

RESOLUTION NO. 6698

RESOLUTION AMENDING CHAMPAIGN COUNTY RULES AND PROCEDURES REGARDING THE ILLINOIS FREEDOM OF INFORMATION ACT

WHEREAS, the Champaign County Board approved Resolution 5570 implementing rules and procedures regarding the Freedom of Information Act on February 22, 2007; and

WHEREAS, in the implementation of the rules and procedures regarding the Freedom of Information Act, an effort was made to accommodate a broader category of requests than required by the provisions of 5 ILCS 140/1 *et seq.*, namely, verbal requests; and

WHEREAS, the volume of FOIA requests to Champaign County government makes it impractical to accommodate verbal FOIA requests, specifically in meeting and documenting compliance with the statutory requirements of the date by which FOIA requests must be answered; and

WHEREAS, the Policy, Personnel and Appointments Committee has recommended to the Champaign County that its FOIA rules and regulations be amended to delete any reference to verbal requests, and to comply with the statutory requirement that all FOIA requests be in written form;

NOW THEREFORE BE IT RESOLVED by the County Board of Champaign County Illinois, that the rules and regulations pertaining to the availability of records and procedures to be followed by each public body which constitutes that public body known as Champaign County, Illinois, an administering the requirements and provisions of the Illinois Freedom of Information Act, and the schedule of fees to be imposed for reproducing and certifying public records, except where otherwise provided by statute, shall be those rules and regulations and schedule of fees promulgated and adopted by the Champaign County Board in this Resolution, as now existing or hereafter amended, and set forth and attached hereto, in "Appendix A" hereof, incorporated by reference herein.

BE IT FURTHER RESOLVED that the County of Champaign shall implement these new rules and procedures in compliance with the Freedom of Information Act immediately upon approval of this Resolution.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 18th day of September, 2008.

C. Pius Weibel, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and *Ex-Officio*
Clerk of the Champaign County Board

APPENDIX A

CHAMPAIGN COUNTY ILLINOIS FREEDOM OF INFORMATION ACT PROCEDURES AND POLICIES

PURPOSE

These procedures are designed to insure and encourage full disclosure of records legally available to the public for inspection and copying, as well as timely handling of requests for public records and appeals of decisions which deny information. The procedures should additionally insure that the County's method of dealing with records meets all legal requirements and protects legitimate privacy interests of individuals.

SCOPE

These rules and procedures establish procedures for all County departments to respond to Freedom of Information Act (FOIA) requests and for appeals of denials to the appropriate individuals.

RESPONSIBILITY

It is the responsibility of all County departments to utilize the procedures established in these Rules and Procedures for handling information requests. The Civil Division of the State's Attorney's Office is responsible to provide legal advice to all departments' general requests for public records and on appeals of denials under the FOIA.

MAKING A REQUEST FOR INFORMATION

Each request for documents shall be directed to the office where the document is filed. Categories of documents, by office, are available from the Champaign County Board Office. The office hours, office location, and particular person to contact for each office are also available from the County Board Office.

I. Procedures For Handling Written Requests

All written requests for inspection of or copies of documents must be made to the office where the document is located. A written request shall also be interpreted to include a request by e-mail to the office where the document is located.

All written requests for inspection and copies of documents must be complied within seven working day of the receipt of the request by the Office.

Permissible Responses to Written Requests

A response shall be one (1) or more of the following:

- a. The documents(s) is made available for inspection or copying in whole or in part.
- b. The requestor is notified that no document can be found.
- c. A written denial is sent to the requestor.
- d. A written extension notice is sent to the requestor. Response time can be extended for an additional seven (7) working days. If extended, (a), (b), or (c) must follow within the extended time; or
- e. The requestor is requested to discuss the request because it is unclear or very large.

If a request cannot be filled within seven working days of the receipt of the request by the department, the office will notify the requesting party that an additional seven (7) days is required to comply with the request. The statutory reason for the extension shall be given. If a request is not complied with at the end of either seven (7) working day period, it shall be considered a denial of the request.

There will be occasions when a request will be denied. The office shall inform the requestor of the denial in writing, within seven (7) working days of the receipt of the request, stating the reason(s) for the denials and shall also inform the requestor of the right to appeal the matter.

