

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

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 Mascoutah 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 Mascoutah 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 Mascoutah 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 Mascoutah City Council 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 Mascoutah 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.

Freedom of Information Act Officer

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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 City of Mascoutah, City Hall, 3 West Main Street, Mascoutah, Illinois, Mondays through Fridays, between the hours of 8:00 a.m. and 5:00 p.m., except on holidays.

The City 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 normal business hours shall be considered received on the following business day.

All requests for public records must be made in writing.

To ensure that each FOIA request is acted upon in a complete and timely fashion, the requestor should ensure that the public record being sought is clearly identified in his/her request.

Requestors 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 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 requestors as to the meaning or significance of public records that may be provided.

If the request is being made for a commercial purpose, the requestor must 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.

Fee Schedule

Pursuant to 5 ILCS 140/6, the City 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 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 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.

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

8.5" x 11" documents:	\$0.15/page
8.5 x 14" documents:	\$0.15/page
11" x 17" documents:	\$0.15/page
Audio Tape:	\$5.00/unit
Compact Disc:	\$5.00/unit
Certification:	\$1.00/document
Traffic Accident Reports:	\$5.00/report

For each request form filed, citizens 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 fee reduction is granted by the Freedom of Information Officer as a means of furthering the public interest.

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. Information regarding these fees will be provided to the requestor before copying.

City Response to Request for Inspection or Copying Records

In accordance with the law, the City 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. 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 requestor 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 requestor.

If the requestor has asked to inspect the documents, the City will provide the requestor with notice of a time and location in which the records 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 requestor 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. Upon written request, the City will mail copies of public records to the requestor.

B. 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.

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.

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 requestor'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 requestor 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 requestor whether further inquiry is warranted.

Administrative & Judicial Review Procedures

Any requestor 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 requestor, 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 requestor and the City and no further action will be taken with respect to the complaint. 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 requestor may respond in writing to such answer within seven (7) working days. If the requestor 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 requestor and to the city an opinion in response to the request for review. The opinion shall be binding upon both the requestor 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 requestor 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 requestor 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 St. Clair County.