

**CITY OF PLANO
RULES AND REGULATIONS IMPLEMENTING
ILLINOIS FREEDOM OF INFORMATION ACT**

These Rules and Regulations (the "Rules") include the procedures, instructions, and forms for requesting public records from the City of Plano (the "City") under the Illinois Freedom of Information act (the "Act").

The City will respond to all written requests for inspection, copying or certification of public records in accordance with the Act, these Rules, and any and all applicable laws. Provided the request does not implicate an exemption under the Act, the City will provide the requested public records for inspection or copying.

Requests for public records or any other communication related thereto must be forwarded to the City's Freedom of Information Officer at:

**City of Plano
17 E. Main Street
Plano, Illinois, 60545
Phone: 630-552-8275
Fax: 630-552-8292
E-mail: cmartin@cityofplanoil.org**

**REQUESTS FOR INSPECTION, COPYING OR CERTIFICATION
OF PUBLIC RECORDS**

1. Officials Responsible for Responding to Requests

The Freedom of Information Officer (the "FOI Officer") is the person administratively responsible for receiving and processing requests to inspect, copy or certify public records.

The FOI Officer is the person with authority on behalf of the City to grant or deny requests, to extend the response time, and to issue the appropriate notices with respect to all related matters. The FOI Officer may consult with City staff, officials, and other as appropriate before responding to a request.

The City may, from time to time, appoint Deputy FOI Officers to assist the FOI Officer in the performance of his or her duties under the Act and these Rules. In the absence of the FOI Officer, the Deputy FOI Officers have the same authority as the FOI Officer as noted above.

II. Requests

A. Information. A request may be submitted in writing and in English. While the City encourages requesters to use the form attached to these Rules ("Request

Form"), the information may be submitted in any form provided the following information is included in the request.

1. The full name of the requester;
2. Contact information for the requester, such as mailing address, e-mail address or telephone number;
3. A description of the public records requested;
4. A statement of the purpose for the request sufficient to determine whether the request is for a commercial purpose or if a fee waiver or reduction should be allowed.
5. A statement as to whether the request is from the news media or a non-profit, scientific, or academic organization;

B. Requests to be Complete: No request shall be deemed complete unless it contains all of the information required under these Rules.

C. Submittal of Requests: Requests must be filed with the FOI Officer in accordance with the contract information provided above and may be done so by mail, facsimile, electronic mail, overnight courier service, or in person. Requests will be deemed received only upon actual receipt by the FOI Officer on a business day during business hours, regardless of the date of submission. A business day is herein defined as any day on which the City Hall is open and staffed for regular public business. Business hours are herein defined as 8:00 AM to 5:00 PM Monday through Friday.

All City officials and employees who receive a request for public records shall immediately upon receipt forward that request to the FOI Officer.

D. Processing of Requests:

1. Upon receipt of a request, the FOI Officer must determine if the request is complete. If the request is not complete, the FOI Officer must so notify the requester within five (5) business days of receiving the request. If the FOI Officer determines that the request is complete, the FOI Officer shall indicate on the request the date and time of receipt and, if known, the date by which the City must respond to the request.

2. The FOI Officer must maintain a copy of the request until it has been complied with or denied and must create a file for each request for public records with all related documentation, including a copy of any response by the City and a copy of any and all communication related to the request.

3. The FOI Officer must maintain all notices of denial in a single central file that is open to the public and indexed according to the exemption asserted by the City and, if possible, according to the types of records requested.

III. Responses to Requests

A. Commercial Purposes The City will respond to all requests made for a commercial purpose within twenty-one (21) business days. The response of the City shall:

1. Provide an estimate of the time needed to provide the records and an estimate of the fees to be charged, which shall be paid up front before copying;
2. Deny the request based upon an exemption;

3. Advise the requester that the request is unduly burdensome and allow the requester the opportunity to reduce the request; or
4. Provide the requested records upon receipt of payment.

B. Arrest Reports The City will respond to requests for chronologically maintained arrest and criminal history information within seventy-two (72) hours after the latest to occur of (a) the arrest that is the subject of the Request, or (b) the time of receipt of the request.

C. All Other Requests For requests other than those set out in Paragraph III A and B, the City will respond within five (5) business days after a completed request is received, unless the response time has been extended pursuant to Paragraph II.D of these Rules. If the FOI Officer determines that the Act requires disclosure of all or any part of the requested public records, then the FOI Officer will notify the requester in writing either that the records are copied or that the records are ready for inspection.

1. Copies: Copies of public records approved by the COI Officer for disclosure may be obtained during normal business hours at City Hall or will be mailed to the requester on request, provided that the requester has paid all applicable fees.
2. Inspection: Public records approved by the FOI Officer for disclosure may be inspected and copies obtained during normal business hours at City Hall upon appointment made with the FOI Officer.

D. Extension of Time. If the FOI Officer determines that additional time is needed to respond to a request, the FOI Officer will notify the requester in writing within five (5) business days of receipt of the request. Said notice shall give the reason for the extension and the length of the extension, which shall not exceed five (5) business days. Requests for an extension may be made for the following reasons:

1. The public records are stored at other locations;
2. The request requires the collection of a substantial amount of records;
3. The request is categorical and requires an extensive search;
4. The records have not been located and additional time is needed to search;
5. The records require examination for exemption or redaction purposes;
6. The request is unduly burdensome;
7. Consultation with another public body or other components of the corporate body is necessary.

