

TOWNSHIP OF SUGAR GROVE

FREEDOM OF INFORMATION ACT POLICY

This Policy (“**FOIA Policy**”) outlines the Township of Sugar Grove’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 (“**Requester**”), and contains instructions and forms 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. All notices and other communications in connection with a request to inspect, copy, or certify public records under the Act must be sent to: FOIA Officer, 54 Snow Street, Sugar Grove, Illinois, 60554 or mbond@sgtownship.com (“**Office**”).

I. REQUESTS FOR PUBLIC RECORDS

A. Responsibilities of FOIA Officer

The Township’s Freedom of Information Officer (“**FOIA Officer**”) is the person administratively responsible for receiving and processing all requests to inspect, copy, or certify public records under the Act and this FOIA Policy. The FOIA Officer is the person with authority on behalf of the Township 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 Township may designate more than one FOIA Officer and, if only one FOIA Officer is designated, will designate a designee who will act on the FOIA Officers behalf in the event that the FOIA Officer is unavailable.

B. FOIA Officer Training

Appointed FOIA Officers must complete the electronic training curriculum developed and administered by the Public Access Counselor within 30 days of assuming the position. Additionally, FOIA Officers must successfully complete an annual training program pursuant to Section 3.5(b) of the Freedom of Information Act.

C. Requests

All requests to inspect, copy, or certify public records must be in writing, directed to the Township and submitted via personal delivery, mail, fax, email or other means available to the Township in accordance with Section 3(c) of the Act. The Township prefers that a Requester use the form attached as **FORM 1** (“**Request Form**”), submitted to the attention of the Freedom of Information Officer at the Township’s primary address at 54 Snow Street, Sugar Grove, Illinois, 60554, but the Township will honor all requests lawfully submitted to the Township even if it is not submitted on the preferred form.

The Township has established an e-mail address for FOIA requests: psilagi@sgtownship.com, which is monitored during Business Hours by the FOIA Officer.

D. Receipt of Requests

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FOIA requests submitted via personal delivery, mail, fax, or other means available to the Township must be addressed to the Township and will be deemed received only upon actual receipt by the Township on a Business Day, regardless of date of transmittal. Any request submitted via e-mail to the Township will only be deemed received and proper when directed to the Township as specified in Paragraph I.C above. Any e-mail sent during Business Hours will be deemed received on the day it is received by the Township. E-mail sent after Business Hours will be deemed received on the following Business Day.

E. Request Form Processing

All requests for inspection and copying received by the Township will immediately be forwarded to its FOIA Officer or designee in accordance with Section 3(c) of the Act. Upon receiving a request for a public record, the FOIA Officer will note the Request with the date and time of receipt by the Township, compute the day on which the Response is due and note the date on which the Response is due on the Request. The FOIA Officer will maintain an electronic or paper copy of the Request, including all documents submitted with the Request, until the Request has been complied with or denied. The FOIA Officer will 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.

F. Supplemental Requests

Supplemental, amended, or additional requests to inspect, copy, or certify public records will not relate back to the time of receipt of the initial request. Supplemental, amended, or additional requests will be considered new requests for purpose of determining all applicable time periods.

G. Interpretations or Advice

The FOIA Officer will not interpret or advise the Requester as to the meaning or significance of any public records. The FOIA Officer is encouraged to contact the Requester, if necessary, to clarify the Request. The FOIA Officer may seek advice on appropriate responses from the Township's Attorney, and seek advisory opinions from the Public Access Counselor as specified below.

II. RESPONSES TO REQUESTS

A. Time for Response

The Township will respond to any FOIA Request filed pursuant to Section I of this FOIA Policy within 5 business days after the Request is received by the Township, except for commercial, recurrent, or voluminous requests. All responses and decisions required to be issued by the Township pursuant to the Act or this FOIA Policy will be conclusively deemed to have been given as of the date of personal delivery to the Requester or, if mailed, as of the date of mailing, regardless of the date of actual receipt by the Requester.

B. Responding to Requests

The FOIA Officer may consult with the Township's Attorney before responding to any request to inspect, copy, or certify public records. The FOIA Officer may also consult with the Township's Attorney if the FOIA Officer believes it would be beneficial to the Township to seek an advisory opinion from the Public Access Counselor regarding whether a request should be denied in part or in whole.

C. Requests for Records to be Used for a Commercial Purpose

The time lines specified above in Section II.A do not apply to requests for records to be used for commercial purposes, as defined in Section 2(c-10) of the Act. The Township will respond to a request for records to be used for a commercial purpose within 21 business days after receipt. In accordance with Section 3.1(a) of the Act, the response will (i) provide the Requester an estimate of the time required by the Township to provide the records requested and an estimate of the fees to be charged, which the Township may require the Requester to pay in full before copying the requested documents, (ii) deny the request pursuant to a lawful exemption; (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. Unless the records are exempt from disclosure, the Township will comply with a request within a reasonable period of time considering the size and complexity of the request, giving priority to records requested for non-commercial purposes. It is a violation of the Act for a person to knowingly obtain public records for a commercial purpose without disclosing it is for a commercial purpose.

