

**A RESOLUTION ESTABLISHING A POLICY AND PROCEDURE FOR THE  
ADMINISTRATION OF THE ILLINOIS FREEDOM OF INFORMATION ACT IN  
STEPHENSON COUNTY, ILLINOIS**

**Resolution 2010 - 10-04-1734**

**BE IT RESOLVED BY STEPHENSON COUNTY BOARD, STEPHENSON COUNTY,  
ILLINOIS as follows:**

WHEREAS, the Illinois Freedom of Information Act became effective on July 1, 1984, and has been amended to be effective on January 1, 2010, and requires public bodies, including the public body of Stephenson County, to make its non-exempt public records available for inspection and copying by all persons and has established this as a primary duty of all public bodies; and,

WHEREAS, the public body of Stephenson County embraces the ideal of transparent government and is fully supportive of the statutory requirement to provide public access to all records and materials having to do with the transaction of public business, while contemporaneously protecting the legitimate privacy interests of individuals and taking appropriate account of other laws; and,

WHEREAS, the Illinois Freedom of Information Act permits public bodies to adopt certain policies and procedures, concomitant with the Act, for administering the duties of the Act, and the Stephenson County Board considers that it is in the best interest of the citizens of Stephenson County to promulgate such rules; and,

WHEREAS, Stephenson County has established a policy through a document entitled "The Stephenson County Administrative Procedures in Compliance with the State of Illinois Freedom of Information Act", a copy of which is attached hereto as "Exhibit A"; and,

WHEREAS, the County Board of the County of Stephenson has reviewed the policy set forth in "Exhibit A" and finds it is accordant with the Act and its implementation is in the interest of the citizens of Stephenson County.

NOW, therefore, be it ordained by the County Board of Stephenson County, Illinois, as follows:

SECTION 1: The County Board does hereby incorporate the foregoing WHEREAS clauses into the ordinance as though fully set forth therein and, thereby, making the findings as hereinabove set forth.


SECTION 2: The County hereby adopts The Stephenson County Administrative Procedures in Compliance With the State of Illinois Freedom of Information Act as set forth in the attached "Exhibit A" and made a part hereof as its sole official rules and policy, superseding others insofar as they conflict, in its implementation of the Freedom of Information Act.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, according to law.

**PASSED BY THE STEPHENSON COUNTY BOARD OF STEPHENSON COUNTY, ILLINOIS** this 14<sup>th</sup> day of April, 2010.

  
John Blum, Chairman

Attest:

  
Vici Otte, County Clerk

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstain \_\_\_\_\_

Present \_\_\_\_\_

Date Published: \_\_\_\_\_

Date Effective: \_\_\_\_\_

**STEPHENSON COUNTY, ILLINOIS**

**RESOLUTION NO. 2010-**

**A RESOLUTION ESTABLISHING A POLICY AND PROCEDURE FOR THE ADMINISTRATION OF THE ILLINOIS FREEDOM OF INFORMATION ACT IN STEPHENSON COUNTY, ILLINOIS**

**ADOPTED BY THE**

**STEPHENSON COUNTY BOARD**

**STEPHENSON COUNTY, ILLINOIS**

**THIS \_\_\_\_ DAY OF APRIL, 2010**

# FREEDOM OF INFORMATION ACT

## Policy for Administration

4/11/2010

STEPHENSON COUNTY, ILLINOIS



Robert Smith



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### Attachments

- a.) Request for Review or Copies
- b.) Response to Request for Records
- c.) Notice to PAC for Pre-Approval of Denial
- d.) Letter of 5-day Extension

