduly burdensome and extend an opportunity to the requestor to reduce the request to manageable proportions, or 4) provide the requested records.
- d. When estimating the time required for responding to a commercial records request, the Village Clerk should consider the size and complexity of the request. Priority shall be given to non-commercial requests.

VILLAGE OF ELWOOD

FORM 1

**VILLAGE OF ELWOD
FREEDOM OF INFORMATION ACT
WRITTEN REQUEST FOR RECORDS**

Dear Village Clerk (or designee):

(I), (We), are hereby requesting that (I) (We)

_____ inspect the following records at the Village of Elwood's Administrative Office.

_____ receive copies of the following records from the Village of Elwood.

(Please be specific in listing records.)

_____ Will the records received or requested or the information derived thereof be used in any form of sale, resale, or solicitation or advertisement for sales or services?

_____ Yes

_____ No

I understand that if I request that the records be copied, I may be charged a fee due in full before the copies are made.

Signature(s) of Requester(s)

Date of Request

(For office use only)

Date Request Received: _____

Signature: _____

Date Response Due: _____

VILLAGE OF ELWOOD

FORM 2

**VILLAGE OF ELWOOD
FREEDOM OF INFORMATION ACT
APPROVAL FOR REQUEST FOR PUBLIC RECORDS**

DATE: _____

TO: _____

NAME _____

ADDRESS _____

CITY STATE ZIP _____

(_____) _____

PHONE NUMBER

FROM:
Village of Elwood
401 E. Mississippi Ave.
P.O. Box 435
Elwood, Illinois 60421

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for the above captioned records has been approved.

_____ The documents will be made available at the Village Administrative Office on
(Date) _____ upon payment of copying costs in the amount of
_____.

_____ You may inspect the records at _____

_____ on _____

DATE

Village Clerk or Designee

Date

VILLAGE OF ELWOOD

FORM 3

**VILLAGE OF ELWOOD
FREEDOM OF INFORMATION ACT
DENIAL OF REQUEST FOR PUBLIC RECORDS**

DATE: _____

TO: _____

NAME _____

ADDRESS _____

CITY STATE ZIP _____

(_____) _____

PHONE NUMBER

FROM:
Village of Elwood
401 E. Mississippi Ave.
P.O. Box 435
Elwood, Illinois 60421

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for the above captioned records has been denied:

_____ The request creates an undue burden on the public body in accordance with Section 3(f) of the Freedom of Information Act, and we were unable to negotiate a more reasonable request.

_____ The materials requested are exempt under Section 7__ of the Freedom of Information Act for the following reasons: _____

The individual(s) who were responsible for the denial are:

You have the right to appeal the denial of the records you have requested to the Public Access Counselor at Illinois Attorney General, 100 West Randolph Street, Chicago, Illinois,, and by placing the words "Freedom of Information Act Appeal" on the face of the envelope, if sent by mail. In submitting your notice of appeal, you must include a copy of your original request and this denial, and state the reasons why you feel your appeal should be granted.

Village Clerk or Designee

Date

VILLAGE OF ELWOOD

FORM 4

**VILLAGE OF ELWOOD
FREEDOM OF INFORMATION ACT
PARTIAL APPROVAL OF REQUEST FOR PUBLIC RECORDS**

DATE: _____

TO: _____

NAME _____

ADDRESS _____

CITY STATE ZIP _____

() _____

PHONE NUMBER

FROM:
Village of Elwood
401 E. Mississippi Ave.
P.O. Box 435
Elwood, Illinois 60421

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for the above captioned records has been partially approved. Those parts of your request that have been approved:

_____ will be made available at Village Administrative Offices on (Date) _____ upon payment of copying costs in the amount of _____.

_____ may be inspected at _____ on _____ DATE

The following portions of your request have been denied for the reasons cited:

VILLAGE OF ELWOOD

The individual(s) who were responsible for the denial are:

You have the right to appeal the denial of that portion of the records you have requested to the Public Access Counselor at Illinois Attorney General, 100 West Randolph Street, Chicago, Illinois. In submitting your notice of appeal, you must include a copy of your original request and this partial denial, and state the reasons why you feel this appeal should be granted.

Village Clerk or Designee

Date

VILLAGE OF ELWOOD

FORM 5

**VILLAGE OF ELWOOD
FREEDOM OF INFORMATION ACT
DEFERRAL OF RESPONSE TO REQUEST FOR PUBLIC RECORDS**

DATE: _____

TO: _____

NAME

ADDRESS

CITY STATE ZIP

() _____

PHONE NUMBER

FROM:

Village of Elwood
401 E. Mississippi Ave.
P.O. Box 435
Elwood, Illinois 60421

DESCRIPTION OF REQUESTED RECORDS:

The response to your request dated _____ for the above captioned records must be delayed. Pursuant to Section 3(d) of the Freedom of Information Act, the delay in responding to your request is for the following reason(s):

You will be notified by _____ as to the action taken on your request.
Date

Village Clerk or Designee

Date