

FOIA Request

Freedom of Information Request Form

Freedom of Information Procedure for Requests

VILLAGE OF WINNEBAGO

FREEDOM OF INFORMATION ACT RULES AND REGULATIONS

5 ILCS 140/1 et seq.

PROCEDURE FOR REQUESTS AND FEE STRUCTURE

The following information is being provided pursuant to Section 4(b) of the Illinois Freedom of Information Act, 5 ILCS 140/4(b). All requests to inspect, copy or certify public records of the Village of Winnebago must be submitted to the Village in writing. The Village encourages requesters to submit their requests on a form available at the Village Office and on the Village's website. The Village will review all written requests in any form. The Village will review and respond to each written request in a manner consistent with the Illinois Freedom of Information Act.

Village of Winnebago FOIA Officer: Kellie Symonds, Deputy Clerk

Winnebago Police Department FOIA Officer: Jeff White, Chief of Police

Requests shall be submitted to:

Freedom of Information Officer

Village of Winnebago

108 West Main Street

Winnebago, Illinois 61088

Phone: (815) 335-2020
Fax: (815) 415-8491
E-mail: ksymonds [at] villageofwinnebago.com

Fees for copies of records are as follows:

| | |
|--|--|
| Black and white copies (letter or legal size) | No charge for first 50 pages \$0.15 per page thereafter |
| Certification | \$1.00 each |
| Mailing | Cost of postage |

All fees must be paid prior to release of public records. Documents are furnished free of charge or at a reduced rate if: A reduction or waiver of fees is in the public interest in that it is for the health, safety, welfare or legal rights of the general public; and it is not for the principal purpose of personal or commercial benefit.

The Village of Winnebago will respond to every request within five (5) business days from the date of request unless the Village requires an extension pursuant to Section 3(e) of the Act. If an extension is requested or a request is denied, the Village will notify the requester in writing stating the specific reason or reasons for the extension or denial.

LISTING OF PUBLIC RECORDS AVAILABLE UPON REQUEST

(Subject to any and all applicable exemptions)

Rules and Regulations Implementing Illinois Freedom of Information Act

These Rules and Regulations (the “Rules”) include the procedures, instructions, and forms for requesting public records from the Village of Winnebago (the “Village”) under the Illinois Freedom of Information Act (the “Act”).

The Village will respond to all written requests for inspection, copying or certification of public records in accordance with the Act, these Rules, and any and all applicable laws. Provided the request does not implicate an exemption under the Act, the Village will provide the requested public records for inspection or copying.

Requests for public records or any other communication related thereto must be forwarded to the Village’s Freedom of Information Officer at:

Village of Winnebago
108 West Main Street

Requests for Inspection, Copying or Certification of Public Records

I. Officials Responsible for Responding to Requests

The Freedom of Information Officer (the “FOIA Officer”) is the person administratively responsible for receiving and processing requests to inspect, copy or certify public records.

The FOIA Officer is the person with authority on behalf of the Village to grant or deny requests, to extend the response time, and to issue the appropriate notices with respect to all related matters. The FOIA Officer may consult with Village staff, officials, and others as appropriate before responding to a request.

The Village may, from time to time, appoint Deputy FOIA Officers to assist the FOIA Officer in the performance of his or her duties under the Act and these Rules. In the absence of the FOIA Officer, the Deputy FOIA Officers have the same authority as the FOIA Officer as noted above.

II. Requests

A. Information. A request must be submitted to the Village in writing and in English. While the Village encourages requesters to use the form attached to these Rules (“Request Form”), the information may be submitted in any form provided the following information is included in the request:

1. The full name of the requester;
2. Contact information for the requester, such as mailing address, e-mail address, or telephone number;
3. A description of the public records requested;
4. A statement of the purpose for the request sufficient to determine whether the request is for a commercial purpose or if a fee waiver or reduction should be allowed;
5. A statement as to whether the request is from the news media or a non-profit, scientific or academic organization;
6. A statement as to whether the principal purpose of the Request is (i) to access and disseminate information concerning news and current or passing events; (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific,

or public research or education.

B. Requests to be Complete. No request shall be deemed complete unless it contains all of the information required under Paragraph I.B.1 of these Rules.

