

**GUIDE TO ACCESSING
PUBLIC RECORDS
OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS**

June 2018

MUNICIPAL RECORDS REQUESTS

Requests for public records of the Village should be addressed to:

Administrative Services Coordinator
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

The coordination of record requests will be undertaken by the Village Manager's Office. A designated Freedom of Information Act Officer will be responsible for the analysis and response associated with each request. Requests for certification of public records of the Village will be handled in the office of the Village Clerk.

Regular office hours for the Civic Center are 8:00 a.m. to 4:30 p.m., Monday through Friday.

RECORD REQUEST PROCEDURES

The following procedures will be used in responding to requests for reproduction of public records:

- a. Requests in Writing. All requests for inspection and/or reproduction of public records shall be presented in writing to the Village Manager's Office. Use of the Village request form is strongly encouraged, but not required.
- b. Reproduction by Village. All reproduction of public records of the Village shall be performed by designated Village employees or contract personnel. Public records of the Village may not be removed from Village property for inspection or copying.
- c. Responding to a Request. The Village shall respond to a request for public records within five (5) working days. If the request is for *commercial purposes* as defined by statutes, the Village response may occur within twenty-one (21) days. Failure to receive a response to any request shall be considered a denial.
- d. Time Extension by Village. If the Village is unable to comply within five working (5) days, the Village shall notify the requestor of the need for an additional five (5) working days to respond.
- e. Creation of New Records. The Village is required to provide access to non-exempt public records. There is no requirement to prepare new records that do not exist.
- f. Denial of Request/Appeal Procedures. If the Village issues a partial or full denial of a request for public records, the denial will include the specific exemption of the Act that justifies the denial and a detailed factual basis for implementing the exemption.

- g. Appeals. A requestor receiving a partial or full denial may appeal the decision of the Village in one of two ways:
- Submit a written appeal to:
Public Access Bureau
Illinois Attorney General's Office
500 South 2nd Street
Springfield, IL 62706
 - File suit for injunctive or declaratory relief.

FEES FOR REPRODUCTION OF PUBLIC RECORDS

There shall be no charge for the first 50 pages for black and white, letter or legal sized and the cost per page for pages after the first 50 may not exceed 15 cents. The charge for each compact disc is \$3.00. The cost for certifying a copy of a record is capped at one dollar (\$1.00).

If a document cannot be reproduced due to a format, size or medium not supported by the Village, the actual cost of reproduction shall be charged. Please feel free to discuss charges for these documents with Village staff prior to reproduction. Payment for reproduction must be made prior to copying.

PUBLIC RECORD EXEMPTIONS

Public records of the Village are subject to inspection and/or reproduction in accordance with the provisions of the Freedom of Information Act. Public records are defined as those records not subject to the exemptions authorized in Section 7 and Section 7.5 of the Act.

Representative exemptions are listed as follows:

Sec. 7. Exemptions.

- (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.
- (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.

(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.
- (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.

DESIGNATED FOIA OFFICERS

All requests for documents shall be coordinated in the Office of the Village Manager. A designated FOIA Officer within each operating department shall be responsible for the record response within their work unit.