

VILLAGE OF ROUND LAKE BEACH

ORDINANCE NO. 10-01-03

**AN ORDINANCE AUTHORIZING THE APPROVAL OF
A FREEDOM OF INFORMATION ACT POLICY
AND DESIGNATING THE VILLAGE FOIA OFFICERS
AND OPEN MEETINGS ACT OFFICERS**

WHEREAS, the Village of Round Lake Beach is a home rule Illinois municipal corporation; and

WHEREAS, pursuant to Public Act 96-542, the Illinois General Assembly recently amended the Illinois Freedom of Information Act, effective January 1, 2010; and

WHEREAS, the Village Board desires to adopt a FOIA policy to implement the new law and to designate the Village's FOIA Officers and Open Meetings Act Officers, as more fully described in this Ordinance.

THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Round Lake Beach, Lake County, Illinois, in the exercise of its home rule powers as follows:

Section 1. **Recitals.** The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. **Designation of FOIA Officers.** The Board of Trustees of the Village of Round Lake Beach hereby designates Village Administrator David Kilbane and Deputy Village Clerk Nancy Steen as the Village's Freedom of Information Act Officers.

Section 3. **Designation of Open Meetings Act Officers.** The Board of Trustees of the Village of Round Lake Beach hereby designates Village Administrator David Kilbane and Deputy Village Clerk Nancy Steen as the Village's Open Meetings Act Officers.

Section 4. **Adoption of Policy.** The Board of Trustees of the Village of Round Lake Beach hereby adopts the "Village of Round Lake Beach Freedom of Information Act Policy" attached to this Ordinance as Exhibit A.

Section 5. **Effective Date.** This Ordinance and the Policy shall be in full force and effect from and after their passage and approval.

Passed and approved this 11 day of January, 2010.

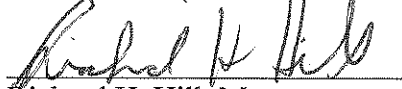
APPROVED this 11 day of January, 2010.

AYES: 5 (Trustee Mattingly, Valadez, Armstrong, Smith & Butler)

NAYS: 0

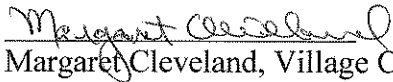
ABSTAIN: 0

ABSENT: 1 (Trustee Mount)



Richard H. Hill, Mayor
Village of Round Lake Beach

ATTEST:



Margaret Cleveland, Village Clerk

EXHIBIT A

VILLAGE OF ROUND LAKE BEACH

FREEDOM OF INFORMATION ACT POLICY

This Policy ("**FOIA Policy**") outlines the Public Body's procedures for compliance with the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("**Act**"), by the Public Body and any person requesting public records from the Public Body ("**Requestor**"), and contains instructions and forms for the implementation of the FOIA Policy. The Public Body will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, this FOIA Policy, and other applicable law. All notices and other communications in connection with a request to inspect, copy, or certify public records under the Act must be sent to: Public Body's Freedom of Information Officer, 1937 N. Municipal Way, Round Lake Beach, Illinois 60073 ("**Office**").

I. REQUESTS FOR PUBLIC RECORDS

A. Responsibilities of FOIA Officer

The Public Body's Freedom of Information Officers ("**FOIA Officers**") are the people administratively responsible for receiving and processing all requests to inspect, copy, or certify public records under the Act and this FOIA Policy. The FOIA Officers are the people with authority on behalf of the Public Body to grant or deny requests to inspect, copy, or certify public records filed pursuant to the Act and this FOIA Policy, to extend the time for response, and to issue appropriate notices. The Public Body shall designate one or more officials or employees to act as its FOIA officers. The FOIA Officers shall not be considered to be municipal "officers" or "officials" for any purposes other than those specified in the Act. If only one FOIA Officer is designated, the Public Body shall designate a designee who will act on the FOIA Officer's behalf in the event that the FOIA Officer is unavailable.

B. FOIA Officer Training.

The initial FOIA Officers shall complete the electronic training curriculum developed and administered by the Public Access Counselor within six months after January 1, 2010, and shall successfully complete an annual training program pursuant to Section 3.5(b) of the Act. Any FOIA Officer who is subsequently appointed shall complete the electronic training curriculum within 30 days after assuming the position.

C. Requests

All requests to inspect, copy, or certify public records must be in writing, directed to the Public Body and submitted via personal delivery, mail, fax, or other means available to the Public Body in accordance with Section 3(c) of the Act. Any request submitted via e-mail to the Public Body should be sent to the following email address dedicated for FOIA matters: _____ . The Public Body prefers that a Requestor use the form attached as **FORM 1 ("Request Form")**, submitted to the Freedom of Information Act Officer at the Public body's primary address but the Public Body will honor all requests lawfully submitted to the Public Body even if it is not submitted on the preferred form. Any written request submitted to

the Public Body for a public record shall be deemed to be a FOIA request and treated accordingly.

D. Receipt of Requests

FOIA requests submitted via personal delivery, mail, fax, or other means available to the Public Body must be addressed to the Public Body and will be deemed received only upon actual receipt by the Public Body on a working day, regardless of date of transmittal. A FOIA request sent via email during business hours will be deemed received on the day it is received by the Public Body. A FOIA request sent via email or fax or otherwise delivered after business hours will be deemed received on the following business day.

