

VILLAGE OF PEOTONE

FREEDOM OF INFORMATION ACT
GUIDELINES

December 2021

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GUIDELINES

I. Compliance

It is the policy of the Village of Peotone to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, hereinafter referred to as the "Act", (5 ILCS 140/1 et. seq.). The Village acknowledges its obligation to provide public records to requesters as expediently and efficiently as possible pursuant to the Act. All public records as defined in the Act are presumed to be open to inspection and copying and unless a requested record is believed to be exempt from disclosure under Section 7 or 7.5 of the Act, it shall be made available in a prompt and efficient manner.

II. Requesting Records

- A. A request for records must be in writing and directed to the Village by personal delivery, mail, email or other means available to the Village. Requests should be sent to the Village Hall addressed to the appropriate Village Freedom of Information Officer as identified in B below. However, any requests received by the Village shall be processed. Upon receipt of a request for records, the request shall be immediately given to a Village Freedom of Information Officer.

Any person requesting records for a commercial purpose must advise the Village that the request is for a commercial purpose and such a request will be handled in the manner described in sub part D below.

Any person orally requesting records shall be advised to put the request in writing to the Village directed to the attention of the appropriate Village Freedom of Information Officer. Any person requesting records may, but shall not be required to, use the "Request for Inspection or Copying of Records" form. This form shall be made available to any person upon request.

Records will be made available for inspection and copying during regular business hours at:

Village Municipal Complex
P.O. Box 430
208 E. Main Street
Peotone, Illinois 60468

If the records requested are available on the Village web site, the Village shall not be obligated to copy the records and the requestor shall be directed to the web site to obtain those records.

- B. Village Freedom of Information Officer.

The Village has designated the following as Freedom of Information Officers:

Requests for the Police Department

Position: (insert title)

Name: Debra Ivanoff

Address: P.O. Box 459, 208 E. Main St. Peotone, IL 60468

Phone: 708-258-9236

Email: debbie@villageofpeotone.com

Requests for the Village information other than the Police Department

Village Clerk

Name: Karen A. LaClaire

Address: P.O. Box 430, 208 E. Main St. Peotone, IL 60468

Phone: 708-258-3850

Email: clerk@villageofpeotone.com

Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) note the date the Village received the written request;
- (2) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (3) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- (4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications related to the request.

C. Content of Requests. All requests should, to the extent reasonably possible, specify with particularity, the records requested to be retrieved and copied. If any records are to be certified, it must be so indicated in the request, specifying which records are to be certified.

D. Requests for Commercial Purposes.

In accord with the requirement of the Act, any person requesting public records for a commercial purpose must inform the Village that the requested records are to be used for a commercial purpose. The Village's response to such a request shall be made within 21 working days, shall include an estimate of the time required to provide the records, an estimate of the fees to be charged and shall otherwise be in accord with the applicable provisions of the Act. Section 2 (c-10) of the Act defines commercial purpose to mean:

the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

The Village requires the payment of any fees due prior to copying of records requested for a commercial purpose.

III. Responses to Requests for Records

Within five (5) business days after receipt of a written request for records the Village Freedom of Information Officer will provide, one or more of the following responses to the person requesting the records:

1. Advise in writing that the records are available for inspection or copying at a designated location within the Village. If copies have been requested, that the records are available for pickup at a designated location within the Village along with a statement of the required fee if any. However, if the fee for copying the requested records exceeds Ten Dollars, the records will not be copied unless the fee is paid in advance and the requesting party shall be advised of this requirement.
2. That the five-day limitation has been extended to not more than five (5) additional business days pursuant to Section VII below.
3. Advise in writing that the request is unduly burdensome due to its categorical nature or size and that the requesting party has the opportunity to meet and confer with a Village Freedom of Information Officer to attempt to make the request manageable.
4. Deny, in whole or in part, the request in writing, stating the specific basis for denial. If the denial is based upon one of the exemptions set forth in Section 7 of the Act, the denial shall include a detailed factual basis for the application of the claimed exemption and citation to supporting legal authority. Any denial shall be made in writing and mailed or given personally within the five (5) day period or any extension thereof.

