

**POLICIES AND PROCEDURES FOR REQUESTS TO INSPECT OR COPY PUBLIC RECORDS
IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT (FOIA)**

**ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF THOMASBORO
APRIL 1, 2013**

SECTION 1 – INTRODUCTION

The Illinois Freedom of Information Act (5 ILCS 140 et. seq.) (the “FOIA”), as supplemented and amended, requires all public bodies in the State of Illinois to make non-exempt public records available for inspection and/or copying. The Village of Thomasboro (the “Village”) endorses the fundamental concept that all persons are entitled to full, accurate and complete information regarding the public affairs of the Village, and therefore strives to comply with all rules and regulations implemented by the FOIA. The Village recognizes that its desire for the active and informed participation of its citizens in the public policy process necessitates as full and as free an access to information as possible. In determining the parameters of public access to information, the Village also understands its obligations to protect legitimate privacy interests and maintain the efficiency of its administrative operations.

Pursuant to Section 3 of the FOIA, the Board of Trustees of the Village shall have the authority to promulgate rules and regulations pertaining to the availability of public records and procedures to be followed in conformity with the provisions of the FOIA. The policies and procedures contained herein have been established by the Village to ensure that its obligations under the law are satisfactorily met, and are intended to serve as procedural guidelines for citizens, employees and officers of the Village in expediting the process of obtaining access to public records in a timely fashion. In any instance in which these policies and procedures shall conflict with language contained in the Illinois Freedom of Information Act as now existing or hereafter amended, the terms of the FOIA shall prevail.

SECTION 2 – PROCEDURES FOR REQUESTING TO INSPECT OR COPY RECORDS

Requests for the inspection or copying of non-exempt public records may be made in person at the Thomasboro Village Hall office, 101 W. Main Street, Thomasboro, Illinois, between the hours of 8:00 A.M. and 12:00 P.M., Mondays through Thursdays, not including holidays. Requests may also be submitted via U.S. mail to the following address:

Village Clerk
Village of Thomasboro
101 W. Main, P.O. Box 488
Thomasboro, IL 61878

The Village shall also accept FOIA requests received via facsimile or electronic mail. The Village is, however, only responsible for responding to requests that it actually receives and is not responsible for transmission or delivery errors for FOIA requests that are submitted using these alternative means. Any request received by the Village after normal business hours shall be considered received on the following business day.

All requests for public records must be made in writing, and preferably upon a Village of Thomasboro FOIA Request Form. If the requesting party is unable to obtain one of these forms, the Village will accept any legible written request, provided that the request contains the name, address and telephone number of the requestor and clearly identifies the type of records being requested.

To ensure that each FOIA request is acted upon in a complete and timely fashion, the requestor should provide as much known information about the requested record(s) as possible. This includes, but is not necessarily limited to: the type of records, approximate dates of records, department or location where the records may be stored, etc. The request should also indicate whether the records are to be inspected, copied, and/or certified. The Village is not obligated to respond to requests that are overly broad or that would place an undue burden upon its operations; however, every attempt will be made by the Village to consult with the requestor to clarify and narrow the scope of such a request as much as practicable. The Village is also not obligated to interpret or advise requestors as to the meaning or significance of public records that may be provided in response to a FOIA request.

If the request is being made for a commercial purpose, the requestor must disclose that fact to the Village at the time the request is made. It is a violation of the Freedom of Information Act to knowingly obtain a public record for a commercial purpose without such disclosure.

SECTION 3 – FEE SCHEDULE

Pursuant to 5 ILCS 140/6, the Village is given the authority to charge reasonable fees for the duplication and/or certification of public records produced in compliance with FOIA requests. The Village FOIA Officer is given the authority and the discretion to grant a waiver or reduction of fees for copying records if the requestor’s stated purpose is to obtain information regarding the health, safety and welfare of the general public and is not for the principal purpose of personal or commercial benefit. In determining whether to grant a waiver or fee reduction, the FOIA Officer will also consider the number of records requested and the actual costs of reproducing the records.

