

Edwardsville Township
Freedom of Information Act Practices and Procedures
Adopted 11/26/2013 by Ordinance 2013-03

The Illinois Freedom of Information Act (FOIA) is designed to ensure that the public has access to information about their government and its decision-making process.

It is the policy of Edwardsville Township to permit access to as well as inspection and copying of public records in accordance with the Illinois Freedom of Information Act, hereinafter referred to as the “Act” or “FOIA” (5 ILCS 140/1 et seq.). In accord with the above stated policy, the following practices and procedures are provided and established by Edwardsville Township

I. General Information

A. What is FOIA?

The Freedom of Information Act (FOIA) is a state statute that provides the public the right to access government documents and records. The premise behind FOIA is that the public has a right to know what the government is doing. The law provides that a person can ask a public body for a copy of its records on a specific subject and the public body must provide those records, unless there is an exemption in the statute that protects those records from disclosure (for example: records containing information concerning trade secrets or personal privacy).

B. Who is subject to FOIA?

Public bodies are subject to FOIA. The judiciary is not subject to FOIA, but court records and proceedings generally are open to the public.

C. Who can file a FOIA request?

Anyone. Any person, group, association, corporation, firm, partnership or organization has the right to file a FOIA request to any state or local public body, including any city, township or county office.

D. What is a FOIA Officer?

The FOIA Officer is a person appointed by the “public body.” The FOIA officer’s responsibility is to receive FOIA requests from the public and to send responses in compliance with FOIA. FOIA requires that each public body appoint one or more FOIA officers who must complete an electronic training developed by the Attorney General’s Public Access Counselor. Training must be completed annually.

E. What are Public Records?

Public Records are defined in FOIA as “all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for or having been or being used by, received by, in the possession of, or under the control of any public body.” A few examples of public records available under FOIA are: orders; rules; reports or studies; contracts; names, titles and salaries of public employees; and the voting records of public bodies. Information can be available in electronic as well as paper format.

II. Freedom of Information Officer

A. Designation. Edwardsville Township will designate at least one person to act as the FOIA officer. The Township Supervisor’s assistant is designated to act as the FOIA officer, to receive requests submitted under the Act, ensure timely responses to requests and issue responses under the Act, except in instances

where records are furnished immediately. In the event that the Township Supervisor's assistant is not available, the Township Bookkeeper is designated as the Deputy FOIA Officer to whom such requests are to be made.

The Township will prominently display and make available certain information, including the name(s) of its FOIA Officer(s). The office will also display and make available information on how to submit a FOIA and a brief description of the office, including its purpose, budget and number of employees. The information will also be posted on the Township's website.

B. Procedures. The Freedom of Information Officer shall:

1. develop a list of documents or categories of records to be immediately disclosed upon request;
2. maintain a reasonably current list of all types or categories of records under its control and this list should be reasonably detailed so that it aids people in obtaining access to public records;
3. note the date a written request is received;
4. compute the day on which the period for response will expire and make a notation of that date on the written request;
5. maintain an electronic or paper copy of a written request, including all documents submitted with it, until the request is complied with or denied; and
6. create a file for the retention of the original request, a copy of the response, a record of written communication with the requester and a copy of other communications.

C. Training.

1. All officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor. The Public Access Counselor is an attorney in the Attorney General's Office whose responsibility it is to insure compliance with FOIA.
2. Whenever a new FOIA is designated, he or she will successfully complete the electronic training curriculum to be developed by the Public Access Counselor within thirty (30) days after assuming the position.
3. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information Officer.
4. A list naming the Freedom of Information Officers shall be submitted to the Public Access Counselor.

III. Requesting Records

- A. Requests for all records must be in writing and submitted to the attention of the FOIA Officer by mail, facsimile or e-mail, or delivery during regular business hours. The Township will provide a FOIA form that requesters may use for convenience though not required.

No oral request for records will be processed. The person orally requesting records shall be advised to put the request in writing.

B. Designated office for submission of FOIA requests:

Edwardsville Township
300 West Park
Edwardsville, Illinois 62025

Hours: Those hours during which the Township is open for business currently:
8:30 a.m. to 4:30 p.m. – Monday through Friday excluding legal holidays.