IV. Right to Review by PAC and to Judicial Review

Any denial of a request for public records shall include a statement that the person requesting the records has the right to a review of the denial by the Public Access Counselor and shall provide the address and phone number of the Public Access Counselor. The requester shall also be informed of the right to seek judicial review pursuant to Section 11 of the Act.

V. Exempt Records

Certain public records are exempt from copying and inspection pursuant to Sections 7 and 7.5 of the Act. If any public record exempt from disclosure under Section 7 of the Act contains any material which is not exempt, the Village may elect to redact the information that is exempt and make the remaining information available for inspection and copying.

VI. Extension of Time to Comply

The time limit of five (5) business days to comply with a request for records may be extended in each case for not more than five (5) additional business days for certain reasons noted in the Act. If the time is to be extended, Notice shall be given to the requester in writing, indicating the reason for the extension of time for disclosure.

The requester and the Village may agree in writing to extend the time of compliance for an agreed upon period of time.

VII. Retrieval and Copying

Retrieval and copying of records are limited only to Village Freedom of Information Officers or employees of the Village designated by the Village Administrator, Clerk or Chief of Police.

VIII. Inspection of Records

Inspection of records shall only be permitted in the presence of a Village Freedom of Information Officer, or an employee of the Village designated by the Village Administrator, Clerk, or Chief of Police.

IX. Catalog of Records

Records received or prepared beginning July 1, 1984, are catalogued by type as listed in these guidelines. The Freedom of Information Officers shall create and maintain a list of records that are immediately available upon request.

X. Central File for Denial Letters

A central file of copies of all denial letters, indexed by the type of exception for the denial, will be maintained by the Office of the Village Clerk.

XI. Fees

The fees for copies of records shall be as provided below or as otherwise determined by the Village Board from time to time.

- A. No fee shall be charged for the first 50 pages of black and white copies requested.
- B. \$.15 per page, after 50 for black and white copies.
- C. Actual cost for color copies or electronic medium.
- D. \$1.00 per certificate if the copies are to be certified.

If the person making the request for records states that the purpose of the request is for health, safety and welfare or legal rights of the public rather than for personal benefit or commercial gain and requests that the fee be waived or reduced, the Village Administrator may, upon inquiry of the precise reason for the request, grant such waiver or reduction as he deems appropriate. Should any person wish to appeal a fee waiver or reduction decision of the Village Administrator, such appeal is to be made to the Village Board, in writing.

XII. Questions

Should any person have any questions regarding access to public records of the Village that are not answered in the Guide, those questions may be addressed to the appropriate Village Freedom of Information Officer or to the Village Administrator.

VILLAGE INFORMATION DIRECTORY

XIII. MUNICIPAL COMPLEX

The Village of Peotone is an Illinois municipal corporation located in Will County, Illinois. The Village is organized under the laws of the State of Illinois. The Village is governed by an elected President and six Trustees. The offices of the Village are located in the Municipal Complex, P. O. Box 430, 208 E. Main Street, Peotone, IL 60468.

XIV. PRESIDENT AND TRUSTEES

- A. The President and the Trustee of the Village are:
Peter March, President
Patrick Bowden, Trustee
Nick Strba, Trustee
Gary Hudson, Trustee
Shelley Marevka, Trustee
Michael Jones, Trustee
Julie Sluis, Trustee
- B. Committees. The Village maintains five standing committees as follows:

<u>Committee</u>	<u>Chairperson(s)</u>
Administrative Oversight	Patrick Bowden
Police	Gary Hudson
Public Works	Michael Jones
Building	Julie Sluis
Planning and Zoning	James Petreikis

- C. Police Pension Board, John Popek, President.