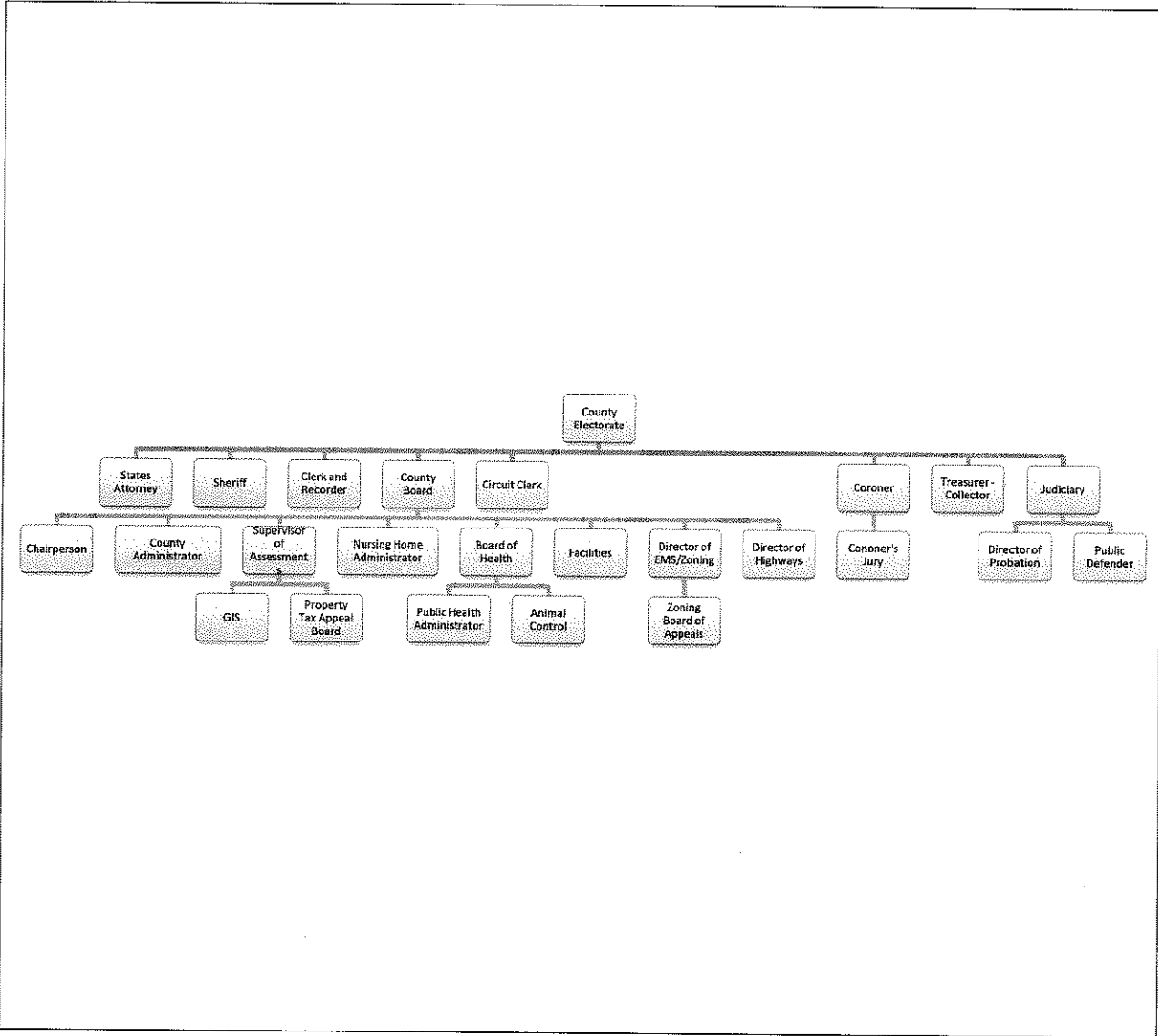
## **POLICY STATEMENT**

It is well recognized and accepted that a representative form of government must perform the business and functions of its mandates with transparency to its constituents and all others as a requirement of its legitimate authority to govern. In order to promote accountability by its public officers, employees and elected officials, and to comply with the Illinois Freedom of information Act (hereafter referred to as FOIA) Stephenson County and its departments, agencies and subdivisions shall make available for review and copying all public records, as defined in FOIA, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any office of county government whose records come under the purview of FOIA.

This policy is established to provide guidance and clarity to the public officers and employees of the County as to the proper and lawful means of administering the public's right to be informed about the workings of county government, to know and be engaged with the process of taxpayer expenditures, and to be educated on the matters of the public's business sufficient to make informed judgments and decisions in political process. Additionally, this policy is intended to establish a process through which the public's access to information may be provided consistently and promptly in accordance with the legislative intent of FOIA.

It is presumed that all public records in the possession of the agencies and subdivisions of county government subject to FOIA are open to public inspection and copying; however, it is prudent to recognize that government agencies acquire private and proprietary information as a function of procurement, litigation, investigation, civil operations and other sensitive matters. This policy is intended to also provide a framework within which such information may be safeguarded to prevent theft, compromises to security and on-going government investigations, to preserve a free and competitive marketplace, and to preserve personal safety and avoid unwarranted invasions of personal privacy.

