

## **WHEATLAND TOWNSHIP**

### **FREEDOM OF INFORMATION ACT POLICY**

This Policy ("FOIA Policy") outlines the Wheatland Township's ("Township") procedures for compliance with the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq. ("Act"), by the Township and any person requesting public records from the Township ("Requestor") and contains instructions for the implementation of the FOIA Policy. The Township will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, this FOIA Policy, and other applicable law.

#### **FREEDOM OF INFORMATION OFFICERS**

FOIA requests for general Township matters:

Anita Liskey, Clerk                      clerk@wheatlandtownship.com

FOIA requests for Township Assessor matters:

Brandi Pocius                              brandip@wheatlandassessor.com

FOIA requests for Township Road District matters:

Carolyn Rominger                      carolynr@wheatlandtownship.com

#### **SUBMITTING A FOIA REQUEST**

FOIA requests to the Township must be made in writing. Requests shall be legible, specific, and in English. The requests should contain the requestor's name, complete address, phone number, and specific records requested. Appropriate forms are available upon request or may be found on the Township website.

All notices and other communications in connection with a request to inspect, copy, or certify public records under the Act may be mailed to the address below or email to the respective Freedom of Information Officer:

Freedom of Information Officer  
4232 Tower Court  
Naperville, IL 60564

#### **FEE SCHEDULE**

Pursuant to 5 ILCS 140/6, the Township has the authority to charge reasonable fees for the duplication and/or certification of public records in compliance with FOIA requests.

Copying fees must be paid in advance of the records being made available to the requestor. Fees are as follows:

- 1<sup>st</sup> 50 pages are free
- Black & White copies (8.5" by 11") are \$0.15 per page

- Color copies (8.5" by 11") are \$0.29 per page
- The fee for certifying copies is \$1.00 per document

Fees to copy any records which are to be copied by an outside provider shall be based on the actual costs incurred by the Township.

Fees may be charged for voluminous electronic copies as appropriate. 5ILCS 140/6(a-5)

### **FEE WAIVER REQUEST**

You are permitted to request a waiver or reduction of copying or production fees. Please make sure this is clearly indicated on your request, and you provide a specific explanation as to why your request for information is in the public's interest and merits a fee waiver. 5 ILCS 140/6 (c) states "Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request AND indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or legal rights of the general public AND is not for the principal purpose of personal or commercial benefit" In setting the amount of the waiver or reduction, the Township is authorized to consider the amount of material requested and the cost of copying them.

### **TOWNSHIP RESPONSE TO REQUEST FOR INSPECTION OR COPYING OF RECORDS**

In accordance with the Act, the Township will respond to all non-commercial requests within five (5) working days of receipt. Responses will be provided to any commercial requests within twenty-one (21) working days of receipt. In processing requests for records made under the Act, the Township shall give priority to any non-commercial requests pending before it. The Township shall respond in one of the following methods:

#### **A. Approval of Request**

If the requested records are available and determined to be non-exempt, the Township will advise the requestor of the documents which are available, and if applicable, the cost to copy the records.

If the requestor has asked to inspect documents, the Township will provide the requestor with notice of a time and location in which the inspection will be conducted during normal business hours at the Township's administrative offices. The Township may require that an officer or employee of the Township be present during an inspection of public records.

Fees for copies of records, unless waived, must be paid prior to inspection and copying. All copying of documents shall be done by a FOIA officer or employee of the Township. Upon written request, the Township will mail copies of public records to the requestor. Upon written request, the Township will email copies of public

records to the requestor unless emailing the records is not practical due to the size of the files in response to the request.

**B. Extension of Time**

If the FOIA Officer determines that additional time is needed, and allowed under Section 3(e) of the Act, to respond to a request filed pursuant to Section I of this FOIA Policy, the FOIA Officer will notify the Requestor in writing of that determination, the reasons requiring the extension, and the length of the extension, which will not in any event exceed five working days from the original due date. The Requestor and the Township may also agree in writing to extend the time for compliance for a period to be determined by the parties.

**C. Denial of Request**

If the FOIA Officer determines that all or any part or portion of any public records requested are not subject to disclosure under the Act, the FOIA Officer will notify the requestor in writing of that determination.

If the FOIA Officer fails to respond to a request properly filed under this FOIA Policy, the Request will be deemed to be denied as of the last day permitted for the response.

**ADMINISTRATIVE AND JUDICIAL REVIEW PROCEDURES**

Any requestor whose request for information has been denied by the Township may exercise his/her statutory right to petition the Public Access Counselor in the office of the Attorney General for review of said denial.

Any person denied access to inspect or copy any public record shall also have the right to file a suit for injunctive or declaratory relief in the 12th Judicial Circuit Court of Will County.