

CITY OF TRENTON
POLICY GOVENING ACCESS TO PUBLIC RECORDS
UNDER THE FREEDON OF INFORMATION ACT

1. SUMMARY AND PURPOSE

The purpose of this document is to set forth rules and procedures established by the City of Trenton to implement the provisions of the Freedom of Information Act, as revised (P.A. 096-0558, effective January 1, 2010, Illinois Compiled Statues, Chapter 5, Act 140, hereinafter the “Act”). The City of Trenton Policy Governing Access to Public Records (hereinafter known as “Policy”) creates a procedure by which the public may request and obtain public records in conformance with the Act.

THE PURPOSE OF THIS POLICY IS NOT TO PROVIDE LEGAL ADVICE. THE ACT IS LENGTHY AND COMPLEX AND ANYONE DESIRING ADDITIONAL INFORMATION REGARDING THE ACT SHOULD REVIEW THE ENTIRE ACT WHICH IS A LEGISLATIVE PUBLIC RECORD OF THE STATE OF ILLINOIS. THE CITY OF TRENTON DOES NOT AND WILL NOT PROVIDE LEGAL ADVICE REGARDING THE ACT. ANYONE SEEKING LEGAL ADVICE REGARDING THE ACT MAY CONTACT THEIR OWN LAWYER OR THE ILLINOIS ATTORNEY GENERAL’S OFFICE IN THOSE CIRCUMSTANCES AUTHORIZED BY THE ACT. THE FOLLOWING IS A BRIEF OUTLINE TO ASSIST REQUESTIORS IN UNDERSTANDING THE CITY OF TRENTON’S PROCEDURES UNDER THE ACT.

2. DEFINITIONS

Terms used in this Policy shall have the same meaning as those contained in the Act.

“FOIA” means the Freedom of Information Act.

“Requester” means a person who submits a request for public records in accordance with the Act/this Policy.

“City” means City of Trenton.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Requests for public records shall be submitted to one of the City’s FOIA Officers listed below:

Police Department:
Chris Joellenbeck
Trenton Police Department
25 W. Indiana St.
Trenton, IL 62293

All Other Departments:
Karen Buzzard
Trenton City Hall
14 W. Broadway
Trenton, IL 62293

4. FORM AND CONTENT OF REQUESTS

Requests in accordance with the Freedom of Information Act shall be in writing (example of a format is attached) and requests are to be submitted by mail, personal delivery, fax, email, etc. No specific written form is required. Oral requests may be considered based upon circumstances.

A FOIA request should contain the following*:

- a. The requester's full name (printed and signature), address, daytime phone number, fax number and email address if applicable.
 - b. A brief, yet specific description of the public records sought.
 - c. Whether the request is for inspection of public records, copies of public records, or both. Copies will be provided in the manner/medium requested, in the format the City maintains or other agreed upon manner as feasible.
 - d. Whether the copies of public records requested should be certified.
- ❖ Please note, under the revised law, if the request is being made for a commercial purpose, the requester shall make such statement when requesting a record(s).

5. TIMELINESS FOR THE CITY RESPONSE TO REQUEST FOR PUBLIC RECORDS

The City shall respond to a written request for public records within five (5) working days **after the day of receipt** of such request.*

The City may give notice of an extension of time to respond which should not exceed an additional five (5) working days unless agreed upon by the requestor and FOIA Officer. Such an extension is allowable only if written notice is provided within the original five (5) working day time limit and only for the reasons provided in Section 3(e) of 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.

- ❖ Under the revised law, requests made for a commercial purpose have a different timeframe.

6. TYPE OF CITY RESPONSES TO REQUESTS FOR PUBLIC RECORDS

The City shall respond to requests for public records in one of three ways:

- a. Approve the request.
- b. Approve in part and deny in part.
- c. Deny the request.

Upon approval of the request for public records, the City may either provide the materials immediately or within the five day period, 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 the records. The first fifty 8 ½ by 11 pages of black and white copies will be provided without charge. Other charges shall be imposed in conformance with the Act.

A denial of a request for public records shall be made in writing. It shall state the reason for the denial, including a factual basis for the application of an exemption, and the names, titles, or positions of individuals responsible for the denial. It shall also inform the requester of the right to review by the Public Access Counselor (Phone:217.558.0486, or by writing to the Attorney General, State of Illinois, 500 S. Second St., Springfield, IL 62705). Notice of denial shall inform such person of his/her right to judicial review under Section 11 of the Act.

Categorical requests creating an undue burden upon the City shall be denied only after extending to the requester an opportunity to confer in an attempt to narrow the request to manageable proportions in accordance with Section 3(g) of the Act. The denial of such a request must be in writing, specifying the reasons why the request is unduly burdensome. (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 under this section.)

Failure to respond to a written request within five (5) working days shall be considered by the requester a denial of the request. (Timeframe is different for Commercial Purpose requests.)

7. PROCEDURES FOR APPEAL OF A DENIAL

Requester

A requester whose request has been denied by the City may appeal the denial within sixty (60) days to the Public Access Counselor. The request for review must be in writing, signed by the requester, and include (i) a copy of the request for access to records and (ii) any responses from the public body.

State of Illinois Attorney General
Public Access Counselor
500 S. Second Street, Springfield, IL 62705
Phone: 217-558.0486

FOIA OFFICER

If a denial is made asserting that the record(s) are exempt under subsection (1) (c) or (I) (f) of Section 7 of the Act, within the time periods provided for responding to a request, the FOIA officer must provide notice to the requester and the Public Access Counselor of their intent to deny the request in whole or in part.

8. PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Generally, public records will be made available for inspection during normal working hours at the City offices as identified above in Section #3.

Documents which the requester wishes to have copied shall be segregated during the course of the inspection. A City employee may be present throughout the inspection. Generally, all copying shall be done by a City employee unless the items are sent out by the City to a third-party copy service of the City's choosing. A

requester may be prohibited from bringing bags, briefcases, or other containers into the inspection room.

Copies of public records shall be provided to the requester only upon payment of any fees which are due. When copies of voluminous records are requested and/or copies of records with a cost of \$5.00 or more to copy, the City may require payment before copies are made.

Charges for copies of public records shall be assessed in accordance with the "Duplication Fees Schedule" The City does not have facilities to copy such items as plats, microfiche, or cassette tapes, but it will contact an outside contractor of its choosing to have such copies made. A charge will be assessed for such copies based upon the actual cost of such copies incurred by the City.

Charges for reproduction may be reduced or waived if the requester states the specific purpose for the reduction/waiver and states how or why the request is in the public interest, pursuant to the Act.

9. GENERAL MATERIALS AVAILABLE

The City of Trenton, through the office of the City Clerk, shall make available to the public at no charge the following material:

- The policy governing access to public records.
- A list of public records by classification maintained by the City.
- A summary description of the organizational structure and budget of the City: as well as all other information required by the Act.
- Non mandatory Freedom of Information request forms.

Requestors are also encouraged to visit the City's website at www.trentonil.org. The website contains a variety of documentation, such as agendas, ordinances, and minutes.

10. NOTIFICATION OF EMPLOYEES AND ELECTED OFFICIALS

The City of Trenton, through the office of the City Clerk, shall make notification to the elected official and/or employee of the City of Trenton when they are the specific subject of a FOI request. This notification shall be in the form of an email or letter for documentation purposes and shall be done within 5 days of the completed FOI request.