E. Request Form Processing

All requests for inspection and copying received by the Public Body shall immediately be forwarded to a FOIA Officer or designee in accordance with Section 3(c) of the Act. Upon receiving a request for a public record, a FOIA Officer will note the date and time of receipt by the Public Body, compute the day on which the response is due, and note the date on which the Response is due on the Request.

F. Supplemental Requests

Supplemental, amended, or additional requests to inspect, copy, or certify public records will not relate back to the time of receipt of the initial request. Supplemental, amended, or additional requests will be considered new requests for purpose of determining all applicable time periods.

G. Interpretations or Advice

The FOIA Officers shall not interpret or advise a Requestor as to the meaning or significance of any public records. The FOIA Officers may seek advice on appropriate responses from the Public Body's Attorney or may seek advisory opinions from the Public Access Counselor as specified below. The FOIA Officers are encouraged to contact Requestors to clarify requests, if appropriate. If any clarification is received relative to a request, it should be memorialized in writing to the Requestor.

II. RESPONSES TO REQUESTS

A. Time for Response

The Public Body will respond to any FOIA Request filed pursuant to Section I of this FOIA Policy within five working days after the Request is received by the Public Body, except for those Requests which seek records to be used for a commercial purpose which are governed by Section II.C. All responses and decisions required to be issued by the Public Body pursuant to the Act or this FOIA Policy will be conclusively deemed to have been given as of the date of personal delivery to the Requestor or to the residence of the Requestor entitled to a response or decision or, if mailed, as of the date of mailing, regardless of the date of actual receipt by the Requestor.

B. Responding to Requests

A FOIA Officer may consult with the Public Body's Attorney before responding to any request to inspect, copy, or certify public records. A FOIA Officer shall consult with the head of the public body or the Public Body's Attorney in the event that the FOIA Officer believes it would be beneficial to the Public Body to seek an advisory opinion from the Public Access Counselor regarding whether a request should be denied in part or in whole.

C. Requests for Records to be Used for a Commercial Purpose

The time lines specified above in Section II.A shall not apply to requests for records to be used for commercial purposes, as defined in Section 2(c-10) of the Act. The Public Body shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. In accordance with Section 3.1(a) of the Act, the response shall (i) provide the Requestor an estimate of the time required by the Public Body to provide the records requested and an estimate of the fees to be charged, which the Public Body may require the Requestor to pay in full before copying the requested documents, (ii) deny the request pursuant to a lawful exemption; (iii) notify the Requestor that the request is unduly burdensome and extend an opportunity to the Requestor to attempt to reduce the Request to manageable proportions, or (iv) provide the records requested. Unless the records are exempt from disclosure, the Public Body shall comply with a request within a reasonable period of time considering the size and complexity of the request, giving priority to records requested for non-commercial purposes. It is a violation of the Act for a person to knowingly obtain public records for a commercial purpose without disclosing it is for a commercial purpose.

D. Form of Response

1. Disclosure of Public Records.

- (a) If a FOIA Officer determines that the Act requires disclosure of all or any part or portion of any public records requested on a Request Form filed under Section I of this FOIA Policy, the FOIA Officer will notify the Requestor in writing of that determination by use of **FORM 2** or a substantially similar writing ("*Approval Form*").
- (b) Except as otherwise specifically authorized by a FOIA Officer, only Public Body's personnel will be permitted to search Public Body files, records, or storage areas; to use Public Body equipment; or to make copies of Public Body's public records. Original public records may not be removed from the Public Body's office at any time.
- (c) Public records requested under the Act may be inspected, or copies of public records obtained, during Business Hours at the Public Body's office. Because space is limited, Requestors must make arrangements in advance with a FOIA Officer for a specific appointment to inspect public records at the Public Body's office.
- (d) A FOIA Officer shall reasonably determine how public records shall be delivered to a Requestor.

- (e) Requests for the reproduction of any public records that are audio or video recordings will be honored in accordance with the provisions of the Act and this FOIA Policy.
 - (f) The Requestor must pay all copying, certification, and postage fees in advance of receiving copies of any public records.
 - (g) When requested in electronic format, records will be furnished in the electronic format specified by the Requestor, if feasible, in accordance with Section 6(a) of the Act. If it is not feasible to furnish the records in the specified electronic format, then the Public Body will furnish the record in the format in which it is maintained by the Public Body, or in paper format at the option of the Requestor.
 - (h) If a Requestor fails to pay the costs of copying, certification or postage within 30 calendar days of notice, the records may be refiled. Thereafter records may only be produced in response to a new request
2. Extension of Time. If a FOIA Officer determines that additional time is needed, and allowed under Section 3(e) of the Act, to respond to a request filed pursuant to Section I of this FOIA Policy, a FOIA Officer will notify the Requestor in writing of that determination, the reasons requiring the extension, and the length of the extension, which will not in any event exceed five working days from the original due date. The FOIA Officer shall provide notice of the extension by use of **FORM 3** or a substantially similar writing in accordance with Sections 3(e) and 3(f) of the Act ("*Notice of Extension*"). The Requestor and the Public Body may also agree in writing to extend the time for compliance for a period to be determined by the parties, by use of **FORM 4** or a substantially similar writing ("*Agreement to Extend*").
3. Repeated Requests. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under the Act shall be deemed unduly burdensome in accordance with Section 3(g) of the Act.
4. Categorical Requests.
- (a) If the FOIA Officer determines that the request filed under Section I of this FOIA Policy for all records falling within a category will unduly burden the Public Body and that the burden of the Public Body outweighs the public interest in production of the public records sought, the FOIA Officer will notify the Requestor in writing of that determination, the reasons supporting such determination, and the right of the Requestor to meet with the FOIA Officer in an effort to narrow the request. The notice will be given by use of **FORM 5** or substantially similar writings ("*Notice to Narrow Request*").
 - (b) If the Requestor agrees to meet and confer with the FOIA Officer regarding the request, the FOIA Officer will respond to the Request Form, or to the Request Form as narrowed at the meeting, within five working

days following the date of the adjournment of the meeting. The response may take any form specified in this Section II.B.

