

VILLAGE OF OAK BROOK
FREEDOM OF INFORMATION ACT
RULES AND REGULATIONS

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

The Village will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, these Rules, and any other applicable law. Generally, the Village will provide public records for inspection or copying as requested except for records that are specifically exempted from disclosure by the Act or other applicable law.

Requests and other communications relating to public records should be sent to the Village's Freedom of Information Officer ("FOIA Officer") at Village of Oak Brook, Oak Brook, Illinois 60523, or via at foia@oak-brook.org. The Village telephone number is (630) 368-5000.

I. INTERPRETATION

A. Conflicts

These Rules do not supersede the provisions of the Act. If a provision of these Rules conflicts with the Act, then the provisions of the Act will govern.

B. Definitions

In addition to the definitions provided in the Act or elsewhere in these Rules, the following definitions apply:

1. Business Hours: 8:30 a.m. to 4:30 p.m. on a Business Day.
2. Business Day: Any day on which general offices of the Village at the Village Hall are open and staffed for regular public business. Business Days generally are Monday through Friday except federal and state holidays.
3. FOIA Officer: The FOIA Officer of the Village identified above and designated under Section 3.5 of the Act.
4. Public Access Counselor: The Public Access Counselor of the Office of the Illinois Attorney General.
5. Recurrent Requester: A Requester who, in the 12 months immediately preceding submission of a Request, has submitted to the Village (a) a minimum of 50 Requests, (b) a minimum of 15 Requests within a 30-day period, or (c) a minimum of seven Requests within a seven-day period. For purposes of this definition, Requests made by news media and non-profit, scientific, or academic organizations are not considered in calculating the number of Requests made in the time periods in this definition when the principal purpose of the Requests is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.
6. Request: A request to inspect, copy, or certify public records.

7. Request Made for Commercial Purposes: A Request made with the intent to use the requested records (or the information derived from those records), in whole or in part, for sale, resale, or solicitation or advertisement for sales or services. However, a Request submitted by news media or by non-profit, scientific, or academic organizations will not be deemed to be made for commercial purposes if the principal purpose of the Request is (a) to access and disseminate information concerning news and current or passing events, (b) for articles of opinion or features of interest to the public, or (c) for the purpose of academic, scientific, or public research or education.
8. Requester: An individual, corporation, partnership, firm, organization or association that files a Request with the Village.
9. Response Time: The time for response by the Village to a Request for public records, as calculated pursuant to Subsection III.A of these Rules.
10. Voluminous Request: A Request that (a) includes more than five individual requests for more than five different categories of records, or a combination of individual requests that total requests for more than five different categories of records in a period of 20 business days or (b) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording. However, a Request submitted by news media or by non-profit, scientific, or academic organizations will not be deemed to be a Voluminous Request if the principal purpose of the Request is (x) to access and disseminate information concerning news and current or passing events, (y) for articles of opinion or features of interest to the public, or (z) for the purpose of academic, scientific, or public research or education.

C. Days; Measurement of Time

1. Days. In counting the number of days allowed for a response or a decision to be given by the Village under the Act and these Rules, the Village will not include the day on which the Request or notice requiring the response or decision was first received.
2. Receipt Date. The Business Day on which the Request is physically received by the Village. All Requests received after the close of business or on a non-Business Day will be deemed to have been received by the Village on the next Business Day.
3. Supplemental Requests. Supplemental, amended, clarified, and additional Requests will not relate back to the time of receipt of the initial Request. Supplemental, amended, clarified, or additional Requests will be considered new Requests for purposes of determining the applicable Response Time.
4. Response Date. All responses and decisions to be issued by the Village under the Act and these Rules will be deemed to have been given on (a) the date of personal delivery to the person or to the residence of the person entitled to the response or decision or (b) if mailed, faxed, or sent by e-mail, on the date of mailing, faxing, or e-mailing regardless of the date of actual receipt by that person. Each response and decision may include proof of service evidencing the method by which, and time at which, the response or decision was delivered.

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

A. Officials Responsible for Responding to Requests

The FOIA Officer is the person responsible for receiving, processing, granting, and denying Requests, extending a Response Time, and issuing appropriate notices with respect to all related matters. The FOIA Officer, or his or her designee, may consult with Village staff, officials, and others as appropriate before responding to a Request.

