

Village of Lombard Public Records Request Policy

POLICY: It is the policy of the Village of Lombard (the "Village") to comply with the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (the "Act" or "FOIA"), recognizing that all persons are entitled to full and complete information regarding the affairs of Village government and the official acts and policies of those who represent them as public officials and public employees, while, at the same time, protecting the legitimate privacy interests of persons and maintaining administrative efficiency. To achieve that objective, the Village, and its subsidiary bodies, such as, its boards, commissions and committees, will make available for inspection or copying, all public records, as defined in Section 140/2(c) of the Act (See Exhibit A attached hereto), which are not specifically exempted under Sections 7 and 7.5 of the Act (See Exhibits B and C attached hereto for a summary). The Act does not obligate the Village to maintain or prepare any public record not ordinarily maintained or prepared by the Village, or compel the Village to interpret or advise a requestor as to the meaning or significance of public records.

I. PROCEDURE FOR PROVIDING PUBLIC RECORD

A. Requests for Public Records

1. **General:** Except as otherwise provided in this Policy, requests for public records must be made in writing. Requestors may use the Village's FOIA request form, which is attached hereto as Exhibit D and is available on the Village's website. The Village will comply with written requests for public records within the time required by the Act. Working/business days are Monday through Friday, excepting recognized holidays.
2. **Oral Requests:** The release of public records based upon routine oral requests will be subject to the discretion of the Freedom of Information Officer. Examples of such routine oral requests include minutes of public meetings and copies of Village ordinances.
3. **Submitting a Request:** FOIA requests should be submitted to the designated Freedom of Information Officer at the following location:

Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148
Attn: Freedom of Information Officer
4. **The Request:** Persons making requests for Village records must specify:
 - a. The requestor's full name, address and telephone number.
 - b. The name or a brief description of the public record(s) requested, being as specific as possible.
 - c. Whether the request is for inspection of public records, copies of public records, or both.

- d. The desired method of delivery, i.e., will call, mail, facsimile, etc. The Village will attempt to accommodate the desired method, depending upon the records requested.
- e. Whether the request is for a commercial purpose.

B. Extensions

In the event that the Village cannot comply with a request within the five (5) business day period, the Village will notify the requestor in writing that an additional five (5) business day period is necessary to comply with the request. Such notification will include the specific reason for the delay and the date by which the public records will be made available, or denial will be made. Such an extension may be for any of the reasons set forth in the Act, which are as follows:

1. The requested public records are stored in whole or in part at locations other than the office having charge of the requested public records;
2. The request requires the collection of a substantial number of specified public records;
3. The request is couched in categorical terms and requires an extensive search for the public records responsive to it;
4. The requested public records have not been located in the course of a routine search and additional efforts are being made to locate them;
5. The requested public records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the Act or should be revealed only with appropriate deletions;
6. The request for public records cannot be complied with by the Village within the time limits prescribed above without unduly burdening or interfering with the operations of the Village; or
7. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

An extension beyond the additional five (5) business days requires a written agreement between the requestor and the Freedom of Information Officer to extend the time to respond to a different date.

C. Exemptions

The Act creates a presumption that all public records in the custody or possession of the Village are presumed to be open to inspection or copying. The Village is not required to provide copies of, or allow access to, any public records which are exempt from disclosure under the Act (See Exhibits B and C attached hereto) or are unduly burdensome, subject to certain requirements. Exemptions shall be considered as follows:

1. Exempt Public Records: The Village will not provide copies of, or allow access to, any public records which are exempt from disclosure under the Act.