- (c) If the Requestor does not agree to meet and confer with the FOIA Officer regarding the request, the FOIA Officer may deny the request pursuant to Section I.B(5) below on the fifth working day after the date of the notice given pursuant to Section I.B(4)(a) above.
- 5. Redacting Information. When a request is made to inspect or copy a public record which contains information which is exempt from disclosure, but also contains information which is not exempt from disclosure, the FOIA Officer may elect to redact the information that is exempt, making available the remaining information for inspection and copying.
- 6. Denial. If a FOIA Officer determines that all or any part or portion of any public records requested on a Request Form filed pursuant to Section I of this FOIA Policy are not subject to disclosure under the Act or this FOIA Policy, the FOIA Officer will notify the Requestor in writing of that determination, including a detailed factual basis for the application of any exemption claimed, the reason for the denial, and the Requestor's right to judicial review and review by the Public Access Counselor, including the Public Access Counselor's address and phone number ("*Notice of Denial*"). In the event that a Request is denied on the grounds that the records are exempt under Section 7 of the Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. The notice shall be given by use of **FORM 6** or a substantially similar writing. However, prior to denying a Request based on the exemptions permitted by either Section 7(1)(c) of the Act or Section 7(1)(f) of the Act, the FOIA Officer must follow the procedures set forth in Section III.B of this Policy.

E. Failure to Respond

If the FOIA Officer fails to respond to a Request Form properly filed under Section I of this FOIA Policy, the Request will be deemed to be denied as of the last day permitted for the response.

F. No Obligation to Create New Records

Except as provided in Section V below, in responding to Requests to inspect, copy, or certify public records, the Act and this FOIA Policy does not require the Public Body to create records that the Public Body does not already maintain in record form.

III. INTERACTION WITH PUBLIC ACCESS COUNSELOR

A. The Public Body's Request for an Advisory Opinion

In the event that the Public Body desires an advisory opinion regarding whether it is obligated to comply with any FOIA request, or portion thereof, it may request an advisory opinion from the

Attorney General by written request of the head of the public body or the Public Body's Attorney pursuant to Section 3.5(h) of the Act.

B. Notice of Intent To Deny

If the FOIA Officer determines that the Specified Records are exempt under either Section 7(1)(c) of the Act (personal information) or Section 7(1)(f) of the Act (preliminary drafts, notes, recommendations, memoranda and other records which opinions are expressed, or policies or actions are formulated), a FOIA Officer shall, within the time period provided for response, provide written notice to the Requestor and the Public Access Counselor of the Public Body's intent to deny the Request in whole or in part. This notice shall include a copy of the Request, the proposed response, and a detailed summary of the basis for asserting the exemption and shall be given by use of **FORM 7** or a substantially similar writing ("*Notice of Intent to Deny*"). Time for response shall be tolled until the Public Access Counselor concludes his or her review.

C. Receipt of Request for Review

In the event that the Public Body receives a copy of a request for review from the Public Access Counselor which specifies records or other documents that the Public Body shall furnish to facilitate the review, the Public Body shall provide copies of the records requested within seven working days and shall otherwise fully cooperate with the Public Access Counselor in accordance with Section 9.5 (c) of the Act. Within seven working days after it receives any copy of a request for review and request for production of records from the Public Access Counselor, the Public Body may, but is not required to, answer the allegations of the request for review pursuant to Section 9.5(d) of the Act, including filing affidavits or records concerning relevant matters. Records that are obtained by the Public Access Counselor from the Public Body for purposes of addressing a request for review under Section 9.5 of the Act will not be disclosed to the public by the Public Access Counselor. The Public Body may furnish affidavits or records concerning any matter germane to the review.

D. Mediation

In the event that the Attorney General chooses to resolve a request for review by mediation or by a means other than the issuance of a binding opinion in accordance with Section 9.5(f) of the Act, the Public Body shall cooperate with the Attorney General in that endeavor.

E. Adherence to Binding Decisions of the Public Access Counselor

Upon the receipt of a binding opinion from the Public Access Counselor concluding that the Public Body has violated the Act, the Public Body, at its discretion, shall either take necessary action as soon as practical to comply with the directive of the opinion or shall have the option of filing an administrative review action pursuant to Section 9.5(f) of the Act.

IV. REVIEW OF DENIAL

A. Review by Public Access Counselor

If a Requestor disagrees with a Notice of Denial, then the Requestor may file a request for review with the Public Access Counselor not later than 60 days after the date of the Notice of Denial. The request for review by the Public Access Counselor must be in writing, signed by

the Requestor, and include a copy of the Request and the Notice of Denial and any other response from the Public Body. The Requestor shall also file a written notice of appeal with the Public Body by use of **FORM 8** or a substantially similar writing ("*Notice of Appeal*").