HIERARCHY OF COUNTY GOVERNMENT



## **Where and How to Make a Request for Information or Documents**

The County shall establish an easy and intuitive method for members of the public to request public information (hereafter called a FOIA request) by visiting the County web site on the Worldwide Web at [www.co.stephenson.il.us](http://www.co.stephenson.il.us). The method and instructions for users to make an electronic submission will be prominently posted, and in most cases, a link on the site will connect to an intelligent .pdf form which can be completed and submitted online. Agencies may adopt a preferred method of their own choosing, but all requests for information shall be made in writing.

Requesters may also complete and submit a paper form at the office of the County Administrator or at the administrative office of the agency which has control or possession of the desired information or material (see [www.co.stephenson.il.us](http://www.co.stephenson.il.us) for a list of departments and documents). Email submissions or other written requests for information will also be honored provided they include the name, address and contact information of the requestor and information sufficient to identify the materials or documents requested. All requests for materials and information within the categories described in Sections 2.5, 2.10, and 2.20 of the FOIA shall be directed to the office of the County Administrator. Department heads who receive FOIA requests directly for such information shall immediately forward them to the County Administrator for a response.

Members of the public must submit their requests in writing and must describe the record(s) with sufficient clarity as to enable FOIA officers to identify and locate the record(s). FOIA officers should make reasonable attempts to assist members of the public in accessing records which are responsive to the information they wish to acquire, but public bodies shall not be required to create a record or document which is not generated as a part of normal operations or routine record management. In order to aid persons in obtaining public records, the department heads shall create a list of records under their control sufficiently detailed to enable members of the general public to identify information pertinent to their requests and make the list available to members of the public upon request. The County Administrator shall be responsible to generate and maintain a list of documents on behalf of the County Board and shall perform as that body's FOIA officer. Department Heads, in their discretion, may contract or hire on a temporary basis a person with sufficient expertise and training to process FOIA requests which, by their nature, require evaluation by a person with special knowledge or training; or the records are stored in a location away from the primary office; or the records are inordinately voluminous; or the request requires the compilation of data from several sources; or the request requires an extensive search and would compromise the normal operations of the agency.

Department heads, their employees and FOIA officers shall not be required to provide analysis or interpretation of records nor provide an explanation of their meaning, and should refrain from doing so.

## **Designation of FOIA Officers**

The head of each public body of county government shall designate sufficient FOIA officers within their agencies to promptly and accurately respond to requests for review or copies of the public records held and maintained within their areas of responsibility or under their purview. Department Heads who choose to designate themselves as FOIA officers shall undergo the web-based training required under the Act and register as FOIA officers through the state Attorney General's web site. For the purposes of this policy, the public bodies of county government are the offices of County Administrator for the public duties of his/her own office and on behalf of the County Board, Public Health Administrator for the public duties of his/her own office and on behalf of the Board of Health, the County Supervisor of Assessments, Nursing Home, State's Attorney, Public Defender, Sheriff, Clerk/Recorder, Coroner, Treasurer/Collector, Highway Department, and Emergency Management Services/Zoning Department.

The heads of public bodies shall assume such authority and responsibility as is required of them to comply with the Illinois FOIA. Included among the requirements of the Act are: Designate FOIA officers and ensure they undergo training in accordance with the Act; prepare a written summary of the purpose and description of their office to include a block diagram of the office subdivisions and the physical locations of facilities under their control; the total amount of their most recent operating budget; number of employees within their agencies; the identities and membership of any boards, commissions or committees which serve in a support or advisory capacity to the agency; a description of the methods whereby members of the public may request access to public records; a directory of FOIA officers within their agency; a list of records or documents which are available for immediate release upon request. Each public body shall provide the foregoing information to the Supervisor of Assessments in electronic format for posting on the County's website, or agencies who maintain an independent site on the World-wide Web may post the information in a prominent location there.

As agencies of the judiciary, the Circuit Clerk and Probation Department are exempted from the Illinois FOIA.