Review/Denial

- a. Review. If a document has been located, it shall be reviewed by the department to determine if it contains any exempt material. (Exempt material is material which under the provisions of the Illinois Freedom of Information Act need not be disclosed.)
- b. Requests for Information Residing in Computer. If the request is for information not currently on paper, but residing in a computer database, that alone is not a reason for a denial. If a simple query can generate the requested information, it should be provided (if not exempt). If programming is required to generate the information, call the Civil Division of the State's Attorney's Office.
- c. Mailing. The document shall be mailed if so requested. Postage in an amount sufficient to mail the requested documents shall be paid by the requestor prior to the mailing of the said documents.
- d. Exemptions. There are many reasons why information may not be disclosed on request. If a document contains material known to be exempt according to law, a written denial shall be issued by the department (see Subsection e.) The exemptions are listed in 5 ILCS 140/7.

THE MOST COMMON EXEMPTIONS CONCERN PERSONAL PRIVACY. IF THE RECORD CONTAINS INFORMATION ABOUT PERSONS OTHER THAN THE REQUESTOR, IT SHOULD BE REVIEWED. IF THE RECORD CONCERNS INTERNAL COMMUNICATIONS BETWEEN STAFF, IT SHOULD BE REVIEWED. If

there is a question about whether material is exempt, the Department shall contact the Civil Division of the State's Attorney's Office. The Civil Division may ask to see the requested document to determine its exempt status. In that case, an extension notice shall be sent by the Department to the requestor. The Civil Division shall issue an opinion on exempt status to the Department within four (4) working days of its receipt so that the Department may respond within the extended time.

e. Record Partially Exempt. If only part of a request is exempt from disclosure, the rest of the document shall be disclosed. The document shall be prepared so that no part of exempt material is readable. This may be done by blacking out or whiting out the exempt material or by copying only part of a page. The page should be looked at both front and back before being released.

f. Denials. If a document is partially or completely denied disclosure, written denial must be issued.

g. Record of Denials. Originals of all denial letters must be sent by the department to the Civil Division of the State's Attorney's Office. The actual document which was denied disclosure shall not be attached.

II. Segregable Material

If the documents contain both disclosable and exempt material and the exempt material is segregable, the non-exempt portion must be disclosed. This means it must be in some form removed from the copy of the document and the rest of the document released. This is true whether the document is for inspection only or is to be copied. Further, the requestor must be given the reason for not disclosing the exempt material.

III. Inspection of Multiple Documents Coordinated by Administrative Services

- a. The procedures apply whenever a person requests to review multiple documents:
 - i. One of the County Board Meeting Rooms will be made available for the requestor's review of the documents.
 - ii. The requestor will arrange a specific appointment time and duration of appointment with Administrative Services. The appointment will be set up before the requestor comes in to look at the requested documents.
 - iii. A checklist of specific documents will be turned over to the requestor.

iv. The documents cannot be disassembled. If the requestor wishes to have a copy of a document which is stapled together or otherwise bound, the requestor should indicate which pages the requestor wants copied. The Administrative Services office staff will make copies at the usual and customary charge.

v. The documents will be returned to the Administrative Services Office prior to the end of the scheduled appointment, and specifically checked in every time the requestor leaves the assigned area. Documents cannot be carried to other parts of the building, not left on the work surface.

vi. If these rules are violated, no further documents will be made available to the requestor for review on that date, although any document which the requestor requests will be copied by the Administrative Services staff at the usual and customary charge.

b. The requestor will be required to sign a form acknowledging his/her understanding of these rules.

IV. Appeal Procedure

A. Denial By Appointed Official

For the following offices of appointed officials, the appeal shall be to the County Board Chair. These offices are:

1. Administrative Services
2. Animal Control
3. Board of Health
4. Board of Review
5. County Board
6. Developmental Disabilities Board
7. Information Management Services
8. Emergency Management Services
9. Highway
10. Mental Health Board
11. Nursing Home
12. Planning and Zoning
13. Public Properties
14. Purchasing
15. Regional Planning Commission
16. Supervisor of Assessments

If the Department Head or the County Administrator denies the request for information, a letter shall be sent within seven working days of actual receipt of the request. The letter shall contain the following:

1. The specific reasons for denial including citation of the FOIA or other applicable law;
2. The name and title of the person denying the request;
3. Explanation of the right to appeal to the County Board Chair

The verification and a copy of the letter denying access to information shall be forwarded to the County Board Office within five days.

