CITY OF CRYSTAL LAKE

FREEDOM OF INFORMATION ACT

REQUESTS FOR PUBLIC RECORDS

The City of Crystal Lake maintains comprehensive Rules and Regulations Implementing the Illinois Freedom of Information Act (the "FOIA Rules"), which provide procedures, instructions, and forms for obtaining City public records.

This document provides a brief summary of the City's FOIA Rules.

All requests to inspect, copy, or certify public records must be submitted to the City in writing. The City encourages Requestors to submit their requests on the convenient form provided by the City, which is available at the City Hall and on the City's website. The City will review all written requests in any form. The City will respond to each written request to inspect, copy, or certify public records in a manner consistent with the Illinois Freedom of Information Act.

Copies of public records will be provided upon payment of a copying fee, if applicable, as provided in Section IV of the FOIA Rules. If requested, copies of public records will be mailed after the City receives payment of the actual cost of postage and copying.

Requests and other communications regarding City records relating to a request to inspect, copy, or certify public records, all requests for copies of the FOIA Rules, and all requests for any other information relating to the City's implementation of the Illinois Freedom of Information Act must be directed to:

Nick Hammonds, Deputy City Manager
100 W. Woodstock Street
Crystal Lake, IL 60014
Phone: (815) 459-2020
Facsimile: (815) 459-3780
E-mail: foia@crystallake.org

The foregoing information is provided pursuant to Section 4(b) of the Illinois Freedom of Information Act, 5 ILCS 140/4(b).

CITY OF CRYSTAL LAKE

ILLINOIS FREEDOM OF INFORMATION ACT
RULES AND REGULATIONS

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

The City will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, these Rules, and any other applicable law. Generally, under the Act, the City will provide public records for inspection or copying as requested except for records (1) that would, if disclosed, violate individual privacy, or (2) whose production would disrupt the duly undertaken work of the City, or (3) that are specifically exempted from disclosure by the Act or other applicable law.

Requests and other communications relating to public records must be sent to the City's Freedom of Information Officer:

Nick Hammonds, Deputy City Manager
100 W. Woodstock Street
Crystal Lake, IL 60014
Phone: (815) 459-2020
Facsimile: (815) 459-3780
E-mail: foia@crystallake.org

I. INTERPRETATION

A. Conflicts

These Rules do not supersede the provisions of the Act. If a provision of these Rules conflicts with the Act, then the provisions of the Act will govern.

B. Definitions

In addition to the definitions provided in the Act or elsewhere in these Rules, the following definitions apply:

1. Business Hours: 8 a.m. to 5 p.m. on a Business Day.

2. Business Day: Any day on which general offices of the City at the City Hall are open and staffed for regular public business. Business Days generally are Monday through Friday, except federal and state legal holidays.

3. Freedom of Information Officer: The Freedom of Information Officer of the City identified above and designated under Section 3.5 of the Act.

4. Public Access Counselor: The Public Access Counselor of the Office of the Illinois Attorney General.

5. Request: A request to inspect, copy, or certify public records.

6. Request Made for Commercial Purposes: A Request made with the intent to use the requested records (or the information derived from those records), in whole or in part, for sale, resale, or solicitation or advertisement for sales or services. However, a Request submitted by news media or by non-profit, scientific, or academic organizations will not be deemed to be made for commercial purposes if the principal purpose of the Request is (a) to access and disseminate information concerning news and current or passing events, (b) for articles of opinion or features of interest to the public, or (c) for the purpose of academic, scientific, or public research or education.

7. Requestor: A person, firm, or corporation that files a Request with the City.

8. Response Time: The time for response by the City to a request for public records, as calculated pursuant to Subsection III.A of these Rules.

C. Days; Measurement of Time

1. Days. In counting the number of days allowed for a response or a decision to be given by the City under the Act and these Rules, the City will not include the day on which the request or notice requiring the response or decision was first received.

