

VILLAGE OF HINSDALE

**FREEDOM OF INFORMATION ACT
COMPLIANCE PACKET**

VILLAGE OF HINSDALE
DUPAGE AND COOK COUNTIES, ILLINOIS

REQUESTS FOR PUBLIC RECORDS

The Village of Hinsdale Rules and Regulations for the Implementation of the Illinois Freedom of Information Act (the “FOIA Rules”) provide comprehensive procedures, instructions, and forms for obtaining Village public records. This document provides only a brief summary of the FOIA Rules.

All requests to inspect, copy, or certify public records must be submitted to the Village in writing and in the form required by the FOIA Rules. Request Forms may be obtained from the Village. The Village will respond to each proper written request to inspect, copy, or certify public records within seven working days after receipt of the request.

Copies of public records will be provided only upon payment of a copying fee as provided in Section V of the FOIA Rules. Copies of public records will not be mailed except upon pre-payment of a fee equal to the actual cost of postage and copying.

All notices and other communications relating to a request to inspect, copy, or certify public records, all requests for copies of the FOIA Rules, and all requests for any other information relating to the Village’s implementation of the Illinois Freedom of Information Act must be directed to:

Village Manager
Village of Hinsdale
19 East Chicago Avenue
Hinsdale, Illinois 60521-3489

The foregoing information is provided pursuant to Section 4(b) of the Illinois Freedom of Information Act, 5 ILCS 140/4(b).

VILLAGE OF HINSDALE
DUPAGE AND COOK COUNTIES, ILLINOIS

RULES AND REGULATIONS FOR
IMPLEMENTATION OF THE
ILLINOIS FREEDOM OF INFORMATION ACT

These Rules and Regulations (“FOIA Rules”) outline procedures, and contain instructions and forms, for orderly compliance with the Illinois Freedom of

Information Act, 5 ILCS 140/1 *et seq.* (the “Act”), by the Village of Hinsdale (the “Village”) and any person requesting public records from the Village (a “Requestor”).

The Village will respond to proper written requests for inspection, copying, or certification of public records in accordance with the Act, these FOIA Rules, and other applicable law. Under the Act, the Village must disclose to any Requestor for inspection or copying all requested public records except: (1) public records that would, if disclosed, violate individual privacy; (2) public records whose production would disrupt the duly undertaken work of the Village; or (3) public records that are specifically exempted from disclosure by the Act or other applicable law. Requests falling within any of these exemptions will be denied.

All notices and other communications in connection with a request to inspect, copy, or certify public records under the Act shall be sent to: Village Manager, Village of Hinsdale, 19 East Chicago Avenue, Hinsdale, Illinois 60521-3489 (the “Village Hall”). The Village Hall telephone number is (630) 789-7011.

I. INTERPRETATION

A. Conflicts and Invalidity

These FOIA Rules do not supersede, nor are they intended to supersede, the provisions of the Act. In the event that these FOIA Rules in any way conflict with the Act, the provisions of the Act shall govern and take precedence over these FOIA Rules and Regulations. If any provision of these FOIA Rules is deemed illegal or unenforceable, all other provisions and the application thereof shall remain unaffected to the extent permitted by law.

B. Definitions

In addition to the definitions provided in the Act, the following definitions are applicable to these FOIA Rules:

1. Village Manager: The Village Manager of the Village or his or her designee.
2. Business Hours: 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. on a Working Day.
3. Working Day: Any day on which the Village Hall is open and staffed for regular public business during Business Hours. Working Days are generally Monday through Friday, except recognized legal holidays.

C. Measurement of Time

1. Days. In counting the number of days allowed for any response or decision required to be given by the Village pursuant to the Act or these FOIA Rules, the day on which the request or notice requiring such response or decision was first received shall not be included.
2. Supplemental Requests. Supplemental, amended, or additional requests to inspect, copy, or certify public records shall not relate back to the time of receipt of the initial request. Supplemental, amended, or additional requests shall be considered new requests for purposes of determining all applicable time periods.
3. Response Date. All responses and decisions required to be issued by the Village pursuant to the Act or these FOIA Rules shall be conclusively deemed to have been given as of the date of personal delivery to the person or to the residence of the person entitled to such response or decision or, if mailed, as of the date of mailing, regardless of the date of actual receipt by such person. Each such response and decision shall include a verified proof of service evidencing the method by which, and time at which, such response or decision was delivered.