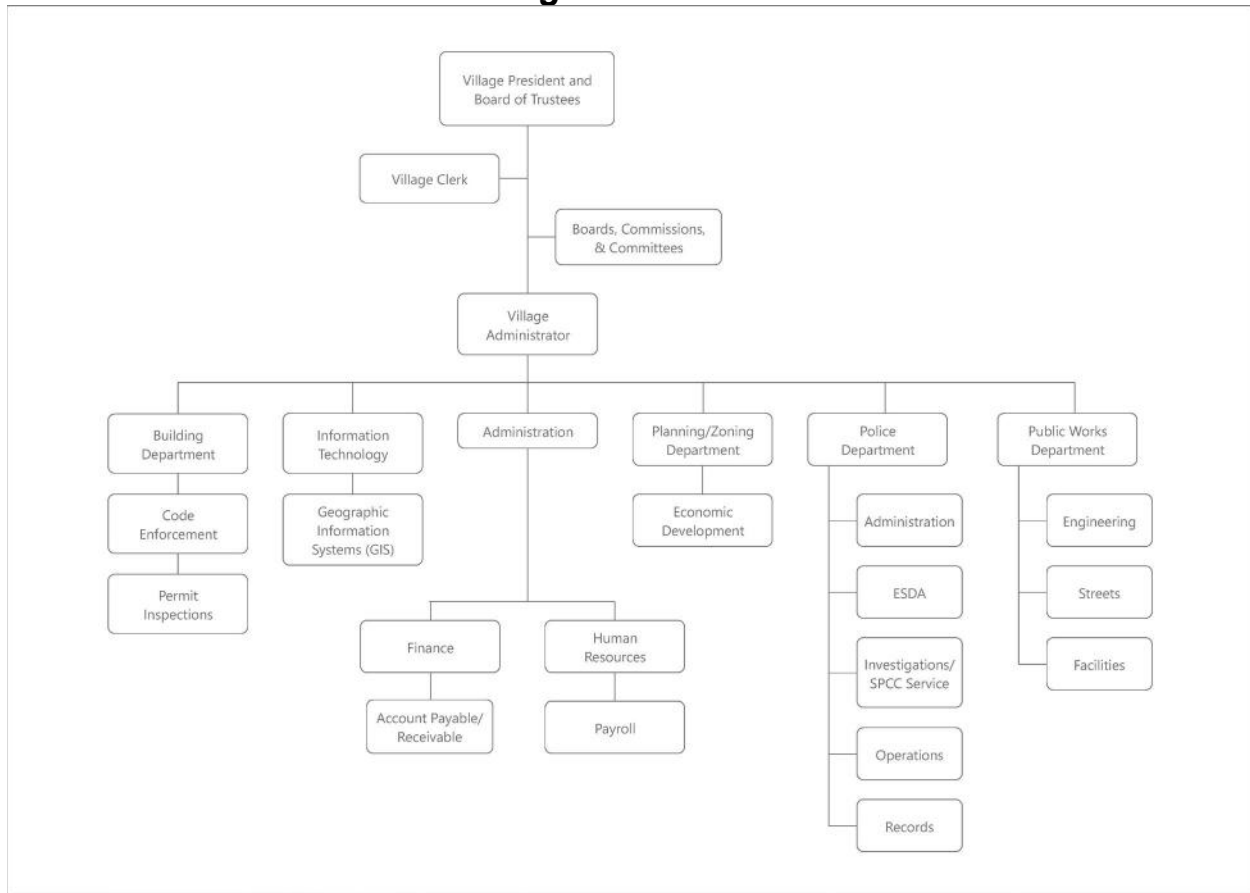
XV. Employees

The Village employs approximately 20 full-time employees and approximately 12 part-time employees.

XVI. Operating Budget

The operating budget of the Village is approximately \$4.1 M

XVII. Organizational Chart



XVIII. List of Records

A records list of the types or categories of records maintained by the Village.