Unless otherwise waived, copying fees must be paid in advance of the records being made available to the requestor. The Board of Trustees has established the following fee schedule:

8.5” x 11” documents	\$0.15 per page
8.5” x 14” documents:	\$0.15 per page
11” x 14” documents:	\$0.15 per page
Audio Tape:	\$2.00 per tape
Compact Disc:	\$2.00 per disc
Certification:	\$1.00 per document

For each request form filed, the requestor shall be furnished with the first fifty (50) pages of standard, black and white copies at no charge. Fees will not be waived for the first fifty (50) pages of colored copies or copies exceeding 11” x 14” in area, unless a waiver or reduction of fee has been granted by the FOIA Officer.

Fees to copy blueprints, oversized documents, pamphlets, manuals and any other records which are to be reproduced by an outside service shall be based on the actual costs incurred by the Village. Information regarding these fees will be provided to the requestor before copying. Additional fees for accident reports may apply, as allowable by law.

SECTION 4 – VILLAGE RESPONSE TO REQUESTS TO INSPECT OR COPY RECORDS

In accordance with the law, the Village will respond to all non-commercial FOIA requests within five (5) business days of receipt. Responses will be submitted to any commercial requests within twenty-one (21) business days of receipt. In processing requests for information, the Village shall give priority first to any non-commercial requests pending before it. The Village must respond in one of the following methods:

A. Approval of Request

If the requested records are available and determined to be non-exempt, the FOIA Officer will advise the requestor of the documents which are available and the cost to copy the records. For commercial requests, the Village response will include an estimate of the time required to locate and compile the records requested, as well as the estimated fees to be assessed to the requestor.

If the requestor has asked to inspect the documents, the Village will provide the requestor with notice of a time and location in which the records will be made available for inspection. Any inspection of public records will be conducted during normal business hours at the Thomasboro Village Hall office, unless another location and/or time has been mutually agreed upon by the FOIA Officer and the requesting party. The Village may require that an officer or employee of the Village be present during any inspection of public records. The requestor may also be prohibited from bringing bags, brief cases, or other containers into the room in which the inspection of records takes place. Documents made available for inspection will be held for fourteen (14) business days from the date of the Village's response and, thereafter, will be re-filed.

Fees for copies of records, unless waived, must be paid in advance. All copying of documents shall be done by an officer or employee of the Village of Thomasboro. Upon written request, the Village will mail copies of public records to the requestor, including a bill for any fees assessed for copying.

B. Notice of Extension

Under certain circumstances, the FOIA allows the Village to provide notice of an extension of its time for responding to a request. Such notice will be provided to the requestor in writing, within five (5) business days of receiving the non-commercial request, and must cite the reason why an extension is necessary. The time period for extending the Village's response date shall not exceed an additional five (5) business days, or a total of ten (10) business days from the initial receipt of the FOIA request.

C. Denial of Request

In situations when the Village deems any requested record or portion thereof to be exempt from public disclosure, the FOIA Officer may issue a denial of the request. Any denial of any part of a request shall be made in writing and shall state the reason(s) for the denial in accordance with Section 3(g), or if the record is determined to be exempt, pursuant to Section 7 of the FOIA.

Section 3(g) of the FOIA allows the Village to deny a request for a category of records if compliance with the request would place an undue burden upon the Village and there is no way to narrow the scope of the request, and/or the burden on the Village outweighs the public interest in the information. Before denying a request on this basis, the Village FOIA Officer will

contact the requestor to offer him/her an opportunity to confer with Village officials in an attempt to reduce the scope of the request to a more manageable proportion. Any denial pursuant to Section 3(g) shall specify the reason(s) why it would be unduly burdensome to the Village and the extent to which compliance with the request would burden the operations of the Village. Repeated requests for the same public records by the same individual shall be deemed unduly burdensome and shall be denied accordingly.