C. Submittal of Requests. Requests must be filed with the FOIA Officer in accordance with the contact information provided above and may be done so by mail, facsimile, electronic mail, overnight courier service, or in person. Requests will be deemed received only upon actual receipt by the FOIA Officer on a business day during business hours, regardless of the date of submission. A business day is herein defined as any day on which the Village Hall is open and staffed for regular public business. Business hours are herein defined as 8:00 a.m. to 4:00 p.m. on a business day.

All Village officials and employees who receive a request for public records shall immediately upon receipt forward that request to the FOIA Officer.

D. Processing of Requests.

1. Upon receipt of a request, the FOIA Officer must determine if the request is complete. If the request is not complete, the FOIA Officer must so notify the requester within five (5) business days of receiving the request. If the FOIA Officer determines that the request is complete, the FOIA Officer shall indicate on the request the date and time of receipt and, if known, the date by which the Village must respond to the request.
2. The FOIA Officer must maintain a copy of the request until it has been complied with or denied. All documentation, including a copy of any response by the Village and a copy of any and all communication related to the request must be maintained in a central file.
3. The FOIA Officer must maintain all notices of denial in a single central file that is open to the public.

III. Responses to Requests

A. Commercial Purposes. The Village will respond to all requests made for a commercial purpose within twenty-one (21) business days. The response of the Village shall:

1. Provide an estimate of the time needed to provide the records and an estimate of the fees to be charged, which shall be paid up front before copying;
2. Deny the request based upon an exemption;
 1. Advise the requester that the request is unduly burdensome and allow the requester the opportunity to reduce the request; or
 2. Provide the requested records upon receipt of payment.

B. Arrest Reports. The Village will respond to requests for chronologically maintained arrest and criminal history information within seventy-two (72) hours after the latest to occur of (a) the

arrest that is the subject of the request, or (b) the time of receipt of the request.

C. All Other Requests. For requests other than those set out in Paragraph III.A and III. B, the Village will respond within five (5) business days after a completed request is received, unless the response time has been extended pursuant to Paragraph III.D of these Rules. If the FOIA Officer determines that the Act requires disclosure of all or any part of the requested public records, then the FOIA Officer will notify the requester in writing either that the records are copied or that the records are ready for inspection.

1. Copies. Copies of public records approved by the FOIA Officer for disclosure may be obtained during normal business hours at the Village Office or will be mailed to the requester on request, provided that the requester has paid all applicable fees.
2. Inspection. Public records approved by the FOIA Officer for disclosure may be inspected and copies obtained during normal business hours at the Village Office upon appointment made with the FOIA Officer.

D. Extension of Time. If the FOIA Officer determines that additional time is needed to respond to a request, the FOIA Officer will notify the requester in writing within five (5) business days of receipt of the request. Said notice shall give the reason for the extension and the length of the extension, which shall not exceed five (5) business days. Requests for an extension may be made for the following reasons:

1. The public records are stored at other locations;
2. The request requires the collection of a substantial amount of records;
3. The request is categorical and requires an extensive search;
4. The records have not been located and additional time is needed to search;
5. The records require examination for exemption or redaction purposes;
6. The request is unduly burdensome; or
7. Consultation with another public body or other components of the corporate body is necessary.

E. Records in Electronic Format. If the request is for records maintained by the Village in electronic format, the Village shall provide it to the requester in the electronic format specified in the request, if possible. If not possible, the requester may elect to have it in the format maintained by the Village or in paper format. The Village may charge the requester for the actual cost of purchasing the recording medium.

F. Acknowledgement of Receipt or Inspection. Upon receipt or inspection of the requested public records, the FOIA Officer and the requester shall acknowledge receipt or inspection by execution of the Acknowledgement Form attached to these Rules or a similar form.

IV. Denial

A. Categorical Requests. If the FOIA Officer receives a request for all records falling within a category and the FOIA Officer determines that compliance with the request would be unduly burdensome, that there is no way to narrow the request, and that the burden on the Village outweighs the public interest in the production of the records, then the FOIA Officer will advise the requester in writing of the determination and the reasons therefore, and notify the requester of the right to meet with the FOIA Officer to attempt to reduce the request to manageable proportions.

