

## CHAPTER 34: PUBLIC RECORDS

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### § 34.01 DEFINITIONS.

For the purpose 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.

***PERSON.*** Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.

***PUBLIC RECORDS.*** 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.

### § 34.02 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.

### **§ 34.03 INDIVIDUAL PRIVACY PROTECTED.**

This chapter is not intended to be used to violate individual privacy, nor for the purpose of furthering a commercial enterprise, or to disrupt the duly undertaken work of the village independent of the fulfillment of any of the aforementioned rights of people to access to information.

### **§ 34.04 PUBLIC RECORDS AVAILABLE.**

The village shall make available to any person for inspection or copying all public records, as provided in the Illinois Freedom of Information Act, ILCS Ch. 5, Act 140, §§ 1 et seq.

### **§ 34.05 REQUESTS TO BE MADE TO THE FOIA OFFICER IN WRITING.**

(A) All requests for inspection or copying of public records shall be submitted in writing to the duly appointed FOIA Officer, or Deputy FOIA Officer, at the Village office located at 313 N. First Ave in Hanna City between the hours of 9:00 a.m. and 12:00 p.m., Monday through Friday. Except in instances when records are furnished immediately, the FOIA Officer, or his designees, shall receive requests submitted to the Village under the Freedom of Information Act, ensure that the Village responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the FOIA Officer shall:

- (1) note the date that the Village received the written request;
- (2) compute the day on which the period for response will expire and make a notation of that date on the written request.
- (3) maintain an electronic or paper copy of a written request, including all documents submitted with that request until the request has been complied with or denied, and;
- (4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requestor, and a copy of any other communications with respect thereto.

### **§ 34.06 FEES.**

(A) The village 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 shall 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. Such fees shall be determined by the FOIA Officer pursuant to Section 6(B) of the Freedom of Information Act.

(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. (ILCS Ch. 5, Act 140, § 6)

**§ 34.07 TIME LIMIT FOR COMPLIANCE WITH REQUEST.**

The village shall either comply with or deny a request for public records within seven working days after its receipt. Denials shall be in writing and in accordance with § 34.11.

**§ 34.08 EXTENSION OF TIME LIMIT; NOTICE.**

(A) The time limit prescribed in § 34.07 may be extended in each case for not more than seven 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.

(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 public body within the time limits prescribed by the foregoing paragraph without unduly burdening or interfering with the public body.

(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 or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (ILCS Ch. 5, Act 140, § 3(d))

(B) When additional time is required for any of the above reasons, the FOIA Officer 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 working days. A failure to render a decision within seven working days shall be considered a denial of the request. (ILCS Ch. 5, Act 140, § 3(e))

**§ 34.09 UNDULY BURDENSOME REQUESTS.**

(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 President, 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 for information.

#### **§ 34.10 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.**

Information exempted by Section 7 of the Illinois Freedom of Information Act shall be exempt from inspection and copying. The President and Clerk shall keep available for use by the public and village personnel a current copy of Section 7 of the Freedom of Information Act.

*Statutory reference: Exemptions from inspection and copying, see ILCS Ch. 5, Act 140, § 7*

#### **§ 34.11 NOTICE OF DENIAL OF REQUEST.**

The FOIA Officer, when denying a request for public record, shall notify the person making the request, by letter, of the decision to deny the information, the reason for the denial, and the names and titles or positions of each person responsible for the denial. Each notice of denial by the FOIA Officer shall inform the person of his right to judicial review under ILCS Ch. 5, Act 140, § 11. 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.

#### **§ 34.12 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 § 34.06.

#### **§ 34.13 WRITTEN REQUEST NOT REQUIRED FOR CERTAIN DOCUMENTS.**

The following documents shall be made available for inspection and copying without a written request and, if copied, upon payment of the copying fee set forth in § 34.06, as follows: ordinances; the journal of the Board of Trustees, not including executive session minutes; 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.

#### **§ 34.14 DISSEMINATION OF INFORMATION ABOUT PUBLIC BODIES.**

The village shall prominently display at the Village Hall, make available for inspection and copying, and 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, or which exercises control over its policies or procedures, or to which 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 addresses those employees to whom requests for public records should be directed, and any fees allowable under § 34.06. (ILCS Ch. 5, Act 140, § 4)