City of Highland
Request for Inspection or Copying of Public Records
Rules & Regulations in Accordance with the Freedom of Information Act
(5 ILCS 140/)

Sec. 1 Introduction

The Illinois Freedom of Information Act (5 ILCS 140 *et. seq.*), as supplemented and amended since its effective date of July 1, 1984, requires all public bodies in the State to make non-exempt public records available for inspection and copying. The City of Highland not only strives to comply with the law, but also fully endorses the fundamental concept that all persons are entitled to full, accurate, and complete information regarding the affairs of the City and the official acts and policies adopted by City officials and public employees. The City of Highland 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 this information as possible. In determining the parameters of public access to information, the City of Highland also understands its obligations to protect legitimate privacy interests and maintain the efficiency of its administrative operations.

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

Sec. 2 Procedures for the Request of Inspection or Copying of Records

Requests for the inspection and copying of non-exempt public records pursuant to FOIA may be made in person at the Highland City Hall, 1115 Broadway, Highland, Illinois, Mondays through Fridays, between the hours of 8:30 a.m. and 4:30 p.m., except on holidays. Requests for the inspection and copying of Highland Police Department records may be made in person at the Highland Police Department, 820 Mulberry Street, Highland, Illinois.

The City of Highland shall also accept FOIA requests received via facsimile, electronic mail, and through the United States mail. The City is only responsible for responding to requests that it actually receives and is not responsible for transmission or delivered errors for FOIA requests that are submitted through these alternative means. Any requests received by the City after 4:30 p.m. shall be considered as received on the following business day.

Requests for inspection or copies of public records shall be made in writing. For the convenience of the requester, the City of Highland provides a form for use in submitting a written request. Use of this form

is not required. All requests should state a physical address or email address to which the City of Highland should send its response.

The City of Highland will *not* accept or respond to oral requests for inspection or copies of public records.

To ensure that each FOIA request is acted upon in a complete and timely fashion, the requester should ensure that the public record being sought is clearly identified in his/her request. Requesters should provide as much known information about the requested record as possible (e.g. type of record, approximate date of record, department where record may be located, etc.) The request should indicate whether the records are to be inspected, copied, and/or certified. The City of Highland is not obligated to respond to requests that are overly broad or that would place an undue burden upon its operations; nor is the City obligated to interpret or advise requesters as to the meaning or significance of public records that may be provided.

If the request is being made for a commercial purpose, the City asks that the requester disclose that fact to the City at the time the request is made. It is violation of the Act to knowingly obtain a public record for a commercial purpose without such disclosure.

Sec. 3 Fee Schedule

Pursuant to 5 ILCS 140/6, the City of Highland is given the authority to charge reasonable fees for the duplication and/or certification of public records produced in compliance with FOIA requests. The Freedom of Information Officer is given the authority to grant a waiver or reduction of fees for copying records if the requester'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 the amount of any such waiver or fee reduction, the City will also consider the number of records requested and the actual costs of copying.

For each request form filed, citizens shall be furnished with the first fifty (50) pages of black and white, letter- or legal-sized copies at no charge. Fees will not be waived for the first fifty (50) pages of color copies or copies (either black and white or color) exceeding 8½" x 14," unless a waiver or fee reduction is granted by the Freedom of Information Officer as a means of furthering the public interest.

Unless otherwise waived, copying fees must be paid in advance of the records being made available to the requester. Fees are as follows:

8.5" x 11" documents:	$0.15/page
8.5" x 14" documents:	$0.15/page
Compact Disc:	$5.00/unit
Certification:	$1.00/document

Fees to copy blueprints, oversized documents, pamphlets, manuals and any other records which are to be copied by an outside service shall be based on the actual costs incurred by the City, which actual costs shall not be deemed to include "the costs of any search for and review of the records or other personnel costs associated with reproducing the records." *See* 5 ILCS 140/6(b). Information regarding these fees will be provided to the requester before copying. Additional fees for accident records may apply, as allowable by law.