E. Records in Electronic Format. If the request is for records maintained by the City in electronic format, the City shall provide it to the requester in the electronic format specified in the request, if possible. If not possible, the requester may elect to have it in the format maintained by the City or in paper format. The City may charge the requester for the actual cost of purchasing the recording medium.

F. Audio and Video Recordings. Any requests for reproduction of public records that are contained on audio or video recordings will be responded to in accordance with the Act, the Illinois Open Meetings Act, any other applicable state statute and the rules. The City may charge the requester for the actual cost of purchasing the recording medium.

G. Acknowledgement of Receipt or Inspection. Upon receipt or inspection of the requested public records, the FOI Officer and the requester shall acknowledge receipt or inspection by execution of the Acknowledgement Form attached to these Rules or a similar form.

IV. Denial

A. Categorical Requests. If the FOI Officer receives a request for all records falling within a category and the FOI Officer determines that compliance with the request would be unduly burdensome, that there is no way to narrow the request, and that the burden on the City outweighs the public interest in the production of the records, then the FOI Officer will advise the requester in writing of the determination and the reasons therefore, and notify the requester of the right to meet with the FOI Officer to attempt to reduce the request to manageable proportions.

1. If the requester meets with the FOI Officer and the request is narrowed down to manageable proportions, then the FOI Officer shall respond to the request, as narrowed down, within the applicable response time as calculated from the date of the meeting with the requester. The response may take any form specified in Paragraph III.
2. If the requester does not meet with the FOI Officer, then the FOI Officer will deny the request using the General Notice of Denial/Partial Denial form attached hereto five (5) business days after sending the requester notice advising the requester of his or her right to meet with the FOI Officer.
3. The City may not determine that a request is unduly burdensome should the City fail to respond to the request within the applicable response time.

B. Notice of Denial. If the FOI Officer determines that a request should be denied, the City must notify the requester in writing of the decision using the General Notice of Denial/Partial Denial form, the reasons therefore, including a detailed factual basis, and the names and titles of each person responsible for the denial. The Notice must also inform the requester of the right to review by the Public Access Counselor (PAC) including the PAC's name and phone number, and the right to judicial review.

1. If a request is denied based upon an exemption, the Notice must specify the Exemption and the specific reasons for the denial, including a detailed factual basis and citation to supporting legal authority.
2. If a denial is based upon a claimed exemption under subsection 7(1)(c), for personal information contained within public records that would constitute a clearly unwarranted invasion of privacy, or 7(1)(f), for preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies of actions are formulated, then the City must provide notice to both the requester and the PAC of its intent to deny the request in whole or in part. The notice must include a copy of the request, the Notice of Denial/Partial Denial, and a detailed summary of the City's basis for asserting the exemption (5 ILCS 140/9.5(b)).

C. Cooperation with PAC. Should the PAC determine that further review of any denied request is warranted, the FOI Officer will comply with the directive of the PAC, or seek appropriate review, as provided in the Act.

V. Fees

A. Amount

Fees for copies of records are as follows:

Black and white copies (letter or legal size)	No charge for 1st 50 pages \$0.15 per page thereafter
Certification:	\$1.00 each
Maps (zoning, comprehensive plan, wards)	\$5.00 each
Subdivision Control Ordinance	\$30.00 each
Mailing:	Cost of postage

For requested records that are not of a type listed above, the fees charged to the requester will be the City's actual cost for reproducing the record. The fees stated above will not apply if the fee for the requested record is otherwise determined by statute.

B. Payment. All required fees must be paid in cash, by cashier's or certified check, or by money order prior to the copying, certification and/or mailing of any public record.

C. Waiver or Reduction. The fees provided above may be waived or reduced by the FOI Officer if the FOI Officer is reasonably satisfied that waiver or reduction is in the public interest. Any request for a fee waiver or reduction must be indicated in the request for public records at the time it is submitted. Subsequent requests will not be considered.

D. Failure to Respond. If the FOI Officer does not timely respond to a complete request for public records, as provided for in Paragraph II.A., then the City shall not require the payment of fees for any copies of records produced in response to the request.

VI. City Obligations

A. Description of City. The City shall prominently display at City Hall, make available for inspection and copying, send through the mail, if requested, and post on the City website a description of the City containing the following:

1. The membership of the City Council and all of its standing and special Committees and other advisory bodies;
2. A short summary of its purpose;
3. A block diagram of the City's functional subdivisions;
4. The total amount of the City's operating budget;
5. The number and location of the City's offices;
6. The approximate number of City part-time and full-time employees

B. Request Procedures. The City shall prominently display at City Hall, make available for inspection and copying, send through the mail, if requested, and post on the City website a brief description of the methods whereby the public may request information and public records, a directory designating the FOI Officer(s), the address where requests for public records should be directed, and any fees allowable under Section 6 of the Act.

C. Index. The City must create, maintain current, and make available for inspection, copying, and mailing, a current index of all types or categories of public records prepared, received and/or maintained by the City after July 1, 1984. The index

must be reasonably detailed to assist persons in obtaining access to the public records of the City.

D. No Obligation. With the exception of the records referenced in Paragraph VI.A, VI.B, and VI.C the City shall have no obligation under the Act or these Rules to create records that the City does not already maintain. In addition, neither the Act nor these Rules compel the City to interpret or advise as to the meaning of any public records.