## **DUTIES OF FOIA OFFICERS**

All designated FOIA officers for the public bodies of Stephenson County shall undertake such duties as is required of them under the Illinois FOIA, including, but not limited to the following:

- 1.) Undertake and successfully complete all training which is required under the Illinois FOIA.



- 2.) Receive and promptly and appropriately respond to public requests for access to public records.
- 3.) Create and retain records, files and indices as is required by public bodies under the Act.
- 4.) Meet with and confer with persons seeking access to public records to facilitate the acquisition of information accurately and correctly.
- 5.) Confer with the office of the Public Access Counselor on an ongoing basis for guidance on the correct application of the law; fulfill the legal demands of the PAC with respect to requesters' petitions for review.
- 6.) Other miscellaneous duties related to the Illinois FOIA.

## RESPONSE

Requests for information or access to public records under FOIA must be forwarded immediately to the appropriate FOIA officer for a response within 5 business days for noncommercial purposes, 21 days for commercial purposes. For the purposes of this policy, a "business day" or "working day" is a regular day of the week (Monday through Friday) when county administrative offices and most businesses are open. Saturdays, Sundays and state holidays are not business days and shall not be counted in the 5 business day time period (21 business days in the case of requests for commercial purposes). FOIA officers shall assert a priority to the evaluation of noncommercial FOIA requests and provide a response within the time limits outlined in the Act. Likewise, person making FOIA requests for commercial purposes shall receive an expedient response, and in all circumstances, the response period shall not exceed 21 business days. In no circumstances, shall a request for public records under FOIA go unanswered or without response. Public bodies who fail to respond to FOIA requests or respond outside the time limits established in the Act expose the County to legal sanctions, such as subpoena, injunction and pecuniary penalty.

### Approvals

Following an evaluation by a FOIA officer, a request for public records is approved for release, in most cases with redaction of private information. FOIA officers are encouraged to notify requesters of the availability of the public records at the earliest opportunity within the appropriate response period. The information should accompany a response form or letter which denotes the date the materials were processed and available for disclosure and the name and signature of the FOIA officer who handled the request. The majority of FOIA requests should be approved with appropriate redactions.

### Denials

A decision by a FOIA officer or agency head to withhold records or delete part(s) of a public record, other than redactions of private information as defined in the Act,

constitutes a denial. FOIA officers who deny requests to access public records shall give written notice to the requester within 5 business days (21 business days for commercial purposes) of receipt of the request. A decision to deny any person access to public records shall be for a lawful reason, and a reasonably detailed explanation for denial shall be included within the text of the written notice, citing the specific exemption invoked; additionally, FOIA requests which are denied on the basis that they are exempted under Section 7(1)(c) [unwarranted invasion of person privacy] or Section 7 (1)(f) [preliminary drafts of opinions or policies not publicly cited] must be approved by the Attorney General Public Access Counselor before rendering a final decision to deny access. Persons who are denied access to public records shall be provided with the names and official titles of persons involved in the decision to deny such access.

Any decision to deny access to public records shall be undertaken with due consideration of the presumptions of the Illinois FOIA and this policy. FOIA officers should interpret the imperatives of the Act liberally and invoke exemptions to deny access only when the application is clear.

## FEES

In consideration of a fee for the provision of public records, FOIA officers must use in the computation only the actual costs incurred by the public body in the reproduction. The calculation may include a per-page cost to the agency of keeping and maintaining the equipment and supplies necessary to make the reproductions, but the fee may not exceed 15 cents per page for black and white copies. This means, for example, if after calculating the cost of copy equipment, toner, ink, paper and staples, the per-page cost to the public body for black and white photo-static copies is 8 cents, the public body may charge no more than 8 cents per sheet in a reproduction fee. Conversely, if such calculation results in any amount exceeding 15 cents per page, the per-page reproduction fee must be 15 cents. In any case, a public body must provide up to 50 such copies without charge.

An additional fee may be charged for reproducing the documents in electronic format, but it shall not exceed the actual cost of medium – the purchase of compact discs or “jump drives”, for example. Likewise, an actual-cost fee may be charged to reproduce photographs, large maps or other documents larger than letter or legal paper size. No fee may be assessed for cost of personnel time to conduct a search or to compile or copy documents. A \$1.00 certification fee may be assessed if the request includes certified copies.

## FOIA MODEL

The graphic below represents the decisions and action processes of FOIA officers in their handling of FOIA requests.