2. Exempt Public Record with Non-Exempt Material: If a public record is not exempt from disclosure under the Act but contains material that is exempt, the Village shall delete the exempt material and make the public record available for inspection and copying.
3. Unduly Burdensome: Requests for all public records within a category shall be complied with unless compliance would be unduly burdensome for the Village, the request cannot be narrowed, and the burden on the Village outweighs the public interest in the information. Before invoking this exemption, the Village shall extend to the requestor an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If the Village responds to a categorical request by stating that compliance would unduly burden its operation, and an attempt to reduce the request is unsuccessful, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Village. Such a response shall be treated as a denial of the request for public records. Repeated requests from the same person for the same public records that are unchanged or identical to public records previously provided or properly denied are unduly burdensome.
4. Burden of Proof: If the Village asserts that a public record is exempt from disclosure, it has the burden of proving, by clear and convincing evidence, that it is exempt.

D. Inspection

Public records may be viewed at the Village Hall during normal business hours or at such other time and place as the Village may determine. When a request is made to view public records, the requestor should be advised not to appear at the Village Hall assuming the requested records will be available, unless confirmed by a Village employee, authorized to coordinate such viewing.

E. Village Response

1. Freedom of Information Officer Designation: The Village Manager shall designate an employee(s) as the Freedom of Information Officer(s), and shall appoint such assistants to the Freedom of Information Officer, within each Village Department, as the Village Manager shall deem necessary and appropriate. Such designations shall be included in the short description of the Village (See Exhibit E attached hereto).
2. Freedom of Information Officer Training: The Freedom of Information Officer(s), and his/her/their assistants, shall complete the training mandated by the Act within six (6) months of January 1, 2010. Persons assuming those positions thereafter shall complete the training within thirty (30) days of appointment/designation.
3. Public Records for Immediate Disclosure: The Freedom of Information Officer(s) shall develop a list of documents or categories of public records

that the Village shall immediately disclose upon request. That list shall be made available for all Village Departments.

4. **Response to Request:** Unless requested public records are provided immediately, any Village employee or official receiving a request for public records under the Act must immediately forward that request to the Freedom of Information Officer(s), who shall ensure that the request is responded to in accordance with the Act and this Policy. All requests shall be responded to as follows:
 - a. **Timing of Response:** Requests will be responded to within the five (5) business day period or the five (5) additional business day period if conditions for an extension of time exist, subject to further extension based upon a written agreement. Commercial requests shall be responded to as provided in Section IV.E. below.
 - b. **Receipt of Request:** Upon receipt of a request for a public record, the Freedom of Information Officer(s) shall:
 - (1) Note the date received;
 - (2) Compute the day on which the period for response ends and note that date on the request;
 - (3) Maintain an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been complied with or denied; and
 - (4) Create a file for the retention of the original request, a copy of the response, a record of the written communications with the requestor, if any, and a copy of any other communications.
 - c. **To Approve a Request:** Complete the proper response in Exhibit F attached hereto, indicating if public records are enclosed, payment due or the date, time and location for inspection, and send to the requestor, maintaining a copy of the completed form.
 - d. **To Obtain an Extension of Time to Respond to a Request:** Complete the extension form, attached hereto as Exhibit G, indicating the reason for an extension and send to the requestor, maintaining a copy of the completed form.
 - e. **To Deny a Request:** Complete the proper response in Exhibit F attached hereto, citing the factual basis for any claimed exemption, and send to the requestor, maintaining a copy of the completed form.
 - f. **To Deny a Request Based Upon Sections 7(1)(c) or 7(1)(f) of the Act:** Complete the Denial of Request for Public Records Based on Section 7(1)(c) or 7(1)(f) of the Act form, attached hereto as Exhibit H, indicating the section relied upon for denial and the factual basis for the claimed exemption, and send to the requestor, maintaining a copy; but also send a copy of the denial,

along with a copy of the FOIA request, to the Public Access Counselor (see form letter attached hereto as Exhibit I).

- g. To Deny a Request in Part: Complete the proper response in Exhibit F attached hereto, indicating the reason for denying a portion of the request and a detailed factual basis for such denial, and send to requestor along with the redacted public records.
- h. To Address an Unduly Burdensome Request: Contact the requestor and advise that the request is unduly burdensome and request a conference to attempt to narrow the request to a manageable proportion.

