



POLICY GOVERNING ACCESS TO PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT

1. SUMMARY AND PURPOSE

This policy governing access to public records is established to implement the provision of the Freedom of Information Act (p.a. 096-0542, effective January 10, 2010, Illinois Compiled Statutes ILCS140/1). The purpose of these rules is to support the policy of providing public records in the possession of the City of Colona, while at the same time, protecting legitimate privacy interest and maintaining administrative efficiency.

2. DEFINITIONS

Terms used in the policy governing access to public records shall have the same meaning as the Freedom of Information Act (FOIA). Requestor: a person who submits a request for public records in accordance with these policy rules.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Requests for public records (excluding those for Police Department information) should be submitted to the following address:

Colona City Hall
ATTN: Charlotte Park (FOIA Officer)
100 E 9th Ave
PO Box 170
Colona, IL 61241

Requests for public records concerning Police Department information should be submitted to the following address:

Colona Police Department
ATTN: Laura LaMantia (FOIA Officer)
215 1st St
PO Box 200
Colona, IL 61241

Requests may also be submitted via Email for non-police department information to cpark@colonail.com and police department information to llamantia@colonapolice.illinois.gov.

4. FORM AND CONTENT OF REQUEST

Requests in accordance with the Freedom of Information Act and the City of Colona's policy governing access to public records shall be in writing. For the convenience of the requestor, the City has created a FOIA request form available for use.

The following information is required when submitting a FOIA request:

- a. The requestor's full name, address and phone number.
- b. A **brief description** of the public record(s) being sought, being as **specific as possible**. Do not pose questions - if the specific document being requested is unknown, be specific about the information being sought.
- c. Annotate if the request is for inspection of public records, copies of public records, or both.
- d. Annotate if the request is for commercial purposes.

5. TIMELINE FOR RESPONSE TO FOIA REQUEST

The City shall respond to a written request for public records five (5) working days after the receipt of the request. The day of receipt of the request is not included in the five (5) working days.

The City may give notice of an extension of time to respond which does not exceed an additional five (5) working days. Such an extension is allowable only if written notice is provided within the original five (5) working day limit and only for reasons provided in the Act. Such notice of extension shall state the reasons why the extension is necessary and the date by which the records will be available or the denial shall be forthcoming.

In cases where necessary, the requestor and the City may agree in writing to extend the timeline for response beyond the five (5) working days specified for the response and the five (5) working day extension.

6. TYPE OF RESPONSE TO REUESTS FOR PUBLIC RECORDS

The City will respond to requests for public records in one (1) of three (3) ways:

- a. Approve the request
- b. A partial denial of the request
- c. Deny the request

Upon approval of a FOIA request, the City may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records. If a FOIA request is denied, the denial shall be made in writing. The reasons for denial and the names and titles of the individual(s) responsible for the decision shall be clearly stated in the written notification. If the denial is pursuant to an exemption set forth in Section 7 of the Freedom of Information Act, the notice of denial shall specify the exemption. It shall also inform the requestor's right to appeal to the

Public Access Counselor. Categorical requests creating an undue burden upon the City shall be denied only after extending to the requestor an opportunity to confer an attempt to reduce the request to manageable proportions in accordance with Section 3(g) of the Freedom of Information Act. Failure to respond to a written request within five (5) working days shall be considered by the requestor, a denial of the request.

7. PROCEDURES FOR APPEAL OF A DENIAL

A requestor whose FOIA request has been denied may appeal the denial to the Public Access Counselor (PAC) no later than 60 days after the final denial. The notice to appeal may be made in writing and sent to:

Public Access Counselor
Public Access Bureau
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

Any person denied access to inspect or copy any public record may file suit for injunctive or declaratory relief in circuit court.

8. PROCEDURES FOR PROVIDING RECORDS TO REQUESTORS

Inspection of records at the City of Colona Clerk's Office or the Colona Police Department will be made available for inspection during normal working hours of the FOIA Officers at their respective locations. City Hall Clerk's Office is located at 100 E 9th Ave and the Police Department is located at 215 1st Street. Unless otherwise arranged inspection will be made at the locations above.

Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. An employee will be present throughout the inspection. Copies, if required, will be made by an employee of City Hall or the Police Department. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Records" posted at City Hall. Copies of public records shall be provided to the requestor only upon payment of any charges which are due. Charges may be waived in any other case where the City Clerk or the Police Chief determines that the waiver serves the public interest, pursuant to Section 6 of the Act.

9. GENERAL MATERIALS AVAILABLE

The City Clerk's Office and the Colona Police Department shall prominently display in their department, make available for inspection and copying, send through the mail if requested and post on its website each of the following:

A brief description that will include a short summary of the City's purpose, a block diagram showing functional subdivisions, the total operating budget, the number and location of all separate offices, the approximate full and part-time employees, and the membership of the Colona City Council, the membership of all Boards and Committees, Board of Police Commissioners, and the Police Pension Board.

A brief description of the methods whereby the public may request information public records, a directory designating the Freedom of Information Act Officer(s), the address where requests of public records should be directed, and any allowable fees.

10. DOCUMENTS IMMEDIATELY AVAILABLE

The City of Colona, through the City Clerk's Office, shall make the following documents immediately available upon request:

- a. City Council meeting agendas and approved regular council meeting minutes
- b. Board meeting agendas and approved regular board meeting minutes
- c. Ordinances and Resolutions
- d. Proclamations

Freedom of Information Act request forms are available on the City's website or at the City of Colona City Hall at 100 E 9th Ave or the Colona Police Department at 215 1st Street.