1. If the requester meets with the FOIA Officer and the request is narrowed down to manageable proportions, then the FOIA Officer shall respond to the request, as narrowed down, within the applicable response time as calculated from the date of the meeting with the requester. The response may take any form specified in Paragraph III.
2. If the requester does not meet with the FOIA Officer, then the FOIA Officer will deny the request using the General Notice of Denial/Partial Denial form attached hereto five (5) business days after sending the requester notice advising the requester of his or her right to meet with the FOIA Officer.
3. The Village may not determine that a request is unduly burdensome should the Village fail to respond to the request within the applicable response time.

B. Notice of Denial. If the FOIA Officer determines that a request should be denied, the Village must notify the requester in writing of the decision using the General Notice of Denial/Partial Denial Form, the reasons therefore, including a detailed factual basis, and the names and titles of each person responsible for the denial. The Notice must also inform the requester of the right to review by the Public Access Counselor (PAC), including the PAC's name and phone number, and the right to judicial review.

1. If a request is denied based upon an exemption, the Notice must specify the exemption and the specific reasons for the denial, including a detailed factual basis and citation to supporting legal authority.
2. If a denial is based upon a claimed exemption under subsection 7(1)(c), for personal information contained within public records that would constitute a clearly unwarranted invasion of privacy, or 7(1)(f), for preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies of actions are formulated, then the Village must provide notice to both the requester and the PAC of its intent to deny the request in whole or in part. The notice must include a copy of the request, the Notice of Denial/Partial Denial, and a detailed summary of the Village's basis for asserting the exemption (5 ILCS 140/9.5(b)).

C. Cooperation with PAC. Should the PAC determine that further review of any denied request is warranted, the FOIA Officer will comply with the directives of the PAC, or seek appropriate review, as provided in the Act.

V. Fees.

A. Amount. Unless fees are waived or reduced as provided for in Paragraph V.C of these Rules, each requester must pay the following fees for copying, certification and mailing of public records:

Black and white copies (letter or legal size)

No charge for first 50 pages

\$0.15 per page thereafter

Certification \$1.00

Mailing Cost of postage

For requested records that are not of a type listed above, the fees charged to the requester will be the Village's actual cost for reproducing the record. The fees stated above will not apply if the fee for the requested record is otherwise determined by statute.

B. Payment. All required fees must be paid in cash, by cashier's or certified check, or by money order prior to the copying, certification and/or mailing of any public record.

C. Waiver or Reduction. The fees provided above may be waived or reduced by the FOIA Officer if the FOIA officer is reasonably satisfied that waiver or reduction is in the public interest. Any request for a fee waiver or reduction must be indicated in the request for public records at the time it is submitted. Subsequent requests will not be considered. The requester must include in the request for public records the specific purpose of the request in order for a fee reduction or waiver to be considered.

D. Failure to Respond. If the FOIA Officer does not timely respond to a complete request for public records, as provided for in Paragraph II.A., then the Village shall not require the payment of fees for any copies of records produced in response to the request.

VI. Village Obligations

A. Description of Village. The Village shall prominently display at Village Office, make available for inspection and copying, send through the mail, if requested, and post on the Village website a description of the Village containing the following:

1. The membership of the Village's Board of Trustees and of all of its standing and special committees and other advisory bodies;
2. A Mission Statement;
3. A block diagram of the Village's functional subdivisions;
4. The total amount of the Village's operating budget;
5. The number and location of the Village's offices; and
6. The approximate number of Village part-time and full-time employees.

B. Request Procedures. The Village shall prominently display at Village Hall, make available for inspection and copying, send through the mail, if requested, and post on the Village website a brief description of the methods whereby the public may request information and public records, a directory designating the FOIA Officer(s), the address where requests for public records should be directed, and any fees allowable under Section 6 of the Act.

C. Index. The Village must create, maintain current, and make available for inspection, copying, and mailing, a current index of all types or categories of public records prepared, received and/or maintained by the Village after July 1, 1984. The index must be reasonably detailed to assist persons in obtaining access to the public records of the Village.