II. APPROVAL OF REQUEST FOR PUBLIC RECORDS

Upon approval of a request for public records, the Village may either provide copies of the public records immediately, give notice that the public records shall be made available upon payment of reproduction and postage costs, if applicable, or give notice of the time and place for inspection of the public records.

III. DENIAL OF REQUEST FOR PUBLIC RECORDS

- A. **Notice of Denial:** When a request for public records is denied on the grounds that the records are exempt under the Act, the notice of denial shall specify the exemption authorizing the denial. When the Freedom of Information Officer(s) denies a request for public records, he/she shall notify the requestor in writing of that decision, the reasons for the denial, including a detailed factual basis for the application of any claimed exception under Sections 3(g), 7 or 7.5 of the Act, and the names and titles or positions of each person responsible for the denial. A notice of denial shall also inform the requestor of his/her right to review by the Public Access Counselor, including the Public Access Counselor's address and phone number: 1-800-243-0618 or (217) 558-0486; Illinois Attorney General's Office, 500 South Second Street, Springfield, Illinois 62701. The requestor shall also be notified of the right to seek judicial review pursuant to the Act.
- B. **Categorical Requests:** Categorical requests creating an undue burden upon the Village shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(g) of the Act.
- C. **Denials Based upon Sections 7(1)(c) and 7(1)(f) of the Act:** In the event that a request is denied based upon an exemption under Section 7(1)(c) of the Act, as personal information, the disclosure of which would constitute a clearly unwarranted invasion of privacy unless consented to in writing, or Section 7(1)(f) of the Act, as a preliminary draft, note, recommendation, memorandum or other record in which opinions are expressed, or policies or actions are formulated, the Freedom of Information Officer(s) shall, within the time required, provide written notice to the requestor and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include: (i) a copy of the request for

access to public records; (ii) the proposed response from the Village; and (iii) a detailed summary of the Village's basis for asserting the exemption. If the Public Access Counselor determines that further inquiry is warranted, the time for response shall be tolled until the Public Access Counselor concludes the inquiry.

- D. Review by Public Access Counselor:** Upon receipt of a request for review, the Public Access Counselor is authorized to determine whether further action is warranted. The Public Access Counselor may find a request for review to be unfounded, so advising the requestor and the Village. In other cases, the Public Access Counselor will forward the request for review to the Village, specifying the public records or other documents that the Village must furnish to facilitate the Public Access Counselor's review. The Village must provide copies of the requested public records within seven (7) working days after receipt of the request and fully cooperate with the Public Access Counselor. The Village within that time period may, but is not required to, answer the allegations of the request for review by letter, brief or memorandum. The Public Access Counselor will forward such an answer, with any alleged confidential information redacted, to the requestor who may provide a response. The requestor or the Village may provide affidavits or records concerning any matter relative to the review. The Attorney General, through the Public Access Counselor, will provide an opinion in response to the request for review within sixty (60) days after its receipt, unless extended by the Public Access Counselor for up to twenty-one (21) additional business days. The opinion is binding upon the Village and the requestor, subject to administrative review under the Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

The Attorney General, through the Public Access Counselor, may exercise his/her discretion and choose to resolve a request for review by mediation or by a means other than the issuance of a binding opinion. The decision not to issue a binding opinion is not reviewable.

- E. Judicial Review During Public Access Counselor Review:** If a requestor files suit in court while a denial is pending review before the Public Access Counselor, the requestor is required to notify the Public Access Counselor, who shall take no further action with respect to that request, and shall so notify the Village.
- F. Denial Due to Time:** The Village's failure to respond to a written request within five (5) business days, an extension of an additional five (5) business days, or an extended date agreed to in writing between the parties, if any, may be considered by the requestor as a denial of the request.
- G. Retention of Denial Notices:** Copies of all notices of denial shall be retained by the Village 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 public records requested. That file shall be maintained by the Freedom of Information Officer(s).
- H. Advisory Opinions by Attorney General:** The Village may request the Attorney General, through the Public Access Counselor, to issue an advisory opinion regarding compliance with the Act. Such a request must be in writing executed by the Village Manager or the Village Attorney, and shall contain sufficient

accurate facts from which a determination can be made. The Village may rely upon such an opinion so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.