- C. The Township shall only be responsible for responding to requests that it actually receives and shall not be responsible for transmission or delivery errors for FOIA requests that are submitted through alternative means.
- D. Content of Requests. In addition to being in writing, all requests must specify, in particular, the records requested to be retrieved and/or inspected. The requestors will be advised to provide as much information as possible on the subject matter to expedite the search process. All requests must also specify whether the records are requested for a commercial purpose as well as whether the requestor is requesting a fee waiver. If any records are to be certified, it must be so indicated in the request, specifying which records are to be certified. A written request should include the requestor's name, address, the date and a daytime telephone number so that the Township can contact the requester if it has any questions.
- E. When a person requests a copy of a record maintained in an electronic format, the Township shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Township shall furnish it in the format in which it is maintained by the Township or in paper format at the option of the requester. The Township may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. The Township may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.
- F. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied shall be deemed unduly burdensome and may be denied on that basis.
- G. The Township will redact all home addresses, home/private telephone numbers and social security numbers of employees noted on certified payroll records that are required to be submitted to a public body under the Prevailing Wage Act.
- H. The Township will work with the requester to clarify or narrow the scope of a request. The Township will ask 'what' the requester is looking for in an attempt to ensure that responsive documents are produced. The Township will not ask 'why' the requester is seeking documents.

IV. Responses to Requests for Records Not Sought for a Commercial Purpose

The Township will respond to a FOIA request not sought for a commercial purpose within 5 business days from the day after the Township receives the request. Business days are defined as regular day of the week (Monday through Friday) with the Township office is open. Saturdays, Sundays and legal holidays are not business days and cannot be counted in the 5 business day time period. Day 1 of the 5 day timeline is the first business day after the request is received by the Township. Any FOIA request received by the Township after normal business hours, as set forth above, shall be considered received on the following business day.

If a FOIA request sent by e-mail appears in the recipient's mailbox during normal working hours, it is received on that day. If it is e-mailed after business hours, including on a weekend or legal holiday, it is 'received' on the following business day.

One or more of the following responses will be given to the person requesting records:

1. The requested inspection or copying of the records may be granted immediately if the request is for a record of records that are easily accessible and immediately available. The person releasing the records shall prepare a memorandum of the release.
2. Advise in writing that the records are available for inspection or copying at the Township.
3. Advise in writing that the request is unduly burdensome with an offer to the person making the request of an opportunity to confer with the FOIA Officer in an attempt to reduce the request to a manageable proportion.
4. Advise in writing that the request cannot be filled within five (5) days and that it will be responded to within an additional five (5) days from the original due date and notify the requestor of the reason(s) for the extension. Reasons for extensions include:
 - a. The requested information is stored at a different location;
 - b. The request requires the collection of a substantial number of documents;
 - c. The request requires an extensive search;
 - d. The requested records have not been located and require additional effort to find;
 - e. The requested records need to be reviewed by staff who can determine whether they are exempt from FOIA;
 - f. The requested records cannot be produced without unduly burdening the public body or interfering with its operations; or
 - g. The request requires the public body to consult with another public body that has substantial interest in the subject matter of the request.
5. Agree in writing to extend the time for compliance for a period of time to be determined by the parties and notify the requestor of the reason(s) for the extension and response delay.
6. Deny, in whole or in part, the request in writing, stating the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial shall also inform the requestor of the right to review by a Public Access Counselor and the Public Access Counselor's address and phone number. Each notice of denial shall inform the requestor of his or her right to judicial review under Section 11 of the Act. Any denial shall be made in writing and mailed or given personally within the five (5) day period or any extension thereof. When a request for public records 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. Copies of all notices of denial shall be retained by the Township in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

If a request is determined by the Township to be unduly burdensome, meaning it is (1) categorical in nature and incapable of being narrowed or reduced or (2) the burden on the public body to produce the information must outweigh the public interest in the information, the Township will give the requestor an opportunity to reduce the request to manageable proportions.

V. Responses to Request for Records Sought for a Commercial Purpose.

A commercial request is when the requester seeks to use part or all of the public records for sale, resale, or solicitation or advertisement for sales or services. Requests by the news media, not-for-profit organizations, scientific or academic institutions are not considered commercial information requests.