2. Supplemental Requests. Supplemental, amended, or additional Requests will not relate back to the time of receipt of the initial Request. Supplemental, amended, or additional Requests will be considered new Requests for purposes of determining the applicable Response Time.

3. Response Date. All responses and decisions to be issued by the City under the Act and these Rules will be deemed to have been given on the date of personal delivery to the person or to the residence of the person entitled to the response or decision or, if mailed, on the date of mailing, regardless of the date of actual receipt by that person.

II. REQUESTS FOR INSPECTION, COPYING, OR CERTIFICATION OF PUBLIC RECORDS

A. Officials Responsible for Responding to Requests

The Freedom of Information Officer, designated by the City Manager, is the person administratively responsible for receiving and processing Requests.

The Freedom of Information 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 Freedom of Information Officer may consult with City staff, officials, and others as appropriate before responding to a Request.

The City Manager may, from time to time, appoint Deputy Freedom of Information Officers to assist the Freedom of Information Officer in the performance of his or her duties under the Act and these Rules. In the absence of the Freedom of Information Officer, the Deputy Freedom of Information Officers are authorized to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters.

B. Form of Request

1. Required Information. A Request must be filed with the City in writing and in English. The City encourages Requestors to submit requests on the convenient form attached to these Rules ("Official Request Form") or in a similar form that contains, at a minimum, the following information:

    a. The Requestor's name;

    b. Either the Requestor's mailing address, e-mail address, or telephone number;

    c. A description of the public records requested;

    d. A statement of purpose, indicating whether the Requestor intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services;

    Use of the Official Request Form is the most effective way to obtain a prompt, full, and complete response by the City to a Request.

2. Supplemental Information. If a Requestor submits a Request on a form other than the Official Request Form, and the Request does not contain all of the information required pursuant to Paragraph II.B.1 of these Rules, then the Requestor must complete a Supplemental Information form or similar writing.

3. Requests Must Be Complete. No Request will be deemed complete unless it contains, at a minimum, all of the information required pursuant to Paragraph II.B.1 of these Rules.

4. Subpoenas. Except as provided in Section 9.5(c) of the Act, these Rules will not apply to any subpoena for records received by the City and issued by, or in accordance with the rules of, a court or agency of competent jurisdiction.

C. Submittal of Request

Completed Requests must be filed with the City Freedom of Information Officer by mail, facsimile, overnight courier service, electronic mail, or in person, in accordance with the following:

1. In-Person Submissions. Requests submitted in person must be given to the Freedom of Information Officer or filed in the office of the City Manager.

2. Electronic Mail Submissions. Requests submitted by electronic mail must be sent directly to the Freedom of Information Officer at foia@crystallake.org and will be deemed received only upon actual receipt by the Freedom of Information Officer on a Business Day during Business Hours, regardless of date or time of submission.

3. All Other Submissions. Requests submitted by mail or other means must be addressed to the Freedom of Information Officer at the City Hall and will be deemed received only upon actual receipt by the City on a Business Day, regardless of date of submission.

All City officials and employees who receive a Request must immediately forward that Request to the Freedom of Information Officer.

D. Processing of Request

1. If the Freedom of Information Officer determines that the Request is not complete, the Freedom of Information Officer must mail a Notice of Incomplete Request form and a Supplemental Information form to the Requestor within five Business Days after receipt by the City of the Request. If the Freedom of Information Officer determines that the Request is complete, the Freedom of Information Officer must indicate on each completed Request, the date and time of receipt and, if known, the date on which the City must respond to the Request.

2. The Freedom of Information Officer must maintain an electronic or paper copy of the Request, including all documents submitted with the Request, until all matters related to the Request have been completed.

3. The Freedom of Information Officer must create an electronic or paper file for the retention of the original Request, a copy of the response by the City, a record of all

written communications with the Requestor regarding the Request, and a copy of other communications related to the Request.

4. The Freedom of Information Officer must keep all Notices of Denial in a single central office file, indexed according to the type of exemption asserted, and, to the extent feasible, according to the types of records requested.