II. REQUESTS FOR INSPECTION, COPYING, OR CERTIFICATION OF PUBLIC RECORDS.

A. Officials Responsible for Responding to Requests

The Village Manager shall be the person administratively responsible for receiving and processing all requests to inspect, copy, or certify public records filed pursuant to the Act and these FOIA Rules.

The Village Manager shall be the person with authority on behalf of the Village to grant or deny requests to inspect, copy, or certify public records filed pursuant to the Act and these FOIA Rules, to extend the time for response, and to issue the appropriate notices with respect to such matters. The Village Manager may consult with the Village Attorney before responding to any request to inspect, copy, or certify public records.

B. Request Form

All requests to inspect, copy, or certify public records shall be filed with the Village Manager in writing on the form attached hereto as FORM 1 or on a form substantially similar to FORM 1 approved by the Village (the "Request for Production of Records Form").

C. Request Form Submittal

Completed Request Forms may be filed with the Village by mail, overnight courier service, or in person. Request Forms submitted in person shall be handed to the Village Manager at the Village Hall. Request Forms submitted by mail or other means shall be addressed to the Village Manager at the Village Hall and shall be deemed received only upon actual receipt by the Village Manager on a Working Day, regardless of date of mailing.

D. Request Form Processing

The Village Manager shall stamp each Request Form with the date and time of receipt.

III. RESPONSES TO REQUESTS

A. Time for Response

The Village shall respond to any Request Form filed pursuant to Section II of these FOIA Rules within seven Working Days after such Request Form is received by the Village Manager.

B. Form of Response

1. Disclosure of Public Records.

- (a) If the Village Manager determines that the Act requires disclosure of all or any part or portion of any public records requested on a Request Form filed pursuant to Section II of these FOIA Rules, the Village Manager shall notify the Requestor in writing of such determination.
- (b) Such notice shall be given by use of FORM 2 attached hereto or a substantially similar writing.
- (c) Except as otherwise specifically authorized by the Village Manager, only Village personnel shall be permitted to search Village files, records, or storage areas; to use Village equipment; or to make copies of Village public records.
- (d) Public records may not be removed from the Village Hall at any time.
- (e) Public records may be inspected, or copies of public records obtained, during Business Hours at the Village Hall.
- (f) Because space is limited, Requestors must make arrangements in advance with the Village Manager for a specific appointment to inspect public records at the Village Hall.

- (g) Copies of public records will be mailed to the Requestor only if the Village Manager reasonably determines that it is unduly burdensome for the Requestor to arrange for inspection of the original public records, or for pick up of copies of the public records, at the Village Hall.
- (h) Requests for the reproduction of any public records that are tape recordings will be honored in accordance with the provisions of the Act and these FOIA Rules.
- (i) The Requestor shall be required to pay all copying, certification, and postage fees in advance of receiving copies of any public records.
- (j) Upon inspection or delivery of copies of the requested public records, the Village Manager and the Requestor shall both acknowledge such fact by execution of FORM 3 attached hereto or a substantially similar writing.

2. Extension of Time.

- (a) If the Village Manager determines that additional time is needed and allowed under the Act to respond to a Request Form filed pursuant to Section II of these FOIA Rules, the Village Manager shall notify the Requestor in writing of such determination, of the reasons requiring the extension, and of the length of the extension, which shall not in any event exceed seven Working Days.
- (b) Such notice shall be given by use of FORM 4 attached hereto or a substantially similar writing.

3. Categorical Requests.

- (a) If the Village Manager determines that a Request Form filed pursuant to Section II of these FOIA Rules for all records falling within a category will unduly burden the Village and that the burden of the Village outweighs the public interest in production of the public records sought, the Village Manager shall notify the Requestor in writing of such determination, of the reasons supporting such determination, and of the right of the Requestor to meet with the Village Manager in an effort to narrow the request.
- (b) Such notice shall be given by use of FORM 4 and FORM 5 attached hereto or substantially similar writings.

- (c) If the Requestor agrees to meet and confer with the Village Manager regarding the request, the Village Manager shall respond to the Request Form, or to the Request Form as narrowed at such meeting, within seven Working Days following the date of the adjournment of such meeting. Such response may take any form specified in this Subsection III B.
- (d) If the Requestor does not agree to meet and confer with the Village Manager regarding the request, the Village Manager shall deny the request pursuant to Paragraph II B(4) below on the seventh Working Day after the date of the notice given pursuant to Paragraph II B(3)(a) above.