B. Judicial Review

A Requestor denied access to a Specified Record may file suit for injunctive or declaratory relief in the circuit court for the county where the Public Body's Office is located.

V. FEES

A. Fees Established

Unless fees are waived or reduced pursuant to Section IV.C below, each Requestor must pay the following fees for copies made by the Public Body, certification, and mailing of public records:

- | | | | |
|----|----------------------------|----|---|
| 1. | Copies — letter or legal | -- | \$.15 per side. |
| 2. | Copies — color or oversize | -- | Actual cost of reproduction. |
| 3. | Certification | -- | \$1.00 per document plus copy cost. |
| 4. | Recording media | -- | Actual cost of media (i.e. computer media, disks, tapes, or other media). |
| 5. | Statutory Fees | -- | Rate authorized by statute. |
| 6. | Mailing | -- | Actual cost of postage. |

However, there will be no charge for the first 50 pages of letter or legal size black and white copies for a Requestor, except for Requests for commercial purposes. When the services of an outside vendor are required to copy any public record, the actual charges of the outside vendor will be the fees for copying such records, notwithstanding the fees stated above.

In the event that the Public Body provides records in response to a Request but fails to respond within the requisite periods, such copies shall be provided free of charge in accordance with Section 3(d) of the Act.

B. Method and Time of Payment

Payment of all required fees must be made in cash, by cashier's or certified check, or by money order prior to the examination, copying, or certification of any public record.

C. Waiver of Fees

The fees provided in Section V.A above may be waived or reduced by the FOIA Officer or another appropriately authorized official if the Requestor states the specific purpose of the request on the Request Form and establishes to the reasonable satisfaction of the FOIA Officer or other appropriate official that a fee waiver or reduction would be in the public interest. Any request for fee waiver or reduction must be indicated on the Request Form at the time the Request Form is filed. A fee waiver or reduction will be considered to be in the public interest

only if the principal purpose of the request is to disseminate information regarding the public health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit to the Requestor. The head of the Public Body may consider the number of requested public records and the cost and necessity of copying them in setting the fee waiver or reduction amount.

VI. PUBLIC BODY'S OBLIGATIONS

A. Organizational Description

In accordance with Section 4 of the Act, the FOIA Officers will cause the Public Body to prominently display at each of its offices, make available for inspection, copying, and mailing to any person requesting it, the following information, which shall also be posted on the Public Body's website if it is maintained by the Public Body's fulltime staff:

- a short summary of the Public Body's purpose,
- a block diagram of its functional subdivisions,
- the approximate number of its full and part-time employees,
- identification and membership of advisory boards, commissions, committees, or councils,
- the total amount of its operating budget, and
- the number and location of each of its offices.

B. Records Stored by Electronic Data Processing

The FOIA Officers will prepare and furnish to any person requesting it a description of the manner in which public records of the Public Body stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

C. Summary of Procedures

The FOIA Officers will create, maintain current, and make available for inspection, copying, and mailing a copy of this FOIA Policy containing at a minimum the following: a brief summary of the procedures established by this FOIA Policy, a directory designating the FOIA Officers, the address where requests for public records should be directed, and any fees allowed.

D. Posting and Mailing of Information

The FOIA Officers will keep posted at the Public Body Office, and will provide a copy to any person making a request therefor, the Organizational Description prepared pursuant to Section VI.A above and the Summary of Procedures prepared pursuant to Section VI.C above.

E. Record Keeping

The FOIA Officers will retain copies of all Requests and documents relating to a Request until the Request is complied with or has been denied. In addition, copies of Requests, any responses

including Notices of Denial, and a copy of communications with the Requestor and other communications shall be maintained by the FOIA Officers for the time period required by law.

VII. GENERAL

A. Usage and Modification of the FOIA Policy

This FOIA Policy is being issued by the Public Body at a time when new FOIA legislation has just taken effect. Rules and regulations regarding the interpretation of the new FOIA legislation by the Attorney General are still under study and the rules have not been established for its administration. Because the new legislation contains a substantial number of modifications from prior statutory language, this FOIA Policy is intended to generally govern the activities of the Public Body and the FOIA Officers and to generally assist the public and Requestors in the ways that the Act will be locally administered. As the Public Body and the FOIA Officers become more experienced in administering the new legislation, changes may be made in the FOIA Policy both in its text and in general practice. In addition, binding opinions of the Public Access Counselor, along with opinions of the Attorney General and court cases may modify this FOIA Policy. The changes may come about quickly enough that the Policy itself may not always be amended to reflect every change. The parties utilizing this Policy should consider it to be a general guide to the expected administrative implementation of the FOIA.

B. Conflicts and Invalidity

This FOIA Policy does not supersede the provisions of the Act. In the event that this Policy in any way conflicts with the Act, the Act will control over the FOIA Policy. If any provision of the FOIA Policy is deemed illegal or unenforceable, all other provisions and their application will remain unaffected to the extent permitted by law.

C. Definitions

In addition to the definitions provided in the Act, the following definitions are applicable to this FOIA Policy:

1. Business Hours: 8:00 a.m. to 5:00 p.m. on a working day.
2. Working Day: Any day on which the Public Body Office is open and staffed for regular public business during Business Hours.