III. RESPONSES TO REQUESTS

A. Time for Response

1. Requests Made for Commercial Purposes. The City will respond within 21 Business Days to a properly completed Request Made for Commercial Purposes.

2. Arrest Reports. For completed Requests for chronologically maintained arrest and criminal history information, the City will respond within 72 hours after the later to occur of (a) the arrest that is the subject of the Request, and (b) the time of receipt of the Request.

3. All Other Requests. For all Requests other than those set forth in Paragraph III.A.1 or III.A.2 of these Rules, the City will respond within five Business Days after a completed Request is received by the City, unless the City has extended the Response Time pursuant to Paragraph III.A.4 of these Rules.

4. Extension of Time

   a. If the Freedom of Information Officer determines that additional time is needed and allowed under the Act to respond to a Request, then the Freedom of Information Officer, using a Notice of Extension form attached to these Rules or a similar written form, will notify the Requestor within the applicable Response Time of the determination, of the reasons requiring the extension, and of the length of the extension (which may not exceed five additional Business Days). The Freedom of Information Officer may not issue a Notice of Extension for Requests Made for Commercial Purposes.

   b. The Requestor and the City, using an Extension Agreement form attached to these Rules or a similar written form, may agree in writing to extend the time for compliance for a period to be mutually determined. In his or her discretion, the Freedom of Information Officer may deliver to the Requestor a Request for Extension Agreement form and an Extension Agreement form. The Freedom of Information Officer is authorized to execute, in his or her discretion, an Extension Agreement after it has been executed by the Requestor. The Freedom of Information Officer must respond to the Request within the applicable Response Time, unless and until the Requestor and the City have executed the Extension Agreement.

B. Disclosure of Public Records

1. Notice of Approval. If the Freedom of Information Officer determines that the Act requires disclosure of all or any part or portion of the requested public records, then the Freedom of Information Officer will notify the Requestor in writing of his or her determination, using the Notice of Approval form attached to these Rules or a similar written form.

2. Approval of Requests Made for Commercial Purposes. For a Request Made for Commercial Purposes, if requested records are not immediately available for inspection or pick-up, then the Notice of Approval will specify a reasonable date on which the requested records will be available for inspection or pick-up, based on the size and complexity of the Request.

3. Search of City Files and Use of City Equipment. Except as otherwise specifically authorized by the Freedom of Information Officer, only City employees, the City Attorney, and City contractors are permitted to search City files, records, or storage areas, or to use City equipment in connection with any Request.

4. Removal of Original Records. Original public records may not be removed from any City building at any time, except as authorized by the City Manager.

5. Inspection of Public Records. Public records approved by the Freedom of Information Officer for disclosure may be inspected, or copies of public records obtained, during Business Hours at the City Hall or another location designated by the Freedom of Information Officer.

6. Copies of Public Records. Copies of public records approved by the Freedom of Information Officer for disclosure may be obtained during Business Hours at the City Hall or another location designated by the Freedom of Information Officer, provided that the Requestor had requested copies in the Request and has paid any applicable fees.

7. Mailing of Requested Public Records. Copies of public records will be mailed to the Requestor, provided that the Requestor had requested that copies be mailed in the Request and has paid any applicable fees and postage.

8. Audio and Video Recordings. Requests for reproduction of any public records that are audio or video recordings will be honored in accordance with the provisions of the Act, the Illinois Open Meetings Act, any other applicable State law, and these Rules.

9. Records Maintained in Electronic Format. If the requested public records are maintained by the City in an electronic format, then the City will reproduce copies of the requested public records in the electronic format specified by the Requestor,

if feasible. The City may charge to the Requestor the actual cost of the medium necessary for that format.

10. Payment of Fees. The Requestor must pay all copying, certification, and postage fees in advance of receiving copies of any public records.