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

B. Form of Request

1. Required Information. A Request must be filed with the Village in writing and in English. The Village encourages Requesters to submit Requests on the Village's convenient Request Form, Short Request Form if appropriate, or a similar form that contains, at a minimum, the following information:
 - (a) the Requester's name;
 - (b) either the Requester's mailing address, email address, or telephone number;
 - (c) a description of the public records requested;
 - (d) a "statement of purpose" indicating whether the Requester intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services, and if so:
 - (i) a statement of whether the Requester is, or represents, news media or a non-profit, scientific or academic organization; and
 - (ii) a statement of whether the principal purpose of the Request is either (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) academic, scientific or public research or education.
2. Supplemental Information. If a Requester submits a Request on a form other than the Request Form, and the Request does not contain all of the information required pursuant to Paragraph II.B.1 of these Rules, then the FOIA Officer may require the Requester to complete a Supplemental Information Form or similar writing.
3. Requests Must Be Complete. No Request will be deemed complete, and the Village will have no obligation to produce the requested records, unless and until the Request contains, at a minimum, all of the information required pursuant to Paragraph II.B.1 of these Rules.
4. Subpoenas. Except as provided in Section 9.5(c) of the Act, these Rules will not apply to any subpoena for records received by the Village and issued by, or in accordance with the rules of, a court or agency of competent jurisdiction.

C. Submittal of Request

Completed Requests must be filed with the Village FOIA Officer by United States mail, facsimile, overnight courier service, electronic mail, the Village's website, or in person, in accordance with the following:

1. In-Person Submissions. Requests submitted in person should be given to the FOIA Officer or filed in the office of the Village Clerk.
2. Electronic Mail Submissions. Requests submitted by electronic mail must be sent directly to the FOIA Officer at foia@oak-brook.org and will be deemed received on the Receipt Date only upon actual receipt by the FOIA Officer.
3. All Other Submissions. Requests submitted by mail or other means must be addressed to the FOIA Officer and will be deemed received on the Receipt Date only upon actual receipt by the Village.

All Village officials and employees who receive a Request must immediately forward that Request to the FOIA Officer.

D. Processing of Request

1. The FOIA Officer must complete the Checklist on receipt of a Request. If the FOIA Officer determines that the Request is not complete, then the FOIA Officer must send a Notice of Incomplete Request form and a Supplemental Information form to the Requester within five Business Days after receipt by the Village of the Request or within 21 Business Days if the Request is a Request Made for Commercial Purposes. If the FOIA Officer determines that the Request is complete, then the FOIA Officer must stamp or otherwise indicate, on each completed Request, the date and time of receipt and, if known, the date on which the Village must respond to the Request.
2. The FOIA Officer must maintain an electronic or paper copy of the Request, including all documents submitted with the Request, until all matters related to the Request have been completed.
3. The FOIA Officer must create an electronic or paper file for the retention of the original Request, a copy of the response by the Village, a record of all written communications with the Requester regarding the Request, and a copy of other communications related to the Request.
4. The FOIA Officer must retain all Responses to Request for Public Records that include a denial or partial denial of a Request in a single central office file.

III. RESPONSES TO REQUESTS

A. Time for Response

1. All Requests; Exceptions. For all Requests other than those described in Paragraph III.A.2, III.A.3, III.A.4, III.A.5, and III.A.6 below, the Village will respond within five Business Days after a completed Request is received by the Village, unless the Village has extended the Response Time under Paragraph III.A.7 below.
2. Requests for Public Records Maintained on the Village's Website. For Requests for public records available on the Village's website, the Village will respond within five Business Days after a completed Request is received by the Village using the "Response to Request for Public Records Available on the Village's Website" form attached to these Rules or a similar written form, which form must notify the Requester that requested public records are available on the Village's website and direct the Requester to the website where the records can be reasonably accessed. If the Requester is unable to reasonably access the requested public records after being directed to the Village's website, the Requester may re-submit his or her Request stating his or her inability to reasonably access the public record online, and the Village will process the Request in accordance with the other applicable paragraphs of Section III of these Rules.
3. Requests Made for Commercial Purposes. The Village will respond within 21 Business Days after a complete Request Made for Commercial Purposes is received. The response must

include one of the following: (a) an approval of the Request; (b) a partial approval and partial denial of the Request; (c) a denial of the Request; (d) a notice to the Requester providing an estimate of the time required by the Village to provide the records requested and an estimate of the fees to be charged; or (e) a notice to the Requester that the Request is unduly burdensome and extending an opportunity to the Requester to reduce the Request to manageable proportions.