VIII. LIST OF FORMS

- | | |
|---------------|--|
| FORM 1 | Request for Public Records |
| FORM 2 | Approval of Request for Public Records |
| FORM 3 | Notice of Extension |
| FORM 4 | Agreement to Extend |
| FORM 5 | Notice to Narrow Request |
| FORM 6 | Denial of Request |
| FORM 7 | Notice of Intent to Deny |
| FORM 8 | Notice of Appeal |

VILLAGE OF ROUND LAKE BEACH REQUEST FOR PUBLIC RECORDS

To: FOIA Officer
Village of Round Lake Beach
1937 N. Municipal Way
Round Lake Beach, Illinois 60073

Date: _____

I. Request for Records Describe in detail the public records that you wish to inspect or to have copied or certified. Use a separate sheet if necessary. Indicate whether you wish only to inspect the public records at the Public Body Office or to have the public records copied or certified by checking the appropriate box to the right of each record described.

I hereby request the right to inspect, or to obtain copies or certified copies of, the following public records of the Public Body:

Records Requested	inspect	copied	certified
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

II. Agreement to Pay Fees By submitting this Request Form, you are agreeing to pay to the Public Body, in advance of receiving copies of any public records, the copying and certification fees set forth in Section II below. The fees set forth in Section II may be waived or reduced by the FOIA Officer only upon proof that the purpose of your request is primarily to benefit the general public and that you will receive no significant personal or commercial benefit from your request. If you wish to be considered for a waiver or reduction, you must complete and separately sign the statement set forth in Section B of Section II.

A. Unless a waiver is requested and approved pursuant to Section B of this Section, I agree to pay the following fees for all public records copied or certified at my request:

1. Copies — letter or legal -- \$.15 per side.
2. Copies — color or oversize -- Actual cost of reproduction.
3. Certification -- \$1.00 per document plus copy cost.
4. Mailing -- Actual cost of postage.

However, there will be no charge for the first 50 pages of letter or legal size black and white copies for a Requestor, except for Requests for commercial purposes. I further acknowledge and agree that, if the services of an outside vendor are required to copy any public record, I will pay the actual charges that the Public Body incurs in connection with such copying services.

B. I request a waiver of the fees set forth in Section A of this Section, and, in support of such request, I certify and represent that I will gain no significant personal or commercial benefit from the records requested and that my principal purpose in making this request is to benefit the general public by disseminating information concerning the health, safety, welfare, or legal rights of the general public in the following specific manner:

Signature of Requestor

III. Purpose of Request Indicate the purposes for which you are requesting the public records identified in Section I.

I am requesting access to the public records identified in Section I for the following purpose:

- ☐ Noncommercial Purpose
- ☐ Commercial Purpose

A "commercial purpose" is defined under the Act as the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. Please be advised that misrepresentation of the purpose of a Request is a violation of the Act.

IV. Request for Mail Delivery If you wish to request mailing of the requested records, you must complete and separately sign the statement set forth in Section IV.

I request that the Public Body mail to me at the address set forth in Section V below copies of all public records responsive to this request. I understand that I will be required to, and do hereby agree to, pay the actual postage for such mailing before the records will be mailed.

Signature of Requestor

V. Identification of Requestor You must provide the information requested in Section V.

- A. Name of Requestor: _____
- B. Name of person for whom records are being requested (if not Requestor):

- C. Address for Responses, Decisions, and Communications:

- D. Telephone Numbers of Requestor:
Day: _____
Evening: _____

VI. Signature of Requestor You must sign the statement set forth in Section VI.

By signing this Request, I acknowledge and represent that I have reviewed and understood the Public Body's FOIA Policy and that all of the information provided in support of this request is true and accurate.

Signature of Requestor

Date

FORM 1 – REQUEST FOR PUBLIC RECORDS

Page 3 of 3

The Public Body will disclose the public records requested on this Request Form within five working days after the receipt of this Request Form (or 21 days for a Commercial Purpose Request), unless the time 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 therefor. A denial may be appealed to the Public Access Counselor within 60 working days after the date of the Notice of Denial. Judicial review 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 Public Body FOIA Policy, which is available from the FOIA Officer.

FOR PUBLIC BODY USE ONLY

Received by the Public Body: Date: _____ Time: _____

Response Due: _____ (Five working days after day of receipt or 21 working days for commercial purpose)

Method of Delivery:

- ☐ Personal Delivery ☐ Email
☐ Mail/Courier/Fax Delivery ☐ Other _____

Public Body employee receiving request:

Name: _____ Title: _____

Signature: _____

VILLAGE OF ROUND LAKE BEACH

APPROVAL OF REQUEST FOR PUBLIC RECORDS

To: _____

On _____, the Public Body received your request for the inspection, copying, or certification of certain Public Body public records ("**Your Request**").

I. Approval of Request

Your Request is hereby approved to the following extent as to the following public records ("**Specified Records**"):

☐ Inspection: The following public records will be made available for your inspection at the Public Body Office as indicated in Section II below:

☐ Copies for Pick-Up: Subject to payment of any required fees pursuant to Section III below, copies of the following public records will be made available for pick up by you at the Public Body Office as indicated in Section II below:

☐ Certified Copies for Pick-Up: Subject to payment of any required fees pursuant to Section III below, certified copies of the following public records will be made available for pick up by you at the Public Body Office as indicated in Section II below:

II. Appointment for Inspection or Pick-up

The Specified Records will be made available for inspection or pick-up at the Public Body Office, at 1937 N. Municipal Way, Round Lake Beach, Illinois 60073. You must call the FOIA Officer at the Public Body Office at 847/546-2351 to schedule an appointment for inspection or pick-up of the Specified Records. If you do not make an appointment to inspect or pick up the Specified Records on or before the 30th calendar day after the date of this notice, the Specified Records may be refiled and will be made available to you only upon the filing of a new Request for Records.