B. Denial By Other

For the following offices, the appeal shall be made to the Elected Official, Governing Board or Official appointed by the Judiciary if the original decision to deny the FOIA request has been made by an employee within the said offices. If the original decision to deny the FOIA request has been made by an Elected Official, the appeal shall be made to the County Board Chair. If the original decision to deny the FOIA request has been made by the Public Defender, the appeal shall be made to the Chief Judge of Champaign County:

1. Auditor
2. Child Advocacy Center
3. Coroner
4. County Clerk
5. Public Defender
6. Recorder
7. Sheriff
8. State's Attorney
9. Treasurer

A letter of denial shall be sent within seven working days of actual receipt of the request for information, and shall contain the following:

1. The specific reasons for denial including citation of the FOIA or other applicable law;
2. The name and title of the person denying the request;
3. Explanation of the right of appeal to the elected official, Governing Board, or Official appointed by the Judiciary.

The verification and a copy of the letter denying access to information shall be forwarded to the County Board Office within five days.

C. Appeal to Head of Public Body/Original Decision by Head of Public Body

When a FOIA appeal is received by the County Board Chair, Elected Official, Governing Board, or Official appointed by the Judiciary, he/she shall promptly review the request and documents involved and shall notify the person making the request of his/her final decision within seven working days of actual receipt of the appeal. In addition, if the original decision to deny the information is made by the County Board Chair, Elected Official Governing Board or

Official appointed by the Judiciary, he/she, shall make such determination and notify the person making a request within seven working days of the receipt of such request in his/her office. If the decision is to deny disclosure, the Notice of Denial shall inform the person making the request of the right to judicial review under Section 11 of the FOIA.

V. Requirements Under Section 3

The County Board Office shall post and make available for inspection and copying a brief description of the various divisions of the County, a summary of the purposes, a block diagram giving its functional divisions, the total amount of its operating budget, the number and location of its offices, the approximate number of full and part-time employees, identification of any advisory board and a copy of these procedures and policies for obtaining information.

The County Board Office shall have available a list of categories of documents in County Offices and a list of persons to contact in each office (FOIA officers) in order to make a request.

VI. Fees

The following shall be the costs for copying and certification of information requested by the public. No charge can be made for inspection only, even if reproduction is necessary in order to permit inspection of a record:

1. Single sided copy 8 1/2 x 11
 8 1/2 x 14
 11 x 17

30 cents per copy, or such fee as the County Board may from time to time require;

2. Computer Record

75 cents per diskette or \$1.00 per CD ROM plus the time required to format and record data requests--\$30.00 per hour prorated and no less than 1/4 increments based on the nearest quarter hour.

3. Video/DVD Tapes

\$2.00 per video tape and \$5.00 per DVD plus the time required to format and record data requests--\$30.00 per hour prorated and not less than 1/4 hour increments based on the nearest quarter hour.

4. Certification \$1.00

5. Items not listed above - actual costs of reproduction

6. Items for which cost is established by statute - statutory fee

7. Mailing - postage necessary to mail documents requested

The County Board Chair, Elected Official, or County Board may determine that some documents are of primary benefit to the general public and therefore shall be furnished at reduced or no fee.

VII. Categories of Documents/FOIA Officers

Each department shall prepare and periodically update a reasonably current list of categories of records under its control. Each update shall be forwarded to the County Board Office. Each department shall also designate those employees (to be known as FOIA officers) to whom requests for public records should be directed. The County Board Office shall be notified of any change in FOIA officers.

VIII. Requests from County Board Members

County Board members acting in their official capacity are not required to file a FOIA request for any documents held by the County Board office or the Administrative Services Department. County Board members are not required to file a FOIA request for any documents held by the following offices, unless the said documents involve information protected from disclosure by the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/5, the Illinois Sexually Transmissible Disease Control Act, 410 ILCS 325/8, privileged communications between a doctor and a patient, 735 ILCS 5/8-802, or any similar statutorily protected information. Further, County Board members acting in their official capacity are not required to pay for copies of any such requested information.

1. Administrative Services
2. Animal Control
3. Board of Health
4. Board of Review
5. County Board
6. Developmental Disabilities Board
7. Information Management Services
8. Emergency Management Services
9. Highway
10. Mental Health Board
11. Nursing Home
12. Planning and Zoning
13. Public Properties
14. Purchasing
15. Regional Planning Commission
16. Supervisor of Assessments