IV. SPECIAL REQUIREMENTS UNDER THE ACT

- A. Records of Funds:** All records relating to the obligation, receipt and use of public funds of the Village are public records subject to inspection and copying by the public. (See 5 ILCS 140/2.5)
- B. Payrolls:** Certified payroll records submitted to the Village under Section 5(a)(2) of the Prevailing Wage Act are public records subject to inspection and copying in accordance with the provisions of the Act; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the Village prior to disclosure. (See 5 ILCS 140/2.10)
- C. Arrest Reports and Criminal History Records:**
1. Arrest Reports: The following chronologically maintained arrest and criminal history information maintained by the Lombard Police Department shall be furnished as soon as practical, but in no event later than seventy-two (72) hours after the arrest, notwithstanding the time limits otherwise provided for in Section 3 of the Act: (i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the amount of any bail or bond; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.
 2. Criminal History Records: The following documents maintained by the Village pertaining to criminal history record information are public records subject to inspection and copying by the public pursuant to the Act: (i) court records that are public; (ii) records that are otherwise available under State or local law; and (iii) records in which the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi) of the Act (disclosure would endanger the life or physical safety of law enforcement personnel or any other person).
 3. Limitations on Disclosure: Information described in subsections (iii) through (vi) of Section C.1. above may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

4. Juvenile Records: The provisions of the Act do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987. (See 5 ILCS 140/2.15)

D. Settlement Agreements: All settlement agreements entered into by or on behalf of the Village are public records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 7 of the Act may be redacted. (See 5 ILCS 140/2.20)

E. Commercial Purposes: When public records are requested for commercial purposes, the Freedom of Information Officer(s) shall respond within twenty-one (21) working days. The response shall:

1. provide the requestor with an estimate of the amount of time required to provide the requested public records and an estimate of the fees to be charged, which must be prepaid;
 2. deny the request pursuant to any applicable exemption(s);
 3. notify the requestor that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or
 4. provide the requested public records.
- (See 5 ILCS 140/3.1)

F. Public Record in Possession of Another: A public record that is not in the possession of the Village but is in the possession of a party with whom the Village has contracted to perform a governmental function on behalf of the Village, and that directly relates to the governmental function of the Village, but is not otherwise exempt under the Act, is considered a public record of the Village for purposes of the Act.

V. FEES

A. Fees Generally: Except when a fee is otherwise fixed by statute, the Village shall charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of Village equipment to copy public records.

B. Electronic Format: When a person requests a copy of a public record maintained in an electronic format, the Village shall furnish it in the electronic format specified by the requestor, if feasible. If it is not feasible to furnish the public record in the specified electronic format, then the Village shall furnish it in the format in which it is maintained by the Village, or in paper format, at the option of the requestor. For public records produced in electronic format, the Village shall charge the requestor for the actual cost of purchasing the recording medium, whether disc, diskette, tape or other medium. Any statutory fees applicable to copies of public records when furnished in paper format shall not be applicable to those public records when furnished in electronic format.

- C. **Fee Schedule:** Fees may include postage, or the actual cost incurred in sending via facsimile if the requestor asks for the response to be sent via facsimile, but must exclude the costs of any search for and review of the public record. Such fees shall be imposed according to the following schedule of fees:

Public Record	Fee
Maps or Plats	\$3.00 per page
Police Accident Reports	\$5.00 per report
Fire Incident Reports	\$5.00 per report
Duplication of Black & White Village Records that are letter size (8½ x 11) or legal size (8½ x 14)	The first 50 pages shall be at no charge, with any pages in excess of 50 at \$0.15 per page
Duplication of Village Records that are in Color, or are not letter size (8½ x 11) or legal size (8½ x 14), except as noted elsewhere in this chart	Actual cost to copy
Certification of Records	\$1.00 per certification
Ambulance Reports	\$5.00 per report
Bound Zoning Ordinance	\$20.00 per ordinance
Zoning Map	\$3.00 per map
Bound Subdivision and Development Ordinance	\$15.00 per ordinance
Bound Sign Ordinance	\$10.00 per ordinance
Bound Comprehensive Plan	\$15.00 per plan
Electronic Medium	Actual cost of disc or tape
Accident Reconstruction Report	\$20.00

- D. **Payment of Fees:** If a request is made in person, and Village staff is able to comply with the request at that time, all fees must be paid upon receipt of the public records. If additional time is needed to comply with the request, the requestor will be notified when the public records are available, and fees must be paid at the time of delivery. Written confirmation from the requestor should be obtained for charges over \$25.00.
- E. **Waiver or Reduction of Fee:** Public records shall be furnished without charge or at a reduced charge, as determined by the Village Manager, if the requestor states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public. In setting the amount of the waiver or reduction, the Village may take into consideration the amount of public records requested and the cost of copying them.

IV. PUBLIC INFORMATION

- A. General Information:** The Village shall post on its website and prominently display at the Village Hall and at each of its administrative or regional offices, make available for inspection and copying, and send through the mail if requested, each of the following:
1. A brief description of itself, which will include, but not be limited to, a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to its operation, or which exercises control over its policies or procedures, or to which the Village is required to report and be answerable for its operations; and
 2. A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information Officer(s) and address(es) where requests for public records should be directed, and any fees required for copying charges.
- B. List of records:** The Village shall maintain and make available for inspection and copying a reasonably current list of all types or categories of public records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to the Act. The Village shall furnish, upon request, a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

EXHIBIT A

5 ILCS 140/2

(c) "Public records" means 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.

EXHIBIT B

SUMMARY OF GENERAL EXEMPTIONS FROM 5 ILCS 140/7

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order. Private information means 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 email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "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. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

(i) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys and other examination data used to administer an academic examination;

- (ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;
 - (iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and
 - (iv) course materials or research materials used by faculty members.
- (k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.
- (l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.
- (m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.
- (n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.
- (o) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.
- (p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.
- (q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.
- (r) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.
- (s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self insurance pool or jointly self administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.
- (t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or

supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(w) Note: No subsection (w) was provided for in Public Act 96-542.

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

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

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

EXHIBIT C

SUMMARY OF STATUTORY EXEMPTIONS FOR QUICK REFERENCE

The following is a summary of the statutory exemptions contained in Section 7.5 of the Act, 5 ILCS 140/7.5, which typically apply to Village business. Note: the Act should be reviewed to determine if other such exemptions apply.

- Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. (5 ILCS 140/7.5(f))
- Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act. (5 ILCS 140/7.5(h))
- Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code. (5 ILCS 140/7.5(i))
- Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act. (5 ILCS 140/7.5(j))
- Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code. (5 ILCS 140/7.5(k))
- Information prohibited from being disclosed by the Personnel Records Review Act. (5 ILCS 140/7.5 (q))
- Information prohibited from being disclosed by the Illinois School Student Records Act. (5 ILCS 140/7.5(r))

EXHIBIT D

**REQUEST FOR PUBLIC RECORDS
UNDER THE FREEDOM OF INFORMATION ACT**

FROM:
Name: _____
Address: _____
City/State/Zip: _____
Phone Number: _____

TO:
Freedom of Information Officer
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

DESCRIPTION OF REQUESTED PUBLIC RECORD(S): _____

Please indicate if you wish to inspect the public records or wish a copy of them:

Inspection _____ Copy _____ : paper _____ or electronic _____

Charges: (see Section 37.09 of the Village Code)

Certifying a document: \$1.00

Copying: From the copy machine - \$.15 per page after the first 50 pages
for black and white, letter or legal sized

Oversized copies: actual cost

Color copies: actual cost

Do you wish to have the copies certified? Yes _____ No _____

Is this information to be used for a commercial purpose? Yes _____ No _____

Note: It is a violation of the Freedom of Information Act to knowingly obtain a public record for commercial purposes without disclosing that it is for a commercial purpose.

