



Subject: Access to Public Records Under the Freedom of Information Act

Policy/Written Directive #22-004

Issued: 03-03-2022

Effective Date: 03-03-2022

Rescinds:

POLICY & PURPOSE

The purpose of this document is to set forth rules and procedures established by the City of Oak Forest 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 Oak Forest 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 Oak Forest procedures under the Act.

DEFINITIONS

1. Terms used in this Policy shall have the same meaning as those contained in the Act.
2. "FOIA" means the Freedom of Information Act.
3. "Requester" means a person who submits a request for public records in accordance with the Act/this Policy

PROCEDURES FOR REQUESTION PUBLIC RECORDS

1. General - Processing of Requests

All requests to inspect, copy or certify public records under FOIA must be submitted to the City in writing, submitted via the portal of its choosing as provided on the City's website FOIA tab <https://www.oak-forest.org> or sent via electronic mail. The City will respond to all requests in conformance with the FOIA statute parameters. The City will comply with the request by providing responsive records to the requester only, or as the case may be, deny the request, as required by 5 ILCS 140/3 through 140/3.3.

2. Responsibilities of FOIA Officers

The City's Freedom of Information Officers are administratively responsible for receiving and processing all requests to inspect, copy, or certify public records under the Act and this FOIA policy. The FOIA Officers are the person with the authority on behalf of the City to grant or deny requests to inspect, copy, or certify public records filed pursuant to the Act and this FOIA policy, to extend the time for response, and to issue appropriate notices. The City designates the following positions to be FOIA officers: City Clerk, Oak Forest Police Chief, Oak Forest Fire Chief, Building Commissioner, Public Works Director, or Community Director or their designees, FOIA Officers are responsible for closing each request in conjunction with the Law Department. The FOIA Officers within the Law Department are responsible for all correspondence with the Attorney General's Public Access Counselor when a request for review is filed.

3. Summary of the FOIA Request process

A. Complete a FOIA Request Form:

Requests for records can be made in writing. However, sufficiently detailed oral requests for records may be honored as well. The City prefers that the requester use portal as provided under the Government tab on the City's website www.oak-forest.org. If this is not an option for the requester, s/he may submit a request in person at the City Clerk's Office at 5620 James Drive, Oak Forest, Illinois 60452. The City will process written requests as long as the following information is included:

- 1.) name of requester
- 2.) the requester's mailing address, e-mail address (if applicable), and telephone number;
- 3.) a specific description of the public records requested
- 4.) a statement of purpose, indicating whether the requester intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services

B. Procedure for Submission of the FOIA Request

Requests may be submitted online at www.oak-forest.org. Requests can also be mailed to City Hall, faxed to 708-687-8817 or e-mailed to cmaher@oak-forest.org for processing. Requests can also be hand delivered to the FOIA Officer(s) between the hours of 8:30 a.m. and 5:00 p.m. Monday through Thursday and Friday between the hours of 8:30 a.m. and 5:00 p.m., except on City observed holidays. An e-mail sent during business hours will be deemed received on the day it is received by the Public Body and an e-mail message sent after business hours will be deemed the following business day.

Mailed Requests should be addressed as follows:

***City of Oak Forest
Attn: FOIA Officer
15440 S. Central Avenue
Oak Forest, IL 60452***

If you are submitting a FOIA request via email, send to Cmaher@oak-forest.org. For every FOIA request, the City's FOIA officers must use the City's portal as provided under the Government tab on the City's website at www.oak-forest.org in a way so that records responses and responsive documents released can only be viewed by the requester.

C. City Response

The City will respond to the request within five (5) business days of receipt of the Request. If a FOIA Officer determines that additional time is needed and allowed under FOIA to respond to the request, then a FOIA Officer will send written notification to the requester of the reasons requiring the extension, and the length of the extension (no more than 5 business days). The requester and the City may also agree in writing to extend the time period to a date certain that is beyond the additional five (5) business days. The FOIA Officers and City staff, with the aid of the City of Oak Forest Law Department, will evaluate if any or all of the requested public records are exempt from disclosure under FOIA. After a determination of legal compliance is made in conjunction with the Law Department, each FOIA Officer is responsible for closing a request assigned to him/her. The City officials will respond to the Request for records according to the following:

- 1.) Approve the request and release all requested documents for inspection and/or copying;
- 2.) Approve the request in part and deny the request in part based on statute exemptions and provide the requester an opportunity to appeal;
- 3.) Deny the request for all records requested. The denial will cite statutory reasons for the denial and provide requester an opportunity to appeal;
- 4.) Send a notice of extension for the City's response to the request; or
- 5.) Meet and confer with the requester to narrow the scope of the request and if the requester narrows the request to a manageable size, the City will send a follow-up response letter with the updated records.

- 6.) Send response letter indicating that the request needs clarification regarding the records that the requester is seeking, and/or the request as submitted is vague or unclear.

D. City Response – Commercial Requests

The City must be informed if the request is made for commercial purpose. It is a violation of FOIA to attempt to procure public records without disclosing to the City that the request is submitted for a commercial objective. The City will respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response will (i) provide to the requester an estimate of the time required by the public body to provide the records requested and an estimate of the fees to be charged, which the City may require the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in this Act, (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (iv) provide the records requested.

Requests from the news media or non-profit organizations are not classified as a request for a commercial purpose if the purpose of the request is to:

- 1.) access and disseminate information concerning news and current passing events;
- 2.) write articles of opinions or features of interest to the public; or
- 3.) Use for the purpose of academic, scientific or public research/education.

E. Delivery of Response and Payment of Applicable Fees

If the request is approved, approved in whole, or approved in part, the City will provide the materials in accordance within the required time period. The FOIA Officer will notify that the materials will be available electronically, or upon payment of the reproduction costs, and/or give notice of the time and place for inspection of records. Public records are available for inspection during regular City business hours. During inspections, a City employee must be present and the record(s) cannot be removed from the building.

4. DISCLOSURE OF PUBLIC RECORDS

A. Access to Public Records

City of Oak Forest

1.) Only City employees will be permitted to search City files, records, or storage areas; to use City equipment; or to make copies of City's public records. Original public records will not be removed from City offices at any time.

B. No Obligation to Create New Records

1.) In the course of responding to requests to inspect, copy, or certify public records, the Act and this FOIA Policy does not require the City to create records that the City does not already maintain in record form.

5. CITY OBLIGATIONS

A. Organizational Description - In accordance with Section IV of the Act, the FOIA Officers will cause the City to prominently display at City Hall, make available for inspection, copying, and available on the City's webpage under Freedom of Information Act "Organizational Information," the following information:

1.) City of Oak Forest Budget: The City Council approved the current fiscal-year operating budget for the City in the amount identified on the City's webpage.

2.) Total number of City employees: The total staffing level for the current Fiscal Year is identified on the City's webpage.

3.) Organizational Chart: The City's organizational charts are posted to City of Oak Forest website at: <https://oak-forest.org/transparency/city-organizational-charts/>.

4.) Location of City of Oak Forest offices

By Order of

Timothy J. Kristin
City Administrator