III. Copying and Certification Fees

No copies or certified copies of the Specified Records will be provided to you until the following applicable fees have been paid. Fees must be paid in cash, by cashier's or certified check, or by money order. However, no charge will be assessed for the first 50 letter or legal size black and white copies for a Requestor.

- | | | | |
|----|----------------------------|----|---|
| 1. | Copies — letter or legal | -- | \$.15 per side. |
| 2. | Copies — color or oversize | -- | Actual cost of reproduction. |
| 3. | Certification | -- | \$1.00 per document plus copy cost. |
| 4. | Recording media | -- | Actual cost of media (i.e. computer media, disks, tapes, or other media). |

FORM 2 – APPROVAL OF REQUEST FOR PUBLIC RECORDS

Page 2 of 2

5. Statutory Fees -- Rate authorized by statute.

6. Mailing -- Actual cost of postage.

Total Fee: \$_____

The following provisions marked with an "x" apply to your request:

- ☐ Your fees have been paid in full.
- ☐ You owe no fee.
- ☐ Your request for a fee waiver or reduction has been approved in the following amount:
\$_____
- ☐ You have previously deposited the following amount: \$_____
- ☐ A balance is now due in the following amount: \$_____

IV. Mailing of Records

- ☐ Your request that the Public Body mail the Specified Records to you has been approved. However, before the Public Body will mail the Specified Records, you must pay the balance, if any, indicated in Section III above and the following additional amount to cover the cost of postage: \$_____.

Dated: _____

Public Body

By: _____
FOIA Officer

VILLAGE OF ROUND LAKE BEACH

NOTICE OF EXTENSION OF TIME TO RESPOND
TO REQUEST FOR PUBLIC RECORDS

To: _____

On _____, the Public Body received your request for the inspection, copying, or certification of certain Public Body public records ("***Your Request***").

I. Extension of Time to Respond

Pursuant to Section 3(e) of the Illinois Freedom of Information Act, 5 ILCS 140/3(e), the Public Body hereby notifies you that the time to respond to Your Request is extended for five working days as to all records identified in Section II below ("***Specified Records***"). Accordingly, the Public Body will respond to Your Request as it relates to the Specified Records on or before _____, a date that is not more than 10 working days after the date on which Your Request was originally received by the Public Body (or 26 working days for a Commercial Purposes Request).

II. Specified Records

This extension applies to the following public records included in Your Request:

You will receive a separate response from the Public Body regarding Your Request as it relates to any public records that are not listed above.

III. Justification for Extension

This extension is necessary because:

- ☐ The Specified Records are stored in whole or in part at a location other than the Office.
- ☐ Your Request requires the collection of a substantial number of Specified Records.
- ☐ Your Request is couched in categorical terms and requires an extensive search for responsive records.
- ☐ The Specified Records have not been located in the course of routine search and additional efforts are being made to locate them.
- ☐ The Specified Records require examination and evaluation by personnel having the necessary expertise and discretion to determine if they are exempt from disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* or should be disclosed only with appropriate deletions.
- ☐ Your Request requires consultation with another Public Body or among two or more bodies of the Public Body that have a substantial interest in the response to, or the subject matter of, Your Request.
- ☐ The Specified Records are in the possession of a third party contractor.

FORM 3 – NOTICE OF EXTENSION

Page 2 of 2

- ☐ Your Request seeks Records which are not in the possession of the Public Body but are believed to be in possession of a party with whom the Public Body was contracted to perform a governmental function on behalf of the Public Body and the Public Body requires additional time to procure those Records from that party.
- ☐ The Specified Records cannot be produced within the time prescribed by the Act without unduly burdening or interfering with the operations of the Public Body because:

- ☐ The Specified Records cannot be produced within the time prescribed by the Act because:

Dated: _____

Public Body

By: _____
FOIA Officer

VILLAGE OF ROUND LAKE BEACH

AGREEMENT TO EXTEND

On _____, the Requestor filed a request for the inspection, copying, or certification of certain Public Body public records ("**Request**"), which Request is due for response by _____. In accordance with Section 3(e) of the Illinois Freedom of Information Act, 5 ILCS 140/3(e), the Requestor and the Public Body hereby agree to extend the time for response to the Request as it relates to the Specified Records so that the required deadline for response is now _____.

Name of Requestor_____
Address of Requestor_____
Phone Number of Requestor_____
Signature of Requestor_____
Date_____
Signature of FOIA Officer_____
Date

VILLAGE OF ROUND LAKE BEACH

NOTICE TO MEET AND CONFER TO
NARROW CATEGORICAL REQUEST FOR
PUBLIC RECORDS TO MANAGEABLE PROPORTIONSTo: _____

On _____, the Public Body received your request for inspection, copying, or certification of the following categories of Public Body public records ("**Specified Records**");

You are hereby notified that your request for the Specified Records has been determined to be unduly burdensome pursuant to Section 3(g) of the Illinois Freedom of Information Act, 5 ILCS 140/3(g), because the burden on the Public Body of providing the Specified Records outweighs the public interest in disclosure of the information contained in the Specified Records. Specifically, but without limitation, providing the Specified Records would be unduly burdensome to the Public Body in that:

I hereby extend to you an opportunity to meet and confer with the Public Body FOIA Officer in an attempt to narrow your request to manageable proportions. Please call the Public Body FOIA Officer at 847/546-2351 between 8:00 a.m. and 4:30 p.m., Monday through Friday, in order to schedule a conference.