Section 7 of the FOIA enumerates a series of records that are considered exempt from public disclosure and, therefore, are not required to be produced by the Village.

All denials shall specify the name and title of the individual(s) responsible for the denial of the request, and shall include a detailed factual basis for the assertion of any Section 7 exemption claimed by the Village. Any denial must also include a notice of the requestor's statutory right to petition the office of the Public Access Counselor in the Illinois Attorney General's office for review of the denial, as well as the right to seek judicial review under Section 11 of the FOIA. Copies of all denial notices shall be retained by the Village FOIA Officer and will be indexed according to the type of exemption asserted and, to the extent feasible, according to the type of records requested.

If the Village FOIA Officer determines that a FOIA request should be denied by claiming an exemption under either subsection (1)(c) or (1)(f) of Section 7 of the FOIA, the FOIA Officer shall provide written notice to both the requestor and the Public Access Counselor of the Village's intent to deny the request in whole or in part. This notice shall include: a copy of the original FOIA request; the proposed response of the Village; and a detailed summary of the Village's basis for asserting the exemption. Upon receipt of the notice of intent to deny, the Public Access Counselor shall determine whether or not further inquiry is warranted. Within five (5) business days after the receipt of the notice of intent to deny, the Public Access Counselor shall notify the Village and the requestor whether further inquiry is necessary.

SECTION 5 – ADMINISTRATIVE AND JUDICIAL REVIEW PROCEDURES

Any requestor whose FOIA request has been denied by the Village may exercise his/her statutory right to petition the Public Access Counselor in the office of the Illinois Attorney General for review of said denial. A requestor should consult the appropriate statute and current publications from the Illinois Attorney General for the proper procedures and information on the review process employed by the Public Access Counselor.

Upon receipt of a binding opinion concluding that a violation of the FOIA has occurred, the Village FOIA Officer shall either take immediate action to comply with the directive of the opinion, or shall initiate administrative review under Section 11.5. If the opinion concludes that no violation occurred, the requestor may likewise initiate administrative review under Section 11.5.

In addition to the Public Access Counselor review process, any person denied access to inspect or copy any public record shall also have the right to file suit for injunctive or declaratory relief in the Circuit Court of Champaign County.

SECTION 6 – VILLAGE OF THOMASBORO FOIA ADMINISTRATIVE PROCEDURES

In accordance with Section 3.5 of the FOIA, an employee or officer of the Village is to be designated by the Board of Trustees as the FOIA Officer for the Village. For the purposes of this policy, the individual appointed to serve as Village Clerk shall also be designated as the FOIA Officer for the Village of Thomasboro; provided, however, that the Board of Trustees may, from time to time, designate other employees or officers of the Village to serve in that capacity as may be deemed necessary to expedite the FOIA process. The FOIA Officer shall be charged with the responsibility for implementing these policies and procedures and processing all requests for information in accordance with the terms of the FOIA. The Village Clerk, or any other individual who may be designated as FOIA Officer, shall successfully complete an annual training curriculum through the State of Illinois, as provided by law.

Any employee, trustee, or other officer of the Village who receives a FOIA request shall deliver said request to the FOIA Officer with all practical speed. In situations where the absence of the FOIA Officer may warrant, FOIA requests received by other employees or officers of the Village shall be immediately forwarded to the Village Attorney.

All FOIA requests shall be date stamped upon receipt by the FOIA Officer. Upon receipt, the FOIA Officer shall forward a copy of the request to the appropriate contact employee for the department in which the records are located. Departmental contacts shall include, but not necessarily be limited to: the Village President, Village Treasurer, Chief of Police, Public Works Superintendent, and ESDA Coordinator. The FOIA Officer may further elect to supply a copy of the request to the Village Attorney, particularly those requests for which an exemption may need to be claimed. Upon forwarding the request to the appropriate department, the FOIA Officer shall also indicate the date by which the request must be approved or denied (5 business days from the date of receipt).