Sec. 4 City Response to Request for Inspection or Copying of Records

In accordance with the law, the City of Highland will respond to all non-commercial requests within five (5) working days of receipt. Responses will be provided to any commercial requests within twenty-one (21) working days of receipt. In processing requests for information made under the Act, the City shall give priority first to any non-commercial requests pending before it. The City 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 City will advise the requester of the documents which are available and the cost to copy the records. For commercial requests, the City 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 requester.

If the requester has asked to inspect the documents, the City will provide the requester with notice of a time and location in which the inspection will be conducted during normal business hours at the City Hall, unless another location is otherwise agreed upon by the City and the requesting party. The City may require that an officer or employee of the City be present during any inspection of public records. A requester may also be prohibited from bringing bags, brief cases, or other containers into the room in which the inspection takes place. Documents made available for inspection will be held for fourteen working days from the date of the City'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 City of Highland. Upon written request, the City will mail copies of public records to the requester.

B. Extensions of Time

B(i) Notice of Extension

Under certain circumstances, the Freedom of Information Act allows the City to provide notice of an extension of time for response to a request. This time period shall not exceed an additional five (5) working days, or a total of ten (10) working days from the receipt of the original request. Any notice of extension must cite the reason why the extension is necessary.

B(ii) Agreement by requester and the City of Highland to an extension of time

The requester and the City may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the City agree to extend the period for compliance, a failure by the City to comply with any previous deadlines shall not be treated as a denial of the request for the records.

C. Denial of 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 Freedom of Information Act.

Section 3(g) of the Act allows the City to deny a request for a category of records if compliance with the request would place an undue burden upon the City. Before denying a request on the basis of the exemption, the City will contact the requester to offer him/her an opportunity to confer with the City in an attempt to reduce the scope of the request to a manageable proportion. Any denial pursuant to Section 3(g) shall specify the reason(s) why it would be unduly burdensome to the City and the extent to which compliance with the request would burden the operation of the City. Repeated requests for the same public records by the same person shall be deemed unduly burdensome and shall be denied accordingly.

Section 7 of the Act enumerates a series of records that are considered exempt from public disclosure and, therefore, need not be produced by the City.

All denials shall include the name and title of the individual or individuals responsible for the denial of the request, and shall include a detailed factual basis for the application of any exemption claimed. Any denial must also include a notice of the requester's statutory right to petition the office of the Public Access Counselor in the office of the Illinois Attorney General for review of the denial, as well as the right to judicial review under Section 11 of the Act. In accordance with the provisions of the Act, copies of all denials shall be retained by the Freedom of Information 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 City determines that a FOIA request should be denied by claiming an exemption under subsection (1)(c) or (1)(f) of Section 7 of the Act, the Freedom of Information Officer shall provide written notice to both the requester and the Public Access Counselor of the City '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 from the City; and a detailed summary of the City'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) working days after receipt of the notice of intent to deny, the Public Access Counselor shall notify the City and the requester whether further inquiry is warranted.

Sec. 5 Administrative & Judicial Review Procedures

Any requester whose request for information has been denied by the City 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 request for review must be filed with the Public Access Counselor not later than sixty (60) days after the date of the final denial. Any such request for review must be in writing, signed by the requester, and include copies of the original FOIA request and any responses received from the City.

Upon receipt of a request for review, the Public Access Counselor shall determine whether further action is warranted. If the Public Access Counselor determines that the alleged violation of the Act is unfounded, he/she shall so advise the requester and the City and no further action will be taken with respect to the compliant. In all other cases, the Public Access Counselor shall forward a copy of the request for review to the City within seven (7) working days after receipt and shall specify the records or other documents that the City shall furnish to facilitate the review. Within seven (7) working days after receipt of the request for review, the Freedom of Information Officer must provide copies of the records requested and shall otherwise fully cooperate with the Public Access Counselor. To the extent that records produced by the City for the purposes of review contain information that is claimed to be exempt, the Public Access Counselor shall not further disclose that information.

Within seven (7) working days after he/she receives the request for review and request for production of records from the Public Access Counselor, the City may provide an answer to the allegations of the request for review in the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of any such written answer to the person submitting the request for review and the requester may respond in writing to such answer within seven (7) working days. If the requester chooses to file a written response to the City's answering of the allegations, he/she must also provide a copy of that response to the City.

