

CHAPTER 15

FREEDOM OF INFORMATION POLICY

**15-1-1 STATE LEGISLATURE.** To the extent required by "An Act in relation to access to public records and documents", certified **December 27, 1983**, and effective **July 1, 1984**, the City shall make available to any person for inspection or copying all public records, except as otherwise provided in **5 ILCS 140/7**.

**15-1-2 DIRECTORY CREATED.** A Directory of the City of Carlinville, Illinois, shall be displayed in the City Clerk's office and made available for inspection and copying, and sent through the mail if requested.

**15-1-3 TYPES AND/OR CATEGORIES OF RECORDS.** The current list of all types and/or categories of records prepared, maintained or under the control of the City shall be maintained in the City Clerk's office for inspection and/or copying on request.

**15-1-4 DESCRIPTION OF PROCEDURES.** The description of the procedures whereby the public may request information and public records shall be prominently posted in the City Clerk's office.

**15-1-5 REQUESTS TO INSPECT.** All requests to inspect and/or copy records or documents prepared, maintained or under the control of the City shall be made in the following manner:

(A) All requests shall be in writing and may be submitted via personal delivery, mail, telefax or e-mail provided that the requester shall be identified.

(B) Each request shall be granted or denied within **five (5) business days** after its receipt by the City except as stated otherwise. The failure to grant or deny a request within **five (5) business days** shall operate as a denial.

(C) The time limit prescribed above may be extended for an additional **five (5) business days** by notifying in writing the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) days** extension and contain a date certain on which the requested record(s) will be available.

(D) A denial of a request to inspect and/or copy records of documents shall be in writing and signed by the City Clerk or Deputy City Clerk.

(E) Charges for copies of records and/or documents shall be imposed in accordance with the following:

- (1) **Fifteen Cents (\$0.15)** per page for each copy requested after the first **fifty (50) pages** copied in black and white.
- (2) **Five Dollars (\$5.00)** per hour for each hour after the first hour expended in search and retrieval of records prepared or maintained prior to **July 1, 1984**.
- (3) **Two Dollars (\$2.00)** for each certified copy requested.
- (4) Copies of records requested may be mailed by United States Mail or e-mailed to the person making the request. The City shall have the right to charge the requester for its costs of mailing.
- (5) Costs of computer disks and other materials used to comply with requests.

(F) It shall be the responsibility of the person making the request to provide the City with his/her correct mailing address so as to efficiently process all requests.

**(Ord. No. 1713; 09-16-13)**

**15-1-6**     **ESTABLISHED FEES.** The City Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

**15-1-7**     **CENTRAL FILE.** The City Clerk shall establish and maintain a central file, open to the public, which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

**15-1-8**     **REQUEST FOR RECORDS.** A request for all records within a category shall be granted unless the request constitutes an undue burden upon the City. Prior to denying a categorical request upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempts to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the City and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome. Repeated requests for the same records by the same person shall be considered unduly burdensome under this Section.

**15-1-9**     **DENIAL OF REQUEST.** Any denial of a request to inspect and/or copy records or documents prepared, maintained or under the control of the City shall be in writing and shall state the specific section of **5 ILCS 140/7**, which supports the denial. The notification of the denial shall inform the person submitting the request that he/she has **fourteen (14) days** in which to appeal the denial of the request. The written notice of appeal shall be forwarded within **fourteen (14) days** of the date of the written notice of denial to the Mayor, Carlinville City Hall, 550 North Broad, Carlinville, Illinois, 62626.

**15-1-10**     **AUTHORITY OF MAYOR.** The Mayor shall have the authority to review the request and affirm or reverse the decision of the City Clerk. Should the decision of the City Clerk be reversed, the person making the request shall receive written notice of a date certain on which the request record(s) will be available. Should the Mayor affirm the denial of the City Clerk, written notice shall be forwarded to the person making the request. The written notification shall inform the person submitting the request that he/she has **thirty (30) days** from the date of notification to appeal the decision by filing a petition for injunctive relief or a complaint for declaratory judgment in the Macoupin County Circuit Court.

**(Ord. No. 1471A; 12-02-02)**