This request is being made in accordance with the provisions of the Freedom of Information Act, and the undersigned agrees to abide by the requirements of that Act, and to pay all applicable charges involved with the copying of the public records including postage costs.

SIGNATURE

FOR OFFICE USE ONLY

Date Received

Date Response Due

Received by: _____

Notations: _____

Exhibit E

Village of Lombard

Governmental & Departmental Overview

The Village of Lombard is organized under the **Council-Manager** form of government, which possesses the following characteristics:

- Council employs a professionally trained manager to carry out the policies it develops.
- Manager is the head of the executive or administrative branch of the government.
- Manager hires department heads to run the various departments of the Village or City.

The roles of the Village hierarchy are as follows:

Village President

- Leader of the Village
- Presides over meetings of the Village Board of Trustees
- Signs all ordinances, commissions, resolutions and other legal documents

Village Board of Trustees

- Vote on legislation and other items that come before the Board
- Represent the voters of the district from where they were elected
- Serve as chair of the various standing and ad-hoc committees of the Village

Village Clerk

- Custodian and keeper of the corporate seal and all books, records and papers of the Village
- Attends all Board meetings, takes minutes and records the votes of the Village Board
- Signs all documents requiring the Clerk's signature such as ordinances and resolutions approved by the Village Board of Trustees

Village Manager

- Appointed by the Village Board of Trustees
- Administrative head of municipal government in the Village
- Responsible for hiring Department Heads as well as all other non-sworn Village employees

Finance Department

- The Finance Department is responsible for:
 - Accounting and financial reporting
 - Cash management and investments
 - Debt issuance
 - Purchasing
 - Budgeting

- Customer services including licensing and utility billing
- Information Technology
- Risk management and insurance

Police Department

- The Police Department is responsible for:
 - Records management
 - Front desk operations
 - Evidence property room
 - Police facilities
 - 24 hour, 7 day a week emergency response and visible protection to the citizens and businesses of Lombard
 - Criminal investigations
 - Traffic control and vehicle enforcement

Fire Department

- The Fire Department is responsible for:
 - 24 hour, 7 day a week services to the citizens and businesses of Lombard
 - Firefighting and rescue operations
 - Emergency medical services
 - Building inspections
 - Fire prevention
 - Emergency preparedness services
 - Public education

Community Development Department

- The Community Development Department is responsible for:
 - Planning services
 - Economic development
 - Code administration
 - Private engineering services
 - Communications and marketing

Public Works Department

- The Public Works Department is responsible for:
 - Repairing and maintaining streets
 - Snow plowing
 - Street lighting
 - Forestry services
 - Water pumping and distribution
 - Sanitary sewer collection
 - Storm water management
 - Engineering
 - Capital improvement management

EXHIBIT F

RESPONSE LETTER TO REQUESTOR

Date _____

Name: _____

Address: _____

Re: Freedom of Information Act ("FOIA" or the "Act") Request dated _____

Dear _____:

This letter contains the response to the FOIA request you submitted on _____.

- The attached public record(s) is provided in response to your request.
- The public record(s) requested will be provided upon payment of \$ _____.
- The public record(s) is available for inspection. Please call _____ to arrange for an appointment to review the public record(s).
- Please note that, pursuant to Section 7 of the Act, the following parts of your request are exempt from disclosure pursuant to the following section(s) of the Act: _____ (include detailed factual basis for denial and citation to legal authority for any claimed exemption) _____

Said portions of the public record(s) will not be made available for inspection and/or copying.

