

Village of Bloomingdale Administrative Policy

Title: Village Records
Chapter: FOIA Response Policy
Policy Number: 5.1
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Issued By: Assistant Village Administrator
Approved By: Village Administrator
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I. Definition of a Public Record

A public record is defined in the Illinois Freedom Of Information Act (ILCS 5 140/1, et seq.), (the "FOIA") as all records, reports, forms writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.

Information can be made available in electronic as well as paper format, whenever possible.

II. Public Records That Do Not Require A FOIA Request

Many public records are posted on the Village website www.vil.bloomingtondale.il.us and are available for viewing and for print without the necessity of a FOIA request being filed, including:

- A. Village Board and Planning Commission meeting agendas and minutes (2007 to present).
- B. All forms and documents posted in "Public Records A to Z" under "Quick Links".
- C. Village Code posted under "Quick Links".
- D. A listing of all Village ordinances and resolutions are posted on the Village website under "Quick Links". Copies of all Village ordinances and resolutions are readily available at the Village Hall without the necessity of a FOIA request being filed.

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III. How A FOIA Request Is Made

- A. All FOIA requests must be in writing, (by mail, personal delivery, fax, e-mail, or other means available) and should be addressed to either the Village or Police Department FOIA Officers, (noted below).
- B. The written request should list the public records sought with sufficient detail so the Village can locate the requested records, and should also include the requestors name, address, date of request, whether the request is for a ~~non~~commercial purpose, and a daytime phone number so the Village can make contact if there are any questions.
- C. To assist the requestor with this process, a copy of the Village's Public Records Request Form is attached to this policy and is also posted on the Village website; however, use of the form is optional.

IV. FOIA Officers

A. All Village, Police Pension Fund & Board Of Fire & Police Commission Records

Barbara E. Weber
Assistant Village Administrator
201 S. Bloomingdale Road
Bloomingdale, IL 60108
weberb@vil.bloomingdale.il.us

B. All Police Department Records as Processed & Maintained by the Police Department Records Division

Lynn Heitz
Police Records Supervisor
201 S. Bloomingdale Road
Bloomingdale, IL 60108
heitzl@vil.bloomingdale.il.us

- C. The FOIA Officers listed above are responsible for receiving FOIA requests for public records and to provide a response in compliance with the FOIA and this policy.

V. What Public Documents Will Not Be Released

The FOIA law has a presumption that all information is public, unless a public body proves otherwise. Several exemptions from public disclosure are set forth in the Exemptions Section of the FOIA (5 ILCS 140/7).

A summary of applicable exemptions are listed below, but are not limited to:

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- A. Information specifically prohibited from disclosure by federal or state law, rules or regulations.
- B. Private information based on %unique identifiers, including a persons\$ social security number, drivers\$ license number, personal license plate number, home address, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses.+ except as otherwise provided by law or when compiled without possibility of attribution to any person.+
- C. Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the %unwarranted invasion of personal privacy+means the %disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject\$ right to privacy outweighs any legitimate public interest in obtaining the information.+ Disclosing information that relates to the public duties of public employees is not considered an invasion of personal privacy.
- D. Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding or that would disclose the identity of a confidential source.
- E. Information that, if disclosed, might endanger anyone\$ life or physical safety.
- F. Preliminary drafts or notes in which opinions are expressed or policies are formulated, unless the record is publicly cited and identified by the head of the public body.
- G. Business trade secrets or commercial or financial information that is proprietary, privileged or confidential and disclosure would cause a competitive harm to the person or business.
- H. Proposals & bids for any contract, until a final selection is made.
- I. Requests that are considered to be %unduly burdensome.+A request may be considered unduly burdensome if:
 - 1. There is no way to narrow the request, and the burden on the public body to produce the information outweighs the public interest in the information. Before claiming this exemption, the Village will provide the requestor with an opportunity to reduce the request to a manageable size.
 - 2. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied.
 - 3. Filed by a recurrent requestor, who in the prior twelve (12) months submitted;
 - i) A minimum of fifty (50) requests for records; and
 - ii) A minimum of fifteen (15) requests within a seven (7) day period.

