

**Village of Oswego FOIA Policy
Adopted by the Village President and
Board of Trustees**

December 15, 2009

Revised 10-7-15 to reflect change in elected official
Revised 7-31-15 to reflect updated FOIA form
Revised 5-14-15 to reflect change in elected official
Revised 6-26-13 to reflect change in elected official
Revised 2-20-13 to reflect number of Village employees
Revised 1-8-13 to reflect change in Village Clerk
Revised 4-16-12 to reflect Clerk's name change
Revised 7-11-11 to reflect change in elected official

FREEDOM OF INFORMATION

It is the policy of the Board of Trustees of the Village of Oswego to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, balanced, however, by the limited exceptions recognized in the Act to safeguard individual privacy and the efficient operation of the Village. The Village Clerk, who is hereby appointed the Village's Freedom of Information Officer, shall insure that the Village complies with the Act through execution of the Village's regulations adopted pursuant to this policy. A copy of this policy shall be posted on the Village's website.

A. Introduction

1. Brief Description of the Village

Village of Oswego, Kendall County, Illinois, is a municipality organized pursuant to the Illinois Municipal Code (65 ILCS 5/1 *et seq.*). The Village's operating budget is comprised of tax collections for services along with grants, donations, and other miscellaneous forms of revenue. The Village's headquarters is located at 100 Parkers Mill, Oswego, Illinois 60543.

The Village employs approximately 120 employees.

The Board of Trustees consisting of the following members governs the Village:

Gail Johnson, President
Ryan Kauffman
Karin McCarthy-Lange
Pam Parr
Luis Perez
Judy Sollinger
Joe West

2. Brief Description of the Method to Request Information

All public requests for information and/or records will be processed through the administrative offices of the Village, located at 100 Parkers Mill, Oswego, Illinois 60543. The Village Clerk serves as the Freedom of Information Officer for the Village. Requests shall be directed to the Village Clerk (or designee) pursuant to the Village's administrative regulations at the address noted above. The current Village Clerk is Tina Touchette. The first 50 black and white copies are free. Thereafter, each page will be charged \$.15 per page. Electronic, color or oversized copies will be charged at the actual cost to the Village of reproduction.

For any additional information, the administrative office is open Monday through Friday, 8 a.m. to 5 p.m. The telephone number is (630) 554-3259.

B. Public Access to Records

1. Generally

The Village shall make available its public records to any person requesting access pursuant to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) (the "Act"), as well as other applicable law. The Village shall not provide access to public records or portions thereof that are exempt from disclosure under the Act or as provided by other applicable law. Denials of requests for records will contain a detailed factual basis for the denial.

2. **Nonexempt Materials Contained in Exempt Records**

The Village shall delete any information which is exempt from disclosure under the Act from a public document which contains nonexempt material, and make the remaining information available for inspection and copying.

3. **Denial of Request for Public Records; Appeal**

Any person denied access to inspect or copy any public record may appeal the denial to the Office of the Public Access Counselor at Illinois Attorney General, 100 West Randolph Street, Chicago, Illinois; telephone (312) 814-3000.

C. **General Materials Available**

The following information will be made available to the public:

1. **List of all Types or Categories of Records Under the Village's Control**

a. **Financial records**

- . Budget
- . Levy ordinance and certificate of tax levy
- . Audit
- . Bills
- . Receipts for revenue
- . Bills payable
- . Revenue and Expense Reports
- . Cancelled checks
- . Labor agreements

b. **General Records**

- . Board minutes
- . Board resolutions and ordinances
- . Bidding specifications
- . Board policies and administrative procedures
- . Administrative instructions to staff
- . Personnel names, salaries, titles and dates of employment
- . Office equipment
- . Insurance
- . Capital equipment
- . Real estate
- . Legal notices
- . Application for contracts, permits, grants or agreements
- . Consulting contracts
- . Contracts for capital equipment
- . Contracts for office supplies
- . Contracts for maintenance and repair
- . Number of employees

D. Request Procedures

1. Initiation of Request

Any person wishing to inspect or copy a Village's public record shall submit a written request to the Village Clerk. While the use of a specific form is not required, the Village will provide a form upon request. (see Form 1). Requests are accepted via personal delivery, mail, facsimile or email if directed to FOIA@oswegoil.org. Requests must specify Village records with reasonable particularity to avoid inefficient use of staff time in retrieving and preparing records for inspection.