If you do not take advantage of this opportunity to meet and confer, your request will be denied on the fifth working day after the date of this notice.

Dated: _____

Public Body

By: _____
FOIA Officer

VILLAGE OF ROUND LAKE BEACH
DENIAL OF REQUEST FOR PUBLIC RECORDS

To: _____

On _____, the Public Body received your request for inspection, copying, or certification of certain Public Body public records ("***Your Request***").

I. **Denial of Request**

After review, Your Request is hereby denied as to the following records ("***Specified Records***"):

II. **Justification for Denial**

Your Request is being denied with respect to the Specified Records because the Specified Records are exempt from disclosure pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, for the following specific reasons (include detailed factual basis):

Citation to the specific section or sections of the Act containing the applicable exemption or exemptions is identified below:

- ☐ The Specified Records you have requested are not "public records" under the definition provided in Section 2(c) of the Act.
- ☐ The Specified Records are not prepared or manufactured by the Public Body or are not within the Public Body's possession or control. § 1
- ☐ Contractors' employees' addresses, telephone numbers, and social security numbers have been redacted from certified payroll records. § 2.10
- ☐ The Specified Records constitute arrest report or history record information not required to be disclosed. § 2.15(c)
- ☐ Your Request, couched in categorical terms, is unduly burdensome because the burden on the Public Body of complying with Your Request outweighs the public interest in providing the Specified Records, and efforts to reduce Your Request to manageable proportions have been unsuccessful. § 3(g)
- ☐ Your Request is unduly burdensome because you have repeatedly requested the same Specified Records that are unchanged or identical to previous requests provided or properly denied. § 3(g)
- ☐ Disclosure of the Specified Records is prohibited by Federal or State law, rule, or regulation. § 7(1)(a)

- ☐ The Specified Records constitute "private information." § 7(1)(b)
- ☐ The Specified Records constitute "personal information," the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A notice of intent to deny based on this exemption has been filed with the Public Access Counselor. § 7(1)(c)
- ☐ The Specified Records were created in the course of administrative enforcement proceedings, or any law enforcement or correctional agency for law enforcement purposes and disclosure would (i) interfere with a pending or actually and reasonably contemplated law enforcement proceedings; or (ii) interfere with active administrative enforcement proceedings; or (iii) create a substantial likelihood that a person would be deprived of a fair trial or impartial hearing; or (iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by a confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies, except for traffic accident and rescue reports, or (v) disclose unique or specialized investigative techniques and disclosure would result in demonstrable harm to the Public Body; or (vi) would endanger the life or safety of law enforcement personnel or other person; or (vii) obstruct an ongoing criminal investigation. § 7(1)(d)
- ☐ The Specified Records relate to the security of detention facilities. § 7(1)(e)
- ☐ The Specified Records are preliminary drafts, notes, recommendations, memoranda, or other records in which opinions are expressed or policies or actions are formulated. A notice of intent to deny based on this exemption has been filed with the Public Access Counselor. § 7(1)(f)
- ☐ The Specified Records contain trade secrets or commercial or financial information that is furnished under a claim that they are proprietary or confidential and disclosure would cause competitive harm. § 7(1)(g)
- ☐ The Specified Records constitute proposals or bids for a contract, grant, or agreement that has not been finally awarded and executed or would, if disclosed, frustrate or compromise the Public Body's procurement procedures. § 7(1)(h)
- ☐ The Specified Records are valuable formulae, computer geographic systems, designs, drawings, or research data if disclosure could reasonably be expected to produce private gain or public loss. § 7(1)(i)
- ☐ The Specified Records are educational data not required to be disclosed, including test data, evaluation information, student disciplinary information, and faculty course or research materials. § 7(1)(j)
- ☐ The Specified Records are architects' plans, engineers' technical submissions, or other construction related technical documents not constructed in whole or in part with public funds, or where disclosure would or could compromise the security of a public building. § 7(1)(k)
- ☐ The Specified Records are minutes of closed meetings of the Public Body and are not subject to public inspection pursuant to the Open Meetings Act. § 7(1)(l)
- ☐ The Specified Records constitute or reflect communications between the Public Body and an attorney or auditor that are not subject to discovery in litigation or were prepared or compiled at the request of an attorney advising the Public Body in anticipation of criminal, civil, or administrative proceedings or an internal audit of the Public Body. § 7(1)(m)