4. Requests by Recurrent Requesters.

- a. The Village will respond within five Business Days after a completed Request is received from a Recurrent Requester, notifying the Requester that he or she has been deemed a Recurrent Requester, using the "Notice to Recurrent Requester" form attached to these Rules or a similar written form, which notice must include (i) the reason for designating the Requester as a Recurrent Requester and (ii) a statement that the Village will respond in substance to the Request within 21 Business Days after the Request was received.
- b. The Village then will respond to a Request by the Recurrent Requester within 21 Business Days after the completed Request is received. This response must include one of the following: (i) an approval of the Request; (ii) a partial approval and partial denial of the Request; (iii) a denial of the Request; (iv) a notice to the Recurrent Requester providing an estimate of the time required by the Village to provide the records requested and an estimate of the fees to be charged; or (v) a notice to the Recurrent Requester that the Request is unduly burdensome and extending an opportunity to the Recurrent Requester to reduce the Request to manageable proportions.

5. Chronologically Maintained Arrest Reports. For completed Requests for chronologically maintained arrest and criminal history information, the Village will respond within 72 hours after the later to occur of (a) the arrest that is the subject of the Request and (b) the time of receipt of the Request.

6. Voluminous Requests.

- a. The Village will respond within five Business Days after a completed Voluminous Request is received from a Requester, notifying the Requester that his or her Request has been deemed a Voluminous Request with the "Notice of Voluminous FOIA Request" form attached to these Rules or a similar written form including:
 - a statement indicating that the Village is treating the Request as a Voluminous Request;
 - the reasons why the Village is treating the Request as a Voluminous Request;
 - that the Requester must respond to the public body within 10 business days after the Village's response is sent and specify whether the Requester would like to amend the Request in such a way that the Village will no longer treat the Request as a Voluminous Request;
 - that if the Requester does not respond within 10 business days or if the Request continues to be a Voluminous Request following the Requester's response, the Village will respond to the Request and assess any fees the Village charges pursuant to Section 6 of the Act;
 - that the Village has 5 business days after receipt of the Requester's response or 5 business days from the last day for the Requester to amend his or her Request, whichever is sooner, to respond to the Request;
 - that the public body may request an additional 10 business days to comply with the Request;

- of the Requester's right to review of the Village's determination by the Public Access Counselor and provide the address and phone number for the Public Access Counselor; and
 - that if the Requester fails to accept or collect the responsive records, the Village may still charge the Requester for its response pursuant to Section 6 of the Act and the Requester's failure to pay will be considered a debt due and owing to the Village and may be collected in accordance with applicable law.
- b. If the Requester amends his or her Voluminous Request so that the Request is no longer a Voluminous Request, then the Village will respond to the amended Request within five Business Days after a completed amended Request is received by the Village, unless the Village has extended the Response Time under Paragraph III.A.7 below.
- c. If the Requester fails to amend his or her Voluminous Request in a timely manner, or the Requester submits an amended Request and the amended Request remains a Voluminous Request, then the Village then will respond to the Request within 5 Business Days after the Village receives the response from the Requester or 5 business days after the final day for the Requester to respond to the Village's notification under Paragraph III.A.5.a. unless the Village extends the response time under Paragraph III.A.6 below. This response must include one of the following: (i) an approval of the Request; (ii) a partial approval and partial denial of the Request; (iii) a denial of the Request; or (iv) a notice to the Requester that the Request is unduly burdensome and extending an opportunity to the Requester to reduce the Request to manageable proportions. The response must also include an estimate of the fees to be charged to the Requester, if any.

7. Extension of Time

- a. If the FOIA Officer determines that additional time is needed and allowed under the Act to respond to a Request, then the FOIA Officer, using a Notice of Extension form attached to these Rules or a similar written form, will notify the Requester within the applicable Response Time of the determination, of the reasons requiring the extension, and of the length of the extension (which may not exceed five additional Business Days unless a longer period is permitted under the Act). The FOIA Officer may not issue a Notice of Extension for Requests Made for Commercial Purposes.
- b. The Requester and the Village, using an Extension Agreement form attached to these Rules or a similar written form, may agree in writing to extend the time for compliance beyond the required five days for a period to be mutually determined. In his or her discretion, the FOIA Officer may deliver to the Requester a Request for Extension Agreement form and an Extension Agreement form. The FOIA Officer is authorized to execute, in his or her discretion, an Extension Agreement after it has been executed by the Requester. The FOIA Officer must respond to the Request within the applicable Response Time, unless and until the Requester and the Village have executed the Extension Agreement.

B. Disclosure of Public Records

1. Notice of Approval. If the FOIA Officer determines that the Act requires disclosure of all or any part or portion of the requested public records, then the FOIA Officer will notify the Requester in writing of his or her determination, using the Response to Request for Public Records form attached to these Rules or a similar written form.
2. Approval of Requests Made for Commercial Purposes or by Recurrent Requesters. If the Request is a Request Made for Commercial Purposes or is made by a Recurrent Requester, and the requested records are not immediately available for inspection or pick-up, then the Response to Request for Public Records will specify a reasonable date on which the requested records will

be available for inspection or pick-up, based on the size and complexity of the Request.