2. Response to Request

- a. Upon receipt, the Village Clerk shall mark the date received upon the request, along with the date a response is due.
- b. The Village shall either comply with or deny the written request for public records within five (5) working days after its receipt. Denial shall be by letter as provided below and contain a detailed factual basis for the denial. Failure to respond to a written request within five (5) working days after its receipt shall be considered a denial of the request.
- c. The Village's time for response may be extended for not more than five (5) additional working days for any of the following reasons:
 - i) The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
 - ii) The request requires the collection of a substantial number of specified records;
 - iii) The request is couched in categorical terms and requires an extensive search for the records responsive to it;
 - iv) The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
 - v) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the Act or should be revealed only with appropriate deletions;
 - vi) The request for records cannot be complied with by the Village within five (5) working days without unduly burdening or interfering with the operations of the public body;
 - vii) 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 the Village having a substantial interest in the determination or in the subject matter of the request.
- d. When additional time is required for any of the reasons listed, the Village shall notify by letter the person making the written request within five (5) working days of receipt of request (see Form 5).
- e. The response times contained in this Section may be extended with the written agreement of the requestor; and

- f. The Village Clerk shall maintain a copy of each request, response and written communications with the requestor and all documents submitted.

3. **Procedure for Inspection or Copying**

- a. Inspection of Village public records not excluded from inspection under the Act shall be permitted between the hours of 8 a.m. and 5 p.m., Monday through Friday, on days the Village office is open for business.
- b. Inspection must be made at the Village office, and records are not to be removed from the Village office.
- c. The Village Clerk or her designee shall be present during inspection of Village records.
- d. Inspection will not be allowed when records are in immediate use by persons exercising official duties which require use of the records.
- e. Copies of requested records will be provided by Village employees within the limitations of Village copying equipment.

4. **Fees**

- a. Letter-sized, black and white copies are charged at \$.15 per page after the first 50 copies. Each color copy will be charged at \$.25 per page. Persons requesting electronic or oversized copies of Village public records shall reimburse the Village for its actual cost for reproducing public records, as determined by the Village Clerk or her designee. Each record certified shall cost \$1.00.
- b. Documents shall be furnished without charge or at a reduced charge, as determined by the Board of Trustees, if the person requesting the documents states the specific purpose for the request and indicates that a "waiver or reduction of the fee is in the public interest" pursuant to Section 6(b) of the Act (5 ILCS 140/6(b)). In setting the amount of the waiver or reduction, the Village shall take into consideration the amount of materials requested and the cost of copying them.
- c. Records may be produced electronically, if requested. The Village will email records where practicable. When requests are unable to be sent via email or the requestor does not desire emailed copies, the Village shall purchase appropriate electronic media and copy the documents to the electronic media. The requestor will pay the actual cost of the media. In no event may the Village accept electronic media from a requestor.

5. **Unduly Burdensome Request Exemption**

- a. Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the Village and there is no way to narrow the request, and the burden on the Village outweighs the public interest in the information.
- b. Before invoking this exemption, the Village shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.
- c. The Village shall invoke this exemption in writing to the person making the request specifying the reasons why it would unduly burden the Village and the extent to which compliance would so burden the operations of the Village.

- d. Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision.

6. **Documents Containing Personal Information**

- a. When a requested document contains information of a highly personal nature or whose release would be objectionable to a reasonable person, the Village Clerk must determine if the subject's right to privacy outweighs and legitimate public interest. If the Village Clerk determines the legitimate public interests outweigh privacy interests, the Village Clerk shall release the documents.
- b. If the Village Clerk determines the right to privacy outweighs any legitimate public interest, the Village Clerk shall seek an advisory opinion from the Public Access Counselor pursuant to the procedures adopted by that body.
- c. If the Village Clerk believes the advisory opinion is in error, with the consent of the Board of Trustees, the Village Clerk may seek judicial review of the decision.

7. **Preliminary Drafts and Similar Documents**

- a. When the Village Clerk determines that a requested document is exempt under Section 7(1)(f) as a preliminary draft or other document exempted under this section, he shall initiate the advisory opinion procedures of the Public Access Counselor.
- b. If the Village Clerk believes the advisory opinion is in error, the consent of the Board of Trustees, the Village Clerk may seek judicial review of the decision.

8. **Commercial Requests**

- a. Prior to responding to a request for records, the Village Clerk shall determine whether the requested records will be used in any sale, resale, solicitation or advertisements for sales or services. If the Village Clerk determines that the request is for one of these purposes, it shall be deemed a commercial request and response shall be governed by this section. Requests received from news media, non-profit, scientific or academic organizations shall not be considered commercial requests.
- b. When a request is for a commercial purpose, the Village Clerk shall respond to the requestor within five (5) business days, informing the requestor that the request is considered commercial.
- c. Within twenty-one (21) business days after the receipt of the commercial purpose request, the Village Clerk shall respond to the requestor. Such response shall either: 1) provide an estimate of the time required to provide the records, including a requirement that the requestor pay for the copies; 2) deny the request pursuant to one or more exemptions found in the Freedom of Information Act; 3) notify the requestor that the request is unduly burdensome and extend an opportunity to the requestor to reduce the request to manageable proportions, or 4) provide the requested records.

When estimating the time required for responding to a commercial records request, the Village Clerk should consider the size and complexity of the request. Priority shall be given to non-commercial requests.