VILLAGE OF ISLAND LAKE
FREEDOM OF INFORMATION ACT (FOIA) POLICY

This Policy ("***FOIA Policy***") outlines the Municipality's procedures for compliance with the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq*. ("***Act***"), by the Municipality and any person requesting public records from the Municipality ("***Requestor***"), and contains instructions and forms for the implementation of the FOIA Policy. The Municipality will respond to any written or electronic (email) 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 may be sent to: Municipality's Freedom of Information Officer, 3720 Greenleaf Avenue, Island Lake, Illinois, 60042 ("***Office***" or "***Police Department***") or emailed* to the appropriate FOIA officer through the FOIA Request page on the Village of Island Lake website: https://villageofislandlake.com/foia-requests.

**Emailed requests must include the FOIA Request in the body of the email—not as an attachment.*

I. Requests for Public Records

RESPONSIBILITIES OF FOIA OFFICER

The Municipality's Freedom of Information Officer (**"FOIA Officer"**) is the person administratively responsible for receiving and processing all requests to inspect, copy, or certify public records under the Act and this FOIA Policy. The FOIA Officer is the person with authority on behalf of the Municipality 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 Municipality shall designate one or more officials or employees to act as its FOIA officer. The FOIA Officer shall not be considered to be a municipal "officer" or "official" for any purposes other than those specified in the Act. The Municipality may designate more than one FOIA Officer and, if only one FOIA Officer is designated, shall designate a Designee who will act on the FOIA Officers behalf in the event that the FOIA Officer is unavailable.

A. FOIA Officer Training.

The initial FOIA Officer 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.

B. Requests

All requests to inspect, copy, or certify public records must be in writing, directed to the Municipality and submitted via personal delivery, mail, fax, email or other means available to the Municipality in accordance with Section 3(c) of the Act. The Municipality will honor all requests lawfully submitted to the Municipality whether it is submitted on the Village form or by other means that conforms to Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq*. Any written request submitted to the Municipality for a public record shall be deemed to be a FOIA request and treated accordingly.

C. Receipt of Requests

FOIA requests submitted via personal delivery, mail, fax, email or other means available to the Municipality must be addressed to the Municipality and will be deemed received only upon actual receipt by the Municipality 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 Municipality. A FOIA request sent via email after business hours will be deemed received on the following business day.

D. Request Form Processing

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

E. 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.

F. Interpretations or Advice

The Act does not compel the Municipality to interpret or advise Requestor as to the meaning or significance of any public records. The FOIA Officer may seek advice on appropriate responses from the Municipality's Attorney or may seek advisory opinions from the Public Access Counselor as specified below.

II. RESPONSES TO REQUESTS

A. Time for Response

The Municipality 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 Municipality, except for those Requests which seek records to be used for a commercial purpose which are governed by Section II.B. All responses and decisions required to be issued by the Municipality 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

The FOIA Officer may consult with the Municipality's Attorney before responding to any request to inspect, copy, or certify public records. The FOIA Officer shall consult with the head of the public body or the Municipality's Attorney in the event that the FOIA Officer believes it would be beneficial to the Municipality 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 timelines 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 Municipality

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 Municipality to provide the records requested and an estimate of the fees to be charged, which the Municipality 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 Municipality 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 the 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.
   b. Except as otherwise specifically authorized by the FOIA Officer, only Municipality's personnel will be permitted to search Municipality files, records, or storage areas; to use Municipality equipment; or to make copies of Municipality's public records. Original public records may not be removed from the Municipality's Office at any time.
   c. Public records may be inspected, or copies of public records obtained, during Business Hours at the Municipality Office. Because space is limited, Requestors must make arrangements in advance with the FOIA Officer for a specific appointment to inspect public records at the Municipality Office.
   d. Copies of public records will be mailed to the Requestor only if the FOIA Officer reasonably determines that it is unduly burdensome for the Requestor to arrange to inspect the original public records, or for pickup of copies of the public records, at the Municipality's Office.
   e. Requests for the reproduction of any public records that are tape 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 Municipality will furnish the record in the format in which it is maintained by the Municipality, or in paper format at the option of the Requestor. ***Due to the size of the files, we are unable to send video/audio records electronically.***

2. Extension of Time. If the 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, the 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 in writing in accordance with Sections 3(e) and 3(f) of the Act. The Requestor and the Municipality may also agree in writing to extend the time for compliance for a period to be determined by the parties, in writing.

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 a Request Form filed under Section I of this FOIA Policy for all records falling within a category will unduly burden the Municipality and that the burden of the Municipality 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 in writing.
   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 will 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 that contains information that is exempt from disclosure, but also contains information that 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 the 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. 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 in 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 Municipality to create records that the Municipality does not already maintain in record form.

III. INTERACTION WITH PUBLIC ACCESS COUNSELOR

A. The Municipality's Request for an Advisory Opinion

In the event that the Municipality 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 Municipality'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), the FOIA Officer shall, within the time period provided for response, provide written notice to the Requestor and the Public Access Counselor of the Municipality'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 Municipality receives a copy of a request for review from the Public Access Counselor which specifies records or other documents that the Municipality shall furnish to facilitate the review, the Municipality 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 Municipality 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 Municipality for purposes of addressing a request for review under Section 9.5 of the Act may not be disclosed to the public by the Public Access Counselor. The Municipality 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 Municipality shall cooperate with the Attorney General in that endeavor.

E. Adherence to Binding Decisions of the Public Access Counselor

The Municipality shall adhere to binding decisions of the Public Access Counselor which are in favor of the Municipality. Upon the receipt of a binding opinion concluding that the Municipality has violated the Act, the Municipality, 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(g) 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 Municipality. The Requestor shall also file a written notice of appeal with the Municipality.

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 Municipality'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 copying, certification, and mailing of public records:

1. Copies: after first 50 pages	--$.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 non-commercial Requests. 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 Municipality 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 IV.A above may be waived or reduced by the FOIA Officer if the Requestor states the specific purpose of the request on the Request Form and establishes to the reasonable satisfaction of the FOIA Officer 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 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.

VI. MUNICIPALITY OBLIGATIONS

A. Organizational Description

In accordance with Section 4 of the Act, the FOIA Officer will cause the Municipality 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 Municipality's website:

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

B. Records Stored by Electronic Data Processing

The FOIA Officer will prepare and furnish to any person requesting it a description of the manner in which public records of the Municipality 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 Officer 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 Officer, the address where requests for public records should be directed, and any fees allowed.

D. Posting and Mailing of Information

The FOIA Officer will keep posted at the Municipality 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 Officer 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 Officer.

VII. GENERAL

A. 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.

B. 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 4:30 p.m. on a working day.
2. Working Day: Any day on which the Municipality Office is open and staffed for regular public business during Business Hours.