3. Search of Files and Use of Equipment. Except as otherwise specifically authorized by the FOIA Officer, only Village employees, the Village Attorney, and Village contractors are permitted to search Village files, records, or storage areas, or to use Village equipment in connection with any Request.
4. Removal of Original Records. Original public records may not be removed from any Village building at any time, except as authorized by the Village Clerk.
5. Inspection of Public Records. Public records approved by the FOIA Officer for disclosure may be inspected, or copies of public records obtained, during Business Hours at the Village Hall or another location designated by the FOIA Officer. Requesters must make an appointment with the FOIA Officer for a date and time to inspect such public records.
6. Copies of Public Records. Copies of public records approved by the FOIA Officer for disclosure may be obtained during Business Hours at the Village Hall or another location designated by the FOIA Officer, so long as the Requester had requested copies and has paid all applicable fees.
7. Mailing of Requested Public Records. Copies of public records will be sent to the Requester via United States mail, facsimile or electronic mail only if the FOIA Officer reasonably determines that it is unduly burdensome for the Requester to arrange for inspection of the original public records, or for pickup of copies of the public records, at the Village Hall.
8. Audio and Video Recordings. Requests for reproduction of any public records that are audio or video recordings will be honored in accordance with the provisions of the Act, the Illinois Open Meetings Act, any other applicable State, federal, and local laws and regulations, and these Rules.
9. Records Maintained in Electronic Format. If the requested public records are maintained by the Village in an electronic format, then the Village will reproduce copies of the requested public records in the electronic format specified by the Requester, if feasible. The Village may charge the Requester the actual cost of the medium necessary for that format.
10. Payment of Fees. The Requester must pay all copying, certification, and postage fees in advance of receiving copies of any public records.
11. Acknowledgment of Inspection. When the copies of the requested public records have been delivered or inspected, the FOIA Officer and the Requester must acknowledge delivery or inspection by execution of the Acknowledgment of Inspection form attached to these Rules or a similar written form.

C. Categorical Requests

1. Notice to Meet and Confer. If the FOIA Officer determines that a Request for all records falling within a category will unduly burden the Village, and that the burden to the Village outweighs the public interest in production of the public records sought, then the FOIA Officer, using a Notice to Meet and Confer form attached to these Rules or a similar written form, will notify the Requester in writing of the determination, of the reasons supporting the determination, and of the right of the Requester to meet with the FOIA Officer in an effort to narrow the Request.
2. Failure to Respond by Village. The FOIA Officer may not determine that a Request is unduly burdensome, nor issue a Notice for Meeting, if the Village has previously failed to respond to that Request within the applicable Response Time.
3. Agreement to Narrow Request. If the Requester agrees to meet and confer with the FOIA Officer regarding the Request, then the FOIA Officer will respond to the Request, or to the Request as narrowed at the meeting, within the applicable Response Time, calculated as beginning on the

next Business Day after adjournment of the meeting. That response may take any form specified in this Section III. If the Requester agrees to narrow the scope of the Request, the FOIA Officer will deliver an Acknowledgment of Narrowed Request to the Requester at the conclusion of the meeting, using the form attached to these Rules or a similar written form.

4. Failure to Meet and Confer. If the Requester does not agree to meet and confer with the FOIA Officer regarding the Request, then the FOIA Officer will deny the Request on the fifth Business Day after the date of the Notice to Meet and Confer, using the Response to Request For Public Records form attached to these Rules or a similar written form.

D. Denial

1. Procedure for Denials. If the FOIA Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under any other provision of the Act or under these Rules, then the FOIA Officer must deliver a notice to the Requester, using the Response to Request for Public Records form attached to these Rules or a similar written form.
2. Contents of Denials. Each Response to Request for Public Records form must set forth all of the grounds and reasons for the denial, and must notify the Requester of his or her rights to seek review of the denial by the Public Access Counselor and to seek judicial review under Section 11 of the Act.
3. Denials in Writing. Except as otherwise provided by the Act, all denials of Requests will be in writing.
4. Cooperation with Public Access Counselor. If the Public Access Counselor determines that further inquiry into any denied Request is warranted, the FOIA Officer will comply with the requests and directives of the Public Access Counselor, or seek appropriate review of those requests or directives, in accordance with the Act.