The Attorney General shall examine the issues and records submitted in conjunction with any request for review and shall, within sixty (60) days, issue to the requester and to the City an opinion in response to the request for review. The opinion shall be binding upon both the requester and the City, subject to administrative review under Section 11.5. The Public Access Counselor may opt to extend the 60-day time period by up to twenty-one (21) additional working days, provided that he/she sends written notice of such extension to both the requester and the City . The Attorney General may exercise his/her discretion and choose to resolve a request for review by mediation or by a means other than the issuance of a binding opinion.

Upon receipt of a binding opinion concluding that a violation of the Act has occurred, the Freedom of Information Officer shall either take necessary action immediately 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 requester may initiate administrative review under Section 11.5.

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 Madison County.

Sec. 6 City of Highland FOIA Administrative Procedures

In accordance with Section 3.5 of the Act, the City Council shall designate one or more employees or officers of the City to serve as Freedom of Information Officer (or Officers, as the case may be). A designated Freedom of Information Officer shall have the authority to assign to other employees of the City of Highland tasks that must be performed to assist the Freedom of Information Officer in properly and timely responding to a request for the inspection and copying of non-exempt public records pursuant to FOIA. An employee who is assigned such a task by a Freedom of Information Officer shall give the performance of that task priority over the performance of all other takes, except other tasks that relate to the City's responding to a public emergency. The Freedom of Information Officer (or Officers) 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 Act. Each individual designated as a Freedom of Information Officer shall successfully complete an annual training curriculum through the State of Illinois, as provided in the Act.

All FOIA requests shall be date stamped upon receipt, the Freedom of Information Officer shall forward a copy of the request to the appropriate contact employee for the department in which the records are located. Upon forwarding the request to the appropriate department, the Freedom of Information Officer shall also indicate the date by which the request must be approved or denied (five working days from the date of receipt).

The employee responsible for providing the information on behalf of his/her department shall promptly either comply with or deny the request. The employee shall notify the Freedom of Information Officer of his/her action on the request no later than five (5) working days after its receipt. The Freedom of Information Officer shall then respond in writing to the requester accordingly. If denying the request, the official responsible for the denial must include, in writing, 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 requester's statutory right to petition the Public Access Counselor for review of the denial; and
4. The notice of the requester's statutory right to judicial review under section 11 of the Act.

If any public record exempt from disclosure contains material which is not exempt, the City shall delete the exempt information and make the remaining information available for inspection and copying.

If the responsible employee determines that there is not adequate time to gather the requested information, the time limit may be extended by an additional five (5) working days. Extensions should be reserved only for extenuating circumstances. Appropriate reasons for extension include:

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 request records have not been located in the course of routine search and additional efforts 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 Act, or should be revealed only with appropriate deletions.

6. The request for records cannot be complied with by the public body within the time limits prescribed by Section 3 of the Act without unduly burdening or interfering with the operations of the public body

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 reasons listed above, the responsible employee shall notify the Freedom of Information Officer as soon as possible, but no later than three (3) working days after receipt of the request. The Freedom of Information Officer shall then immediately send written notice of extension to the requester, stating the reasons for the extension and the date by which the records will be available or that a denial will be forthcoming. Extensions will not be granted for a period exceeding five (5) working 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 requester and the Freedom of Information Officer.

All requests for public records made under the FOIA shall be maintained in a file in an office designated by the Freedom of Information Officer and preserved in accordance with the provisions of the Local Records Act. Documents maintained in this file shall include, but not be limited to, the following: the original request, a copy of the written response, a record of written communications with the requester, 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 individual denial. To the extent practicable, these records should be further subdivided by type or category of record requested.

In accordance with the provisions of Section 4 of the Act, the Freedom of Information 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 City of Highland, including, but not limited to:

   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, 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.

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, as allowable under Section 6 of the Act.

5. A reasonably current list of all types or categories of records maintained by the City of Highland

6. A listing of all documents or categories of records that the City shall immediately disclose 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.

All of the foregoing general information shall also be made available for public access on the City of Highland's website.

Date: December 21, 2009

Joseph R. Michaelis, Mayor

ATTEST:

Barbara Bellm, City Clerk