Within twenty-one (21) business days from receipt of a written request for records sought for a commercial purpose, one or more of the following responses shall be given to the person requesting this record:

1. The requester's inspection or copying of the records may be granted immediately if the request is for a record or records that are easily accessible and immediately available. The person releasing the record shall prepare a memorandum of the release.
2. Advise in writing that the records are available for inspection or copying at the Township.
3. Advise in writing that the request is unduly burdensome with an offer to the person making the request of an opportunity to confer with the FOIA Officer in an attempt to reduce the request to a manageable proportion.
4. Deny, in whole or in part, the request in writing stating the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, as well as both the right to review by a Public Access Counselor and the Public Access Counselor's address and phone number. Any denial shall be made in writing and mailed or given personally. It shall include the name and title of the person responsible for the denial. Each notice of denial shall inform the requestor of his right to judicial review under Section 11 of the Act. When a request for public records 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. Copies of all notices of denial shall be retained by the Township in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.
5. Provide, in writing, to the requestor an estimate of the time required to provide the requested records and an estimate of the fees to be charged, which must be paid in full before copying the requested document. Unless the records are exempt from disclosure, the Township shall comply with the request within a reasonable time period considering the size and complexity of the request and giving priority to records requested for non-commercial purposes.

If a request is determined by the Township to be unduly burdensome, meaning it is (1) categorical in nature and incapable of being narrowed or reduced or (2) the burden on the public body to produce the information must outweigh the public interest in the information, the Township will give the requestor an opportunity to reduce the request to manageable proportions.

VI. Interpretation/Advisement

The Township has no obligation to interpret public records or to advise requester of their meaning or significance.

VII. Exempt Records

- A. Private information, which is defined as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial

information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses.” Under FOIA, “private information also includes home addresses and personal license plate numbers, except as otherwise provided by law or when compiled without possibility of attribution to any person.”

- B. Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the “unwarranted invasion of personal privacy” means the “disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” Disclosing information that relates to the public duties of public employees is not considered an invasion of personal privacy.
- C. Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding or that would disclose the identity of a confidential source.
- D. Information that, if disclosed, might endanger anyone’s life or physical safety.
- E. Preliminary drafts or notes in which opinions are expressed or policies are formulated, unless the record is publicly cited and identified by the head of the public body.
- F. Business trade secrets or commercial or financial information that is proprietary, privileged or confidential and disclosure would cause a competitive harm to the person or business.
- G. Proposals and bids for any contract, until a final selection is made.
- H. Requests that are ‘unduly burdensome.’ A request is unduly burdensome if there is no way to narrow the request, and the burden on the Township to produce the information outweighs the public interest in the information. However, before relying on this exemption, the Township will first give the requester an opportunity to reduce the request to a manageable size. If it is still unduly burdensome and the extent to which compliance will burden the operations of the Township. Such a response is considered a denial.

FOIA contains an exemption for records that, if disclosed, would result in a ‘clearly unwarranted invasion of personal privacy.’ An ‘unwarranted invasion of personal privacy’ means the ‘disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs and legitimate public interest in obtaining the information.’ Under FOIA, the disclosure of information that relates to the public duties of public employees is not considered an invasion of personal privacy.

When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under Section 7 of the Act, but also contains information that is not exempt from disclosure, the Township may elect to redact the information that is exempt. The Township shall make the remaining information available for inspection and copying.

VIII. Records Not in Township’s Possession But in Possession of Contractor Party

A public record that is not in the possession of the Township but is in the possession of a party with whom the Township has contracted to perform a governmental function on behalf of the Township, and that directly relates to the governmental function and is not otherwise exempt under this Act, is to be considered a public record of the Township, for purposes of the Act.

IX. Retrieval and Copying

Retrieval and copying of records is limited only to employees of the Township designated by the FOIA Officer.

X. Inspection of Records

Inspection of records shall only be permitted by appointment, in the presence of an employee of the Township designated by the FOIA Officer, during regular business hours.

XI. Central File for Denial Letters

A central file for denial letters, indexed by the type of exception for denial, will be maintained by the FOIA Officer.

XII. Fees

The fees for copies of records are as follows:

- A. The first 50 pages of black and white, letter or legal size copies: Free
- B. 15 cents per page for each page in excess of 50 pages copied by a Township employee in house.
- C. The actual cost per page for each color copy or size other than letter or legal.
- D. The actual cost per page for each page copied by a third party when the Township is unable to copy the records in house.
- E. \$1.00 per certificate if the copies are to be certified.
- F. Reproduction on disc, diskette, tape, or other media: actual cost of recording media.

If the person making the request for records states that the purpose of the request is for health, safety and welfare or legal rights of the general public rather than the personal or commercial gain and requests that the fee be waived or reduced, the FOIA Officer may, upon inquiry of the precise reason for the request, grant such waiver or reduction as he/she deems appropriate.

No fee shall be charged for copies of records if the Township fails to respond to a request within the time permitted for extension, but later provides the request public records.

No fee shall be charged for any personnel costs related to searching for, reviewing or reproducing records.