The employee responsible for providing the information on behalf of his/her department shall promptly either provide the requested records to the FOIA Officer or notify the FOIA Officer as to any records or portions thereof which may be exempt from disclosure. In determining which records, if any, may be exempt, the FOIA Officer is strongly advised to consult with the Village Attorney in coordinating an official response to the FOIA request. The FOIA Officer shall then respond in writing to the requestor accordingly. If denying the request, the written response from the FOIA Officer must include the following information:

1. The statutory exemption used as the basis for the denial and the specific reasons for the denial, including a detailed factual basis and citation to supporting legal authority;
2. The names/titles of each person responsible for the denial;
3. The notice of the requestor's statutory right to review by the Public Access Counselor; and
4. The notice of the requestor's statutory right to judicial review under Section 11

If any public record contains information that is non-exempt, in addition to information that is exempt, the FOIA Officer shall redact the exempt information and make the remaining information available for inspection and/or copying.

If the responsible employee determines that there is not adequate time to gather the requested information within five (5) business days of receipt of a FOIA request, the time limit may be extended by up to an additional five (5) business days. Appropriate reasons for extension include the following:

1. The requested record is in a place other than the office at which the record is being requested
2. The request requires the collection of a substantial number of specified records
3. The request is understood 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 the records are exempt from disclosure under Section 7 of the FOIA, or should be released only with appropriate redactions
6. The request for records cannot be complied with during the initial five (5) business days without unduly burdening or interfering with the operations of the Village
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

When additional time is required for any of the aforementioned reasons, the responsible employee shall notify the FOIA Officer as soon as possible, but no later than four (4) business days following receipt of the request. The FOIA Officer shall then immediately send written notice of extension to the requestor, stating the reasons for the extension and the date by which the records will be made available or that a denial will be forthcoming. Extensions will not be granted for a period exceeding five (5) additional business days, except in the most unusual circumstances; provided that any such extraordinary period for extension will first be agreed upon in writing by both the requestor and the FOIA Officer.

All requests for public records made under the Freedom of Information Act shall be maintained in a file in an office designated by the FOIA Officer, and preserved in accordance with the Local Records Act. Documents maintained in this file shall include, but not necessarily be limited to, the following: the original request; a copy of the written response; a record of any written communications with the requestor; and a copy of all other communications. Additionally, all denials of FOIA requests shall, by law, be indexed according to the statutory basis for the denial. To the extent practicable, these records should be further subdivided by type or category of record requested.

In accordance with Section 4 of the FOIA, the FOIA Officer shall be responsible for publishing and maintaining a local FOIA manual, pamphlet, or other substantially similar document containing the following information:

1. A brief description of the Village of Thomasboro, including:
 - a. A short summary of its purpose
 - b. A block diagram of its functional subdivisions
 - c. The total amount of its operating budget
 - d. The number and location of each of its separate offices
 - e. The approximate number of full- and part-time employees
 - f. The identification and membership of any board, commission, or committee which operates in an advisory capacity relative to the operation of the Village, or which exercises control over its policies and procedures
2. A brief description of the methods whereby the public may request information and public records

3. A directory designating by titles and addresses those employees to whom requests for public records should be directed
4. A schedule of local fees for the reproduction of documents
5. A reasonably current list of all types or categories of records maintained by the Village
6. A listing of all documents or categories or records that the Village shall make available immediately upon request
7. A description of the manner in which public records stored by means of electronic data processing may be obtained in a format comprehensible to persons lacking knowledge of computer language or printout format

The FOIA manual, including all of the foregoing general information, shall be maintained in hard copy format in the Thomasboro Village Hall office and shall be made available to the public upon request during regular business hours. For greater public accessibility to this information, the FOIA Officer may elect to include a copy of the FOIA manual, FOIA requests forms, and an outline of the proper procedures for requesting records on the official website of the Village of Thomasboro.