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The recurrent requestor restriction does not apply to news media and non-profit, scientific or academic organizations, provided the request is for a public information and/or educational purpose.

VI. Redacted (Removed or Blacked-Out) Information

Information may be redacted from released public documents, if the redacted information is exempt from disclosure under FOIA, and the remaining information in the document remains intact.

VII. Timing of Village Response

- A. The Village has five (5) ~~%~~**business days**+ to respond to a request made for non-commercial purposes
 - 1. The five (5) business day response timeline begins the day after any employee or official of the Village receives the request for information. Village Employees must immediately forward all requests for information to the FOIA officer(s) to maximize the response time.
 - 2. A ~~%~~**business day**+ is a weekday (Monday through Friday) when the Village Hall is open, excluding holidays, when the Village Hall is not open.
- B. The Village shall respond to a non-commercial request with either:
 - 1. The production of the public records requested, or
 - 2. If additional time is needed, the Village may extend the response time by an additional five (5) business days, (provided a notice of said extension to the requestor is provided within the five (5) business days) from the original due date, for one of the following reasons:
 - a) The requested information is stored at a different location;
 - b) The request requires the collection of a substantial number of documents;
 - c) The request requires an extensive search;
 - d) The requested records have not been located and require additional effort to find;
 - e) The requested records need to be reviewed by staff who can determine whether they are exempt from FOIA;
 - f) The requested records cannot be produced without unduly burdening the public body or interfering with its operations;
 - g) The request requires the public body to consult with another public body that has substantial interest in the subject matter of the request.

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3. Should additional time still be required to respond, the Village and the requestor can agree to an extended deadline beyond ten (10) days, however, it must be in writing.
- C. The Village has twenty-one (21) business days to respond to a request for a commercial purpose. A request is considered to be for a commercial purpose when the requester seeks to use part or all of the public records for sale, resale, or solicitation or advertisement for sales or services. Requests by the news media, not-for-profit organizations, scientific or academic institutions are not considered commercial purpose requests.
- D. The Village shall respond to a commercial request with either:
 1. The production of the public records requested; or
 2. Providing the commercial requester with an estimate of the time required by the Village to provide the records requested and an estimate of the fees to be charged, which the Village may require to be paid in full before copying the requested documents, or
 3. Denying the request pursuant to one or more of the exemptions set out in the FOIA Act, or
 4. Notifying the commercial requester that the request is unduly burdensome and extend an opportunity to the commercial requester to attempt to reduce the request to manageable proportions.

VII. Production Costs

- A. Photocopies
 1. Black and white, letter, legal or ledger sized copies (8 ½"x 11", 8 ½" x 14" or 11" x 17"). No charge for first fifty (50) pages, fifteen cents (\$0.15) per page in excess of fifty (50) pages.
 2. Color copies, abnormal size copies, production in electronic format . Actual cost to the Village, excluding labor.
 3. The Village reserves the right to request advanced payment of copy fees for black and white copies in excess of fifty (50) pages, and for color copies, abnormal size copies and copies produced in an electronic format.
- B. Labor - Commercial requestors may be charged up to ten dollars (\$10.00) for each hour of staff time spent, over an initial eight (8) hour period, by Village staff searching for and retrieving a requested record(s).

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- C. When a request is made to inspect public records that contain exempt information, and said records need to be copied in a special manner in order to redact exempt information before it can be viewed, a copy fee shall not be charged.

VIII. Filing a Request for Review with the Public Access Counselor

Should the Village deny a request for a public document in whole or in part, the requestor may either:

- i. File a request for review with the Attorney General's Public Access Counselor (the PAC) within sixty (60) calendar days after the date of the final denial from the Village, or the date upon which the response was due (Contact information for the PAC below); or
- ii. File a case in the 18th Judicial Circuit Court.

Public Access Bureau
500 S. 2nd Street
Springfield, Illinois 62706
217-558-0486
publicaccess@atg.state.il.us

Review of commercial requests are limited to determining whether the Village accurately characterized the request as commercial.

For more information regarding the Attorney General's PAC review process, please refer to: *Frequently Asked Questions by the Public*, posted on the Village Website www.villageofbloomingdale.org