C. Categorical Requests

1. Notice to Meet and Confer. If the Freedom of Information Officer determines that a Request for all records falling within a category will unduly burden the City, and that the burden to the City outweighs the public interest in production of the public records sought, then the Freedom of Information Officer, using a Notice for Meeting form attached to these Rules or a similar written form, will notify the Requestor in writing of the determination, of the reasons supporting the determination, and of the right of the Requestor to meet with the Freedom of Information Officer in an effort to narrow the Request.

2. Failure to Respond by City. The Freedom of Information Officer may neither determine that a Request is unduly burdensome, nor issue a Notice for Meeting, if the City has previously failed to respond to that Request within the applicable Response Time.

3. Agreement to Narrow Request. If the Requestor agrees to meet and confer with the Freedom of Information Officer regarding the Request, then the Freedom of Information Officer will respond to the Request, or to the Request as narrowed at the meeting, within the applicable Response Time, calculated from the date of adjournment of the meeting. That response may take any form specified in this Section III. If the Requestor agrees to narrow the scope of the Request, the Freedom of Information Officer will deliver an Acknowledgment of Narrowed Request to the Requestor at the conclusion of the meeting, using the form attached to these Rules or a similar written form.

4. Failure to Meet and Confer. If the Requestor does not agree to meet and confer with the Freedom of Information Officer regarding the request, then the Freedom of Information Officer will deny the Request on the fifth Business Day after the date of the Notice for Meeting, using the General

Notice of Denial or Partial Denial of Request form attached to these Rules or a similar written form.

D. Denial

1. Denials Under Section 7(1)(c) and 7(1)(f). If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under Sections 7(1)(c) [for privacy] or 7(1)(f) [for preliminary drafts] of the Act, then the Freedom of Information Officer must send notice to the

Public Access Counselor of the City's intent to deny the Request, using the Notice of Intent to Deny form attached to these Rules or a similar written form. The Notice of Intent to Deny must include a copy of the Request and the proposed Section 7(1)(c)/7(1)(f) Notice of Denial. A copy of the Notice of Intent to Deny must be sent to the Requestor. If the Public Access Counselor determines that further inquiry into the Request is not warranted, then the Freedom of Information Officer will deliver the Section 7(1)(c)/7(1)(f) Notice of Denial to the Requestor as provided in these Rules.

2. Other Denials. If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under any other provision of the Act or under these Rules, then, except as provided in this Subsection D, the Freedom of Information Officer must deliver a notice of denial to the Requestor, using the General Notice of Denial or Partial Denial of Request form attached to these Rules or a similar written form. The Freedom of Information Officer may not deliver the General Notice of Denial or Partial Denial of Request to the Public Access Counselor, except upon receipt of a request therefor from the Public Access Counselor pursuant to Section 9.5(c) of the Act.

3. Contents of Denials. Each Section 7(1)(c)/7(1)(f) Notice of Denial and General Notice of Denial or Partial Denial of Request must set forth the reason(s) for the denial, and must notify the Requestor of his or her rights to (a) seek review of the denial by the Public Access Counselor, and (b) seek judicial review under Section 11 of the Act.

4. Denials on Multiple Grounds. If the Freedom of Information Officer also determines that all, or some, or a portion of any requested public records are not subject to disclosure pursuant to both Paragraph III.D.1 and Paragraph III.D.2 of these Rules, the Freedom of Information Officer must prepare both a Section 7(1)(c)/7(1)(f) Notice of Denial and a General Notice of Denial, as provided in Paragraphs III.D.1 and III.D.2 of these rules.

5. Denials in Writing. Except as otherwise provided by the Act, all denials of Requests will be in writing.

6. Cooperation with Public Access Counselor. If the Public Access Counselor determines that further inquiry into any denied Request is warranted, the Freedom of Information Officer will comply with the directives of the Public Access Counselor, or seek appropriate review of those directives, in accordance with the Act.

E. No Obligation to Create New Records

Except as provided in Section V of these Rules, the Act and these Rules do not require the City, in the course of responding to Requests, to create records that the City does not already maintain in record form.

F. No Obligation to Interpret or Advise

Neither the Act nor these Rules require the City to interpret, or advise Requestors as to the meaning or significance of, any public records.