E. No Obligation to Create New Records

Except as provided in Section V of these Rules, the Act and these Rules do not require the Village, in the course of responding to Requests, to create records that the Village does not already maintain in record form.

F. No Obligation to Interpret or Advise

Neither the Act nor these Rules require the Village to interpret, or advise Requesters as to the meaning or significance of, any public records.

IV. FEES

A. Fees Established

1. Fees for Copying, Certifying, and Mailing of Records. Unless fees are waived or reduced under Subsection IV.C of these Rules, each Requester must pay fees for copying, certifying, and mailing of public records, as established by the Act or the Village.

If the requested records are of a type not listed by the Village, or when the services of an outside vendor are required to copy any public record that are not 8½ x 11 inches or 8½ x 14 inches, Black and White, then the fees charged for copying the records will be the actual charges incurred by the Village, and the fees stated in the Annual Fee Ordinance. The fees stated in the Annual Fee Ordinance will also not apply if the fee for the requested records is otherwise fixed by statute. If the requested records are produced on an electronic medium, then the Requester must pay the actual cost of the medium.

The Village has determined that the fees are 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 Rules.

2. Fees for Searching, Retrieving, Examining and Redacting Records Requested for Commercial Purposes. Pursuant to Section 6(f) of the Act, in addition to any fees that must be paid pursuant to Paragraph IV.A.1. of these Rules, a Requester who submits a Request for a Commercial Purpose must pay to the Village \$10.00 for each hour over eight hours spent by the Village to search, retrieve, examine, and redact requested public records. In addition, the Commercial Requester must pay the actual charges incurred by the Village to retrieve and transport public records from any third-party, off-site storage facility that the Village may use to store public records.
3. Fees for Providing Records Electronically to Voluminous Requesters. In addition to any fees that must be paid pursuant to Paragraph IV.A.1. of these Rules, a Requester who submits a Voluminous Request and requests that the records be provided electronically, must pay to the Village the following fees:
 - a. If the electronic records are in portable document format: \$20 for not more than 80 MB of data; \$40 for more than 80 MB, but not more than 160 MB of data; and \$100 for more than 160 MB of data; or
 - b. If the electronic records are in a format other than a portable document format: \$20 for not more than 2 MB of data; \$40 for more than 2 MB, but not more than 4 MB of data; and \$100 for more than 4 MB of data.

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, certification or mailing of any public record.

C. Waiver of Fees

The fees provided in Subsection IV.A of these Rules may be waived or reduced by the FOIA Officer if the Requester includes in the Request the specific purpose of the Request and establishes to the reasonable satisfaction of the FOIA Officer that a fee waiver or reduction is in the public interest. A request for a fee waiver or reduction must be indicated in the Request at the time the Request is filed. A subsequent request will not be considered.

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. No fee waiver will be granted if the Request is for the principal purpose of personal or commercial benefit to the Requester. The FOIA Officer may consider the number of requested public records and the cost and necessity of copying them in setting the fee waiver or reduction amount.

D. Waiver for Failure to Respond

If the FOIA Officer does not respond to a Request properly submitted pursuant to Section II of these Rules within the applicable Response Time, then the Village will not require the payment of fees for any copies of records produced in response to that Request.

V. VILLAGE OBLIGATIONS

A. Organizational Description

The FOIA Officer, at least once each fiscal year, will produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of the Village. The description must identify

and describe the membership of the Village's Board of Trustees and of all of its standing and special committees and other advisory bodies and also must include:

- a short summary of the Village's purpose,
- a block diagram of the Village's functional subdivisions,
- the approximate number of the Village's full and part-time employees,
- the total amount of the Village's operating budget, and
- the number and location of each of the Village's offices.

If the Village maintains a website, then the FOIA Officer must post the description required pursuant to this Subsection V.A to the website.

B. Index of Public Records

The FOIA Officer must 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 must 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 FOIA Officer must 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 FOIA Officer must create, maintain current, and make available for inspection, copying, and mailing, a brief summary of the procedures established by these Rules. If the Village maintains a website, then the FOIA Officer must post the summary required pursuant to this Subsection V.D to the website.

E. Posting and Mailing of Information

The FOIA Officer must keep posted at the Village Hall, and will mail to any person making a request therefor, copies of the Organizational Description prepared pursuant to Subsection V.A of these Rules, the Index of Public Records prepared pursuant to Subsection V.B of these Rules, and the Summary of Procedures prepared pursuant to Subsection V.D of these Rules.

F. Filing of Response to Request for Public Records Forms

The FOIA Officer must retain copies of all Response to Request for Public Records forms that include a denial or partial 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 that categorization is feasible, the type of records requested.