D. No Obligation. With the exception of the records referenced in Paragraph VI.A, VI.B, and VI.C the Village shall have no obligation under the Act or these Rules to create records that the Village does not already maintain. In addition, neither the Act nor these Rules compel the Village to interpret or advise as to the meaning of any public records.

Request for Public Records Checklist

FOR COMPLETION BY INITIAL VILLAGE RECIPIENT OF REQUEST

I. Initial Receipt of Request

Date of Receipt:

Time of Receipt:

Method of Delivery:

- ☐ Personal delivery
- ☐ Mail delivery
- ☐ Electronic delivery by email
- ☐ Delivery by facsimile

Village employee receiving request (if not Freedom of Information Officer):

Name: _____

Title: _____

Forwarded to Freedom of Information Officer (if applicable):

Date: _____ Time: _____

Receipt by Freedom of Information Officer:

Date: _____ Time: _____

II. Determination of Completeness

Has the requestor provided: Yes No

A. Basic Information

- 1. His/her/its name? ___
- 2. His/her/its mailing address, email address, or telephone number? ___
- 3. A description of the public records requested? ___
- If you have checked “No” to any item in this Section II.A, send notice of incomplete request in writing to the requestor within five business days after receipt by the Village of the Request.
- If you have checked “Yes” to all items in this Section II.A, proceed to Section II.B.

B. Purpose of Request

Yes No Don’t Know

- 4. Does the requestor intend to use the records, or the information derived therein, for sale, resale, solicitation, or advertisement for sales or services?

- 5. Is the requestor, or does the requestor represent, news media or a non-profit, scientific or academic organization?

- 6. Is the principal purpose of the Request is to access and disseminate information concerning news and current or passing events?

- 7. Is the principal purpose of the Request is for articles of opinion or features of interest to the public?

- 8. Is the principal purpose of the Request is academic, scientific, or public research or education?

- If you have checked “Don’t Know” to any item in this Section II.B, send notice of incomplete request in writing to the requestor within five business days after receipt by the Village of the Request.

- In all other circumstances, proceed to Section III.

III. Preparation of Response

Is this request for a Commercial Purpose (circle one)? Yes / No

Date Response Due: _____ (either 5 or 21 Business Days after receipt by Village)

Village employee responsible for compiling response:

Name:

Title:

Signature of Freedom of Information Officer:

Official Request Form Instructions and Information

1. The information requested in Section 1 is mandatory and must be provided to allow the Village to contact you regarding your request.
2. In Section 2 describe the public records that you wish to inspect or receive copies or certified copies, and be specific as to the records that you seek. Use a separate sheet, if necessary.
3. Review the fee structure set forth in Section 3. By submitting and signing this Request Form, you agree to pay to the Village, in advance, any and all fees incurred by the Village in copying and certifying the documents you have requested. The fees may be waived or reduced by the Freedom of Information Officer upon a determination that waiver or reduction is in the public interest in that it is for the health, safety, welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. A fee reduction or waiver will only be considered if Section 3.B of the Request Form is completed.
4. In Section 4, fill in the information requested regarding the purpose of the request. Such information is mandatory and assists the Freedom of Information Officer in determining whether a fee reduction or waiver is warranted and whether a request is for a commercial purpose. Pursuant to Section 3.1(c) of the Freedom of Information Act, it is a violation of the Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.
5. If you requested copies or certified documents, indicate whether you want those records mailed or whether you will pick them up at Village Hall. All fees must be paid prior to any records being mailed or picked up.
6. You must sign the statement set forth in Section 6. The Village will disclose the public records requested on this Request Form within 21 business days after the receipt of this

Request Form for all requests made for commercial purposes, and within five business days for all other requests, unless the applicable response period is extended as provided by law or the request is denied. All extensions and denials will be in writing and will state the reasons therefore. The requestor may seek review of a denial by the Public Access Counselor of the Office of the Illinois Attorney General. Judicial review of a denial is available under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq. For more detailed information, please consult the Village of Winnebago Rules and Regulations for Implementation of the Illinois Freedom of Information Act, which are available from the Freedom of Information Officer.

To: Freedom of Information Officer
Village of Winnebago
108 West Main Street
Winnebago, Illinois 61088