4. Denial.

- (a) If the Village Manager determines that all or any part or portion of any public records requested on a Request Form filed pursuant to Section II of these FOIA Rules are not subject to disclosure under the Act or these FOIA Rules, the Village Manager shall notify the Requestor in writing of such determination, of the reason for the denial, and of the Requestor's right to appeal the Village Manager's denial to the Village President within 14 Working Days after receipt of the Village Manager's notice of denial ("Notice of Denial").
- (b) Such notice shall be given by use of FORM 6 attached hereto or a substantially similar writing.

C. Failure to Respond

If the Village Manager fails to respond to a Request Form properly filed pursuant to Section II of these FOIA Rules, the request shall be deemed to be denied as of the last day permitted for such response.

D. No Obligation to Create New Records

Except as provided in Section VI below, in responding to requests to inspect, copy, or certify public records, the Act and these FOIA Rules do not require the Village to create records that the Village does not already maintain in record form.

IV. APPEALS

A. Notice of Appeal; Time to File

If a Requestor disagrees with a Notice of Denial and wishes to appeal, then such Requestor must, within 14 Working Days after the date of the Notice of Denial, file a written notice of appeal with the Village President at the Village Hall (“Notice of Appeal”). Such notice shall be given by use of FORM 7 attached hereto or a substantially similar writing approved by the Village.

B. Action on Appeal

Upon receipt of a Notice of Appeal, the Village President shall promptly review the public records requested and make a determination as to whether such public records must, or should, be disclosed pursuant to the Act and these FOIA Rules. Within seven Working Days after the receipt of a Notice of Appeal, the Village President shall notify the Requestor of such determination. Such notice shall be given by use of FORM 8 or FORM 9 attached hereto or a substantially similar writing.

C. Failure to Decide

If the Village President fails to issue a decision granting or denying an appeal within seven Working Days after receipt of a Notice of Appeal, the appeal shall be deemed to be denied as of the last day permitted for issuing such decision.

V. FEES

A. Fees Established

Unless fees are waived or reduced pursuant to Subsection V C below, each Requestor shall pay the following fees for copying, certification, and mailing of public records:

- | | | |
|----|--------------------|-------------------------------------|
| 1. | Copies — 8 ½ x 11 | \$0.25 per side. |
| 2. | Copies — Oversize | \$0.30 per side. |
| 3. | Copies – Plat size | \$5.00 each |
| 4. | Media disks | \$5.00 each |
| 4. | Certification | \$0.25 per document plus copy cost. |
| 5. | Mailing | Cost of Postage. |

Note: Add \$1.00 per page for any color copy requested

When the services of an outside vendor are required to copy any public record, the actual charges of such outside vendor shall be the fees for copying such records, notwithstanding the fees stated above.

Such fees are hereby found to be no more than necessary to reimburse the Village for the actual cost of reproducing, certifying, and mailing public records requested pursuant to the Act and these FOIA Rules.

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 Subsection V A above may be waived or reduced by the Village Manager if the Requestor states the specific purpose of the request on the Request Form and establishes to the reasonable satisfaction of the Village Manager 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 shall 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 Village Manager 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. VILLAGE OBLIGATIONS

A. Organizational Description

The Village Manager shall, at least once each fiscal year, produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of the Village. Such description shall identify and describe the membership of the Village Board of Trustees and of all of its standing and special committees and other advisory bodies and shall also include:

- a short summary of the Village's purpose,
- a block diagram of its functional subdivisions,

- the approximate number of its full and part-time employees,
- the total amount of its operating budget, and
- the number and location of each of its offices.

B. Index of Public Records

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

C. Records Stored by Electronic Data Processing

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

D. Summary of Procedures

The Village Manager shall create, maintain current, and make available for inspection, copying, and mailing, a brief summary of the procedures established by these FOIA Rules.

E. Posting and Mailing of Information

The Village Manager shall keep posted at the Village Hall, and shall mail to any person making a request therefore, copies of the Organizational Description prepared pursuant to Subsection VI A above, the Index of Public Records prepared pursuant to Subsection VI B above, and the Summary of Procedures prepared pursuant to Subsection VI D above.

F. Filing of Notices of Denial

The Village Manager shall retain copies of all Notices of Denial in a single file at the Village Hall that is open to the public and indexed according to the type of exemption asserted and, to the extent such categorization is feasible, the type of records requested.

