

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

1. SUMMARY AND PURPOSE

The purpose of this document is to set forth rules and procedures established by the City of Wheaton to implement the provisions of the Freedom of Information Act, as revised (P.A. 096-0558, effective January 1, 2010, Illinois Compiled Statutes, Chapter 5, Act 140, hereinafter the "Act"). The City of Wheaton 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 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 requestors in understanding the City of Wheaton'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.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Requests for public records can be submitted on line at www.wheaton.il.us/Freedom of Information Act or in writing to one of the City's FOIA Officers listed below:

Police Department:

Chief William Murphy
Lt. Robert Miller
Lt. William Cooley
Police Services Rep Sharon Taylor
Wheaton Police Department
900 W. Liberty Drive
Wheaton, IL 60187
Phone: 630-260-2071
Fax: 630-260-4865

Development Department*:

Permit Processor Mary Lou Hecklinger
Permit Processor Ruta Norkus
Wheaton City Hall
303 W. Wesley Street
Wheaton, IL 60187
Phone: 630-260-2050
Fax: 630-260-2195

All Other Departments:

City Clerk Sharon Barrett-Hagen
Executive Assistant Andrea Rosedale
Wheaton City Hall
303 W. Wesley Street
Wheaton, IL 60187
Phone: 630-260-2012
Fax: 630-260-2017

*(The Development Department is comprised of Building & Code Enforcement, Planning & Zoning, and Engineering)

Wheaton Public Library
Library Director Betsy Adamowski
Finance Director Lisa Christell-Sandri
Business/HR Manager Joyce Kent
Deputy Director Dawn Kovacs
225 N. Cross Street
Wheaton, IL 60187
Phone: 630-668-1374
Fax: 630-668-1465

Board of Trustees Firemen's Pension Fund
Secretary Jason Skilondz
Wheaton Fire Department
1 Fapp Circle
Wheaton, IL 60187
Phone: 630-260-2155
Fax: 630-260-2162

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, and a fax number if applicable.
- b. A brief description of the specific public record(s) 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 or other agreed upon manner, as feasible.
- d. Whether the copies of public records requested should be certified.

* Please note, as required under the revised Act, if the request is being made for a commercial purpose, the requester shall make such statement when requesting a record(s).

5. TIMELINESS FOR 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 receipt of such request.*

The City may give notice of an extension of time to respond which does not exceed an additional five (5) working days. Such an extension is allowable only if written notice is provided within the original five (5) working daytime 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 Act, requests made for a commercial purpose or a voluminous request 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 a 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 50 8 ½ x 11 pages of black and white copies are 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 reasons 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/ email: PublicAccess@atg.state.il.us. 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 made 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 / PublicAccess@atg.state.il.us

FOIA Officer

If a denial is made asserting that the record(s) are exempt under subsection (1)(c) or (1)(f) of Section 7 of the Act, within the time periods provided for responding to a request, provide notice to the requester and the Public Access Counselor of its 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 of the City offices as identified above in Item #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, brief cases 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 "Fee Schedule/B2 Document Sales" (copy attached and as identified in the Wheaton City Code). The City does not have facilities to copy such items as plats or cassette tapes, but it will contract 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 Wheaton, 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.
- Freedom of Information request forms.

Requestors are also welcome to visit the City's website at www.wheaton.il.us. This site contains certain documents, such as agendas, ordinances and minutes, which may be accessed immediately.

Attachment/Sample form (not mandatory; letter or other written format can be used)

FREEDOM OF INFORMATION ACT/REQUEST FOR PUBLIC RECORDS

TO: Freedom of Information Act Officer

REQUESTOR:

Name: _____
(Please Print)

Street Address: _____

City/State/Zip _____

Company: _____

Phone: (Daytime) _____ Fax: _____

PLEASE DESCRIBE SPECIFIC DOCUMENT(S) BEING SOUGHT:

Please indicate (check) the following as applicable:

___: Inspection ___: Copy ___: Both

___: Check here only if you need copy(ies) certified

Is this request for a commercial purpose? ___ Yes ___ No

FOR OFFICE USE ONLY

Date received: _____ Date response due: _____

Approved: _____ Denied by: _____

Attachment/Fee Schedule

B-2 Document Sales					
1.	Large Copies:				Per Page
	1.	24 × 36 inches or smaller:			
		a.	Black & White	\$1.00	
		b.	Color Copy	\$1.50	
	2.	30 × 36 inches:			
		a.	Black & White	\$1.15	
		b.	Color Copy	\$2.00	
2.	Maps:				Per document
	1.	Official city street map, 28 × 40 inches		\$18.00	
	2.	Zoning map, 18 × 24 inches		\$ 7.00	
	3.	Address map, 42 × 66 inches		\$35.00	
3.	Microfilm:			\$ 2.00	Per photo
4.	Ordinances:				Per document
	1.	Subdivision control		\$10.00	
	2.	Zoning		\$15.00	
	3.	Stormwater control floodplain		\$10.00	
5.	Xerographic copy:				
	1.	Black & White: 8.5 x 11; 8.5 x 14; or 11 x 17		\$ 0.10	Per Page
	2.	Color: 8.5 x 11; 8.5 x 14; or 11 x 17		\$ 0.15	Per Page
	3.	CD		\$ 1.00	Per Disc
	4.	Police Report		\$ 0.10	Per Page
6.	Design details and standards booklet			\$10.00	Each

B-10 Police Department Fees				
	Administrative fees:			
	1.	Copies of police report	\$ 0.10	Per page
	2.	Copies of motor vehicle accident reports	\$5.00 (625 ILCS 5/11-416)	Per report
	3.	Copies of motor vehicle accident reconstruction report	Up to \$20.00 (625 ILCS5/11-416)	Per report