IV. FEES

A. Fees Established

Unless fees are waived or reduced under to Subsection IV.C of these Rules, each Requestor must pay the following fees for copying, certification, and mailing of public records:

1.	Copies – 8½ x 11 or 8½ x 14, Black and White	
	First 50 Pages	Free
	Additional pages	$0.15 per side
2.	Other types of records with set fees	actual cost
3.	Certification	$1.00 per record, plus copy cost
4.	Mailing	Cost of Postage

If the requested records are of a type not listed above, or when the services of an outside vendor are required to copy any public record that are not 8½ x 11 or 8½ x 14, Black and White, then the fees charged for copying the records will be the actual charges incurred by the City, and the fees stated in items 1 through 4 above will not apply. The fees stated in items 1 through 4 will also not apply if the fee for the requested records is otherwise fixed by statute. If the requested records are produced on an electronic medium, then the Requestor must pay the actual cost of the medium.

The City has determined that the fees in this Subsection A are no more than necessary to reimburse the City for the actual cost of reproducing, certifying, and mailing public records requested pursuant to the Act and these Rules.

B. Method and Time of Payment

Payment of all required fees must be made in cash, by cashier's or certified check, by money order, or other method accepted by the City prior to the examination, copying, certification or mailing of any public record.

C. Waiver of Fees

The fees provided in Subsection IV.A of these Rules may be waived or reduced by the Freedom of Information Officer if the Requestor includes in the Request the specific

purpose of the Request and establishes to the reasonable satisfaction of the Freedom of Information Officer that a fee waiver or reduction is in the public interest. Any request for a fee waiver or reduction must be indicated in the Request at the time the Request is filed. A subsequent request will not be considered.

A fee waiver or reduction will be considered to be in the public interest only if the principal purpose of the Request is to disseminate information regarding the public health, safety, and welfare or the legal rights of the general public. No fee waiver will be granted if the Request is for the principal purpose of personal or commercial benefit to the Requestor. The Freedom of Information Officer may consider the number of requested public records and the cost and necessity of copying them in setting the fee waiver or reduction amount.

D. Waiver for Failure to Respond

If the Freedom of Information Officer does not respond to a Request properly submitted pursuant to Section II of these Rules within the applicable Response Time, then the City will not require the payment of fees for any copies of records produced in response to that Request.

V. CITY OBLIGATIONS

A. Organizational Description

The Freedom of Information Officer, at least once each fiscal year, will produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of the City. The description must identify and describe the membership of the City Council and of all of its standing and special committees and other advisory bodies and also must include:

- A short summary of the City's purpose,
- A block diagram of the City's functional subdivisions,
- the approximate number of the City's full and part-time employees,
- The total amount of the City's operating budget, and
- The number and location of each of the City's offices.

The Freedom of Information Officer must post the description required pursuant to this Subsection V.A to the City's website.

B. Index of Public Records

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

reasonably detailed in order to aid persons in obtaining access to the public records of the City.

C. **Records Stored by Electronic Data Processing**

The Freedom of Information Officer must prepare and furnish, to any person requesting it, a description of the manner in which public records of the City stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

D. **Summary of Procedures**

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a brief summary of the procedures established by these Rules. The Freedom of Information Officer must post the summary required pursuant to this Subsection V.D to the website.

E. **Posting and Mailing of Information**

The Freedom of Information Officer must keep posted at the City Hall, and will mail to any person making a request therefor, copies of the Organizational Description prepared pursuant to Subsection V.A of these Rules, the Index of Public Records prepared pursuant to Subsection V.B of these Rules, and the Summary of Procedures prepared pursuant to Subsection V.D of these Rules.

F. **Filing of Notices of Denial**

The Freedom of Information Officer must retain copies of all Notices of Denial and Notices of Intent to Deny in a single file at the City Hall that is open to the public and indexed according to the type of exemption asserted and, to the extent that categorization is feasible, the type of records requested.