- ☐ The Specified Records relate to a public body's adjudication of employee grievances or disciplinary cases. § 7(1)(n)
- ☐ Disclosure of the Specified Records would jeopardize the security of a data processing system or the data contained therein. § 7(1)(o)
- ☐ The Specified Records relate to employee collective bargaining matters and do not constitute a final collective bargaining agreement. § 7(1)(p)
- ☐ The Specified Records are examination data used to determine the qualifications of an applicant for a license or employment. § 7(1)(q)
- ☐ The Specified Records relate to pending negotiations for the purchase or sale of real estate or pending or contemplated eminent domain proceedings and are not subject to discovery pursuant to the rules of the Illinois Supreme Court. § 7(1)(r)
- ☐ The Specified Records are proprietary information related to the operation of an intergovernmental risk management association, self-insurance pool, or jointly self-administered health and accident cooperative or pool, or are insurance or self insurance claims, loss, or risk management information, records, data, or communications. § 7(1)(s)
- ☐ The Specified Records relate to the supervision of financial institutions or insurance companies. § 7(1)(t)
- ☐ The Specified Records are information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures. § 7(1)(u)
- ☐ The Specified Records concern vulnerability assessments, security measures, or response policies or plans designed to identify, protect, or respond to potential attacks on a community's population or systems, facilities, or installations. § 7(1)(v)
- ☐ The Specified Records are maps or other records regarding the location or security of utility facilities. § 7(1)(x)
- ☐ The Specified Records relate to proposals, bids, or negotiations for electric power procurement. § 7(1)(y)
- ☐ The Specified Records are confidential under Section 4002 of the Technology Advancement and Development Act. § 7.5(a)
- ☐ The Specified Records identify library users with specified materials. § 7.5(b)
- ☐ The Specified Records are received by or prepared by the Experimental Organ Transplantation Procedures Board. § 7.5(c)
- ☐ The Specified Records relate to known or suspected cases of sexually transmissible disease. § 7.5(d)
- ☐ The Specified Records are exempt under Section 30 of the Radon Industry Licensing Act. § 7.5(e)
- ☐ The Specified Records are evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. § 7.5(f)

- ☐ The Specified Records are exempt under Section 50 of the Illinois Prepaid Tuition Act. § 7.5(g)
- ☐ The Specified Records are exempt under the State Officials and Employees Ethics Act. § 7.5(h)
- ☐ The Specified Records relate to the Public Body's local emergency energy plan. § 7.5(i)
- ☐ The Specified Records relate to data concerning the distribution of surcharge moneys collected and remitted by wireless carriers. § 7.5(j)
- ☐ The Specified Records relate to law enforcement officer identification information or driver identification information compiled by a law enforcement agency t. § 7.5(k)
- ☐ The Specified Records are exempt under the Abuse Prevention Review Team Act. § 7.5(l)
- ☐ The Specified Records relate to the predatory lending database created by Article 3 of the Residential Real Property Disclosure Act. § 7.5(m)
- ☐ The Specified Records are exempt under the Capital Crimes Litigation Act. § 7.5(n)
- ☐ The Specified Records are exempt under Section 4 of the Illinois Health and Hazardous Substances Registry Act. § 7.5(o)
- ☐ The Specified Records relate to security records compiled, collected, or prepared by or for the RTA. § 7.5(p)
- ☐ The Specified Records are exempt under the Personnel Records Review Act. § 7.5(q)
- ☐ The Specified Records are exempt under the Illinois School Student Records Act. § 7.5(r)
- ☐ The Specified Records are exempt under Section 5-108 of the Public Utilities Act. § 7.5(s)
- ☐ Other: _____

III. Responsible Official

The FOIA Officer of the Public Body is the official responsible for this denial.

IV. Notice of the Right to Review and Appeal

You have the right to file a review of this denial with the Public Access Counselor at: 500 S. 2nd Street, Springfield, Illinois 62706 or 217-558-0486. You also have the right to judicial review under Section 11 of the Act. If you file a request for review with the Public Access Counselor, you must also file a Notice of Appeal with the FOIA Officer. A Notice of Appeal form is available upon request.

Dated: _____.

Public Body

By: _____
FOIA Officer

VILLAGE OF ROUND LAKE BEACH

NOTICE OF INTENT TO DENY

To: Public Access Counselor
500 S. 2nd Street
Springfield, Illinois 62706

To: Requestor

On _____, the Public Body received a Request for inspection, copying, or certification of the following public records ("**Specified Records**"): _____

Pursuant to Section 9.5(b) of the Act, you are hereby notified that the Public Body intends to deny the Request for the Specified Records based on the following exemption or exemptions:

- ☐ The Specified Records constitute "personal information," the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. § 7(1)(c)
- ☐ The Specified Records are preliminary drafts, notes, recommendations, memoranda, or other records in which opinions are expressed or policies or actions are formulated. § 7(1)(f)

A detailed summary of the Public Body's basis for asserting this exemption is provided below:

The Public Body understands that the Public Access Counselor has five days after receiving this Notice of Intent to Deny to determine whether further inquiry is warranted. Until such time as the Public Body receives a response by the Public Access Counselor that the Public Body must release the Specified Records, the time for Response to the Request for the Specified Records is tolled.

Enclosed with this Notice of Intent to Deny is a copy of (1) the Request and (2) the Public Body's proposed response to the Request.

Dated: _____

Public Body

By: _____

FOIA Officer

VILLAGE OF ROUND LAKE BEACH

**NOTICE OF APPEAL OF DENIAL OF
REQUEST FOR PUBLIC RECORDS**

To: FOIA Officer
Village of Round Lake Beach
1937 N. Municipal Way
Round Lake Beach, Illinois 60073

I. Notice of Appeal

Please be advised that on _____, 20____, I filed a request for review with the Public Access Counselor of the denial of my request from inspection, copying, or certification of the following public records:

A copy of my appeal to the Public Access Counselor is attached to this Notice of Appeal.

II. Identification of Appellant

A. Name of Appellant: _____

B. Address: _____

C. Telephone Numbers for Appellant:

Day: _____ Evening: _____

Signature of Appellant

Date