- Your FOIA request has been denied. The public records that are responsive to your FOIA request are exempt from disclosure pursuant to following section(s) of the Act: _____ (include detailed factual basis for denial and citation to legal authority for any claimed exemption) _____
- No such public record is maintained.
- The record you have requested is not a "public record" as defined by the Act.
- Your FOIA request has been denied because compliance with your request would be unduly burdensome for the following reasons:
 - You have made repeated requests for the same public record(s); or
 - _____

The person or persons who made this decision and his/her/their title(s) is/are: _____

If your request for public records has been denied in full or in part, you have the right to appeal the denial of the public records you have requested to the Public Access Counselor by submitting a written notice of appeal to: Public Access Counselor, Illinois Attorney General's Office, 500 South Second Street, Springfield, Illinois 62706; 1-800-242-0618 or (217) 558-0486. You also have the right to judicial review pursuant to Section 11 of the Act.

Freedom of Information Officer
Telephone No.: _____

Date

EXHIBIT G

EXTENSION OF TIME TO RESPOND TO FOIA REQUEST

Date _____

Name: _____

Address: _____

Re: Freedom of Information Act ("FOIA" or the "Act") Request dated _____

Dear _____:

DESCRIPTION OF REQUESTED PUBLIC RECORDS: _____

The response to your request for public records, dated _____, must be delayed. Pursuant to Section 3(e) of the Act, the delay in responding to your request is for the following reason(s):

- The requested public records are stored at another location.
- The request requires the collection of a substantial number of public records.
- The request is categorical in nature and requires an extensive search.
- The requested public records have not been located in the course of a routine search and additional efforts are being made to locate them.
- The requested public records require examination and evaluation by competent personnel who have the discretion to determine (1) if the public records are exempt under Section 7 of the Act or (2) whether some portion of the public records should be deleted before release because the public records are partially exempt.
- Compliance within five (5) business days would unduly burden or interfere with the operations of the Village.
- There is a need for consultation that shall be conducted "with all practicable speed" with another public body or between two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

You have agreed to extend the deadline for compliance to _____, 20__.

The public records you have requested will be made available to you by _____ (insert date five (5) business days after first deadline) or we will make a decision denying your request by such date. Such date will be within five (5) additional business days from _____ (insert date of first deadline). If you are willing to extend the time for compliance beyond this date, please contact the undersigned with the date by which you agree to extend the time for compliance.

Freedom of Information Officer
Telephone No.:

Date

EXHIBIT H

**DENIAL OF REQUEST FOR PUBLIC RECORDS
BASED ON SECTION 7(1)(c) OR 7(1)(f) OF THE ACT**

Date _____

Name: _____

Address: _____

Re: Freedom of Information Act ("FOIA" or the "Act") Request dated _____

Dear _____:

The Village intends to deny your request for public records, dated _____. The materials requested are exempt under Section 7(1)(c) or Section 7(1)(f) [select as applies] of the Act for the following reasons (state (or attach) detailed factual basis for the claimed exemption): _____

A copy of your request is enclosed.

The individual(s) who was/were responsible for this response is/are: _____

You have the right to appeal the denial of the records you have requested to the Public Access Counselor by submitting a written notice of appeal to:

Public Access Counselor
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
1-800-243-0618 or (217) 558-0486

You also have the right to judicial review pursuant to Section 11 of the Act.

Freedom of Information Officer

Date

cc: Public Access Counselor (with a copy of request and
detailed summary of basis for the claimed exemption)
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

EXHIBIT I

**NOTICE OF DENIAL TO PUBLIC ACCESS COUNSELOR
FOR SECTION 7(1)(c) OR 7(1)(f) EXEMPTIONS**

Date

Public Access Counselor
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

Dear Public Access Counselor:

The undersigned is a Freedom of Information Officer for the Village of Lombard. We are in receipt of the attached request received on the date noted, and intend to deny the request because the documents sought fall under the exemption within the Freedom of Information Act relative to 7(1)(c) Personal Information and/or 7(1)(f) Preliminary Documents.

The proposed denial letter is attached, which includes a summary of the Village's basis for the proposed denial.

Sincerely,

Freedom of Information Officer
Village of Lombard