GENERAL VILLAGE

- AGENDAS
- AGREEMENTS
- AUDITS
- CONTRACTS
- LICENSES
- LIENS
- MEETING MINUTES
- ORDINANCES
- PAYABLES
- PERMITS
- PROCLAMATIONS
- RESOLUTIONS
- SPECIAL USES
- VARIANCES

- ZONINGS
- PAYROLL CERTIFICATIONS

POLICE

- ACCIDENT RECORDS
- ADULT ARREST RECORDS
- ASSET FORFEITURE FILES
- EVIDENCE PROPERTY FILES
- EXPUNGEMENT FILES
- GRANT RECORDS
- ILLINOIS UNIFORM CRIME RPEORTS
- INTOXILYZER CERTIFICATIONS / LOGS
- INCIDENT REPORTS
- MISSING PERSONS REPORTS
- OFFICER ACTIVITY REPORTS
- PARKING, COMPLIANCE, WARNING TICKETS
- RACIAL PROFILING DATA COLLECTION RECORDS
- RULES AND REGULATIONS, POLICIES AND PROCEDURES, GENERAL AND SPECIAL ORDERS
- SEX OFFENDER REGISTRATIONS
- TRAFFIC STUDIES
- TRAFFIC TICKETS

**APPENDIX A
VILLAGE
Forms**

**Relating to the Release of
Records Under the
Illinois Freedom of
Information Act**

(Note: forms may be changed from time to time)

**WRITTEN REQUEST FOR INSPECTION OR COPYING
OF PUBLIC RECORDS**

This request is for records from: Police Department Other village records

To: The Village of Peotone
ATTENTION: Freedom of Information Officer

- 1. Name of person making request: _____
- 2. Mailing address of person making request: _____

3. Telephone number of person making request: _____

4. Email address: _____

5. Date of request: _____

6. Is this a request for records to be used for a commercial purpose? Yes No

Describe in detail below the public records you are requesting and state whether you wish to inspect and/or copy such records. Also, please state whether such public records are to be certified.

The Village will respond to the above request within five (5) business days from the above date unless one or more of the reasons for an extension of time provided for in Section 3(d) of the Act are invoked by the Village.

Signature of person making request

LETTER OF RECORDS AVAILABLE FOR INSPECTION OR COPYING

Dear _____:
(individual involved)

Pursuant to your written request for disclosure of record(s), please be advised that you may inspect or obtain copies of the requested records at the Municipal Complex, 208 E. Main Street, Peotone, IL 60468 during regular business hours. The fee for black and white copies is \$.15 per page after the first 50 pages. We ask that you call the Village at 708-258-3279 prior to the time you wish to inspect or copy the records as this will assist us in serving you.

Village of Peotone

SIGNATURE

TITLE: Freedom of Information Officer

LETTER OF DISCLOSURE

Dear _____:
(individual involved)

Pursuant to your written request for disclosure of record(s), enclosed you will find copies of the record(s) you have requested. The fee for the records is _____. Please make any check payable to The Village of Peotone

Village of Peotone

BY: _____
SIGNATURE

TITLE: Freedom of Information Officer

**LETTER OF DISCLOSURE WITH DELETION OF
EXEMPT MATERIAL PURSUANT TO SECTION 7 OF
THE FREEDOM OF INFORMATION ACT**

Dear _____:

Pursuant to your written request for disclosure of record(s), enclosed you will find copies of the record(s) you have requested. Please note that pursuant to Section 7 of the Freedom of Information Act, certain material originally contained in such records has been deleted because such material is exempt material under Section 7 of the Freedom of Information Act. The reason for the denial of access to the deleted material is _____

The fee for the records is _____. Please make any check payable to The Village of Peotone.

As to the deletion of the exempt materials, you are advised that you have the right to a review of this decision by the Public Access Counselor in the office of the Illinois Attorney General by filing a request for such review with the Public Access Counselor within sixty (60) days of this denial. The Public Access Counselor may be contacted at 217-558-0486. The address of the Public Access Counselor is:

500 S. 2nd Street
Springfield, IL 62706
Email: publicaccess@atg.state.il.us

You are further advised that you have the right to appeal this decision to the Circuit Court of this County under Section 11 of the Freedom of Information Act.

Village of Peotone

BY: _____
SIGNATURE

TITLE: Freedom of Information Officer

EXTENDING TIME FOR DISCLOSURE

Dear _____ :
(individual involved)

We are unable to fill your request for disclosure, dated _____, for the following records:

for the following reason(s):

- The requested record(s) are stored in another location.
- The request requires the collection of a large number of records.
- The request is categorical in nature and requires an extensive search
- We have failed to locate the requested record(s) in our initial attempt and the search is continuing.
- The requested record(s) require examination by a competent person in order to determine which, if any, are exempt under Section 7 of the Freedom of Information Act.
- It would unduly burden or interfere with the operations of this Village to fill the request within the initial five (5) working days.
- There is a need for consultation with another public body which has a substantial interest in the determination or in the subject matter of the request.

With respect to the record(s) you have requested, such record(s) will be available to you by _____, or we will make a decision denying your request in whole or part by such date. Such date will be within five (5) additional working days from _____ (the date of the fifth (5th) working day after the original request was filed.

Village of Peotone

BY: _____
SIGNATURE

TITLE: Freedom of Information Officer

**NOTICE TO MEET AND CONFER TO REDUCE CATEGORICAL
REQUEST TO MANAGEABLE PROPORTIONS**

Dear _____:
(individual involved)

You are hereby notified that your written request dated
_____ calling for all records falling within

(category of records requested) has been determined to be unduly burdensome pursuant to Section 3(f) of the Freedom of Information Act, that there is no way to narrow your request and the burden on the Village outweighs the public interest in the information requested.

We hereby extend to you an opportunity to meet and confer with the undersigned in an attempt to reduce your request to manageable proportions. Please call me at _____ between the hours of _____ and _____ in order to schedule a conference.

Village of Peotone

Freedom of Information Officer

DENIAL LETTER - UNDULY BURDENSOME

Dear _____:
(individual involved)

You are hereby notified that your request for all the Village's _____ (insert as appropriate e.g., financial) records is hereby denied because to comply with your request would be unduly burdensome for the following reason(s):

(set forth why it would be unduly burdensome, such as this is a repeated request for the same records by the same person).

After meeting and conferring with you on the _____ day of _____, 20__, we were unable to reduce your request to manageable proportions and it appears from your explanation as to why you are requesting these records, that the burden on the Village outweighs the public interest in the information being sought.

You are hereby further notified that you have the right to a review of this decision by the Public Access Counselor in the office of the Illinois Attorney General by filing a request for such review with the Public Access Counselor within sixty (60) days of this denial. The Public Access Counselor may be contacted at 217-558-0486. The address of the Public Access Counselor is:

500 S. 2nd Street
Springfield, IL 62706
Email: publicaccess@atg.state.il.us

You are further advised that you have the right to appeal this decision to the Circuit Court of this County under Section 11 of the Freedom of Information Act.

Village of Peotone

By: _____
Freedom of Information Officer

DENIAL LETTER

Dear _____:
(individual involved)

You are hereby notified that your request for disclosure, dated _____, for the following record(s):

is hereby denied for the following reason(s):

(insert reference to the claimed exemption and factual basis for the application of the claimed exemption)

The person or persons making this decision to deny and their title or titles are set forth below:

NAME:

TITLE:

You are hereby further notified that you have the right to a review of this decision by the Public Access Counselor in the office of the Illinois Attorney General by filing a request for such review with the Public Access Counselor within sixty (60) days of this denial. The Public Access Counselor may be contacted at 217-558-0486. The address of the Public Access Counselor is:

500 S. 2nd Street
Springfield, IL 62706
Email: publicaccess@atg.state.il.us

You are further advised that you have the right to appeal this decision to the Circuit Court of this County under Section 11 of the Freedom of Information Act.

Village of Peotone

BY: _____
Freedom of Information Officer