D. Form of Response

1. Disclosure of Public Records.

- (a) If the FOIA Officer determines that the Act requires disclosure of all or any part or portion of any public records requested on a Request Form filed under Section I of this FOIA Policy, the FOIA Officer will notify the Requester in writing of that determination by use of **FORM 2** or a substantially similar writing ("*Approval Form*").
- (b) Except as otherwise specifically authorized by the FOIA Officer, only Township personnel will be permitted to search Township files, records, or storage areas; use Township equipment; or make copies of Township public records. Original public records may not be removed from the Township's possession at any time.
- (c) Public records requested under the Act may be inspected, or copies of public records obtained, during Business Hours at the Township Office. Because space is limited, Requesters must make arrangements in advance with the FOIA Officer for a specific appointment to inspect public records at the Township Office.
- (d) Requests for the reproduction of any public records that are tape recordings will be honored in accordance with the provisions of the Act and this FOIA Policy.

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- (e) The Requester must pay all copying, certification, and postage fees in advance of receiving copies of any public records.
 - (f) When requested in electronic format, records will be furnished in the electronic format specified by the Requester, if feasible, in accordance with Section 6(a) of the Act. If it is not feasible to furnish the records in the specified electronic format, then the Township will furnish the record in the format in which it is maintained by the Township, or in paper format at the option of the Requester.
2. 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 Requester in writing of that determination, the reasons requiring the extension, and the length of the extension, which will not in any event exceed five business days from the original due date. The FOIA Officer will provide notice of the extension by use of **FORM 3** or a substantially similar writing in accordance with Sections 3(e) and 3(f) of the Act ("*Notice of Extension*"). The Requester and the Township may also agree in writing to extend the time for compliance for a period to be determined by the parties, by use of **FORM 4** or a substantially similar writing ("*Agreement to Extend*").
3. Repeated Requests. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under the Act will be deemed unduly burdensome in accordance with Section 3(g) of the Act.
4. Recurrent Requests. Requests received from any person or persons that, in the 12 months immediately preceding the request, have submitted (i) 50 or more requests for records, (ii) 15 or more requests for records within a 30-day period, or (iii) 7 or more requests for records within a 7-day period, excluding requests made by news media and non-profit, scientific, or academic organizations for purposes outlined in Section 2(g) of the Act, will be reviewed as a recurrent request and treated in the following manner:

Within 5 business days of receiving a recurrent request, the FOIA Officer will notify the Requester: (i) that the public body is treating the request as a request under section 2(g) of the Act, (ii) of the reasons why the public body is treating the request as a request under section 2(g) of the Act, (iii) that the public body will send one of the initial responses set forth below within 21 business days after receipt of the request; and (iv) of the following categories of initial responses that may be asserted pursuant to section 3.2(a) of the Act. The notice will be given by use of **FORM 5** or substantially similar writings ("*Recurrent Requester Notice*").

Within 21 business days after receipt of a recurrent request, the FOIA Officer will issue one of the following initial responses:

- (i) Provide the Requester with an estimate of the time required by the Township to provide the records requested and an estimate of the

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fees to be charged, which the Township may require the person to pay in full before copying the requested documents;

- (ii) Deny the request pursuant to one or more exemptions set out in the 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; and/or
- (iv) Provide the records requested.

Unless the requested records are exempt from disclosure, the FOIA Officer will comply with the request within a reasonable period considering the size and complexity of the request.

5. Voluminous Requests. Requests received from any person or persons that (i) includes more than 5 individual requests for more than 5 different categories of records in a period of 20 business days or (ii) require the compilation of more than 500 letter or legal-sized pages of public records unless a single record exceeds 500 pages, excluding requests made by news media and non-profit, scientific, or academic organizations for purposes outlined in Section 2(h) of the Act, will be reviewed as a voluminous request and treated in the following manner:

Within 5 business days of receiving a voluminous request, the FOIA Officer will notify the Requester: (i) that the public body is treating the request as a request under section 2(h) of the Act, (ii) the reasons why the public body is treating the request as a request under section 2(h) of the Act, and (iii) that the Requester has 10 business days to amend his or her request in such a way that it is no longer a voluminous request. The notice will be given by use of **FORM 6** or substantially similar writings ("*Voluminous Requester Notice*").

Within 5 business days after the receipt of the Voluminous Requester Notice or within 5 days from the last day for the Requester to amend his or her Request, the FOIA Officer will provide one of the following initial responses:

- (i) Provide to the Requester an estimate of the fees to be charged, which the public body may require the person to pay in full before copying the requested documents;
- (ii) Extend the time for response by not more than 10 business days from the final day for the Requester to respond to this notice.
- (iii) Deny the request pursuant to one or more of the exemptions set out in the Act;
- (iv) 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; and/or

- (v) Provide the records requested.

6. Categorical Requests.

- (a) If the FOIA Officer determines that a Request filed under Section I of this FOIA Policy for all records falling within a category will unduly burden the Township and the burden of the Township outweighs the public interest in production of the public records sought, the FOIA Officer will notify the Requester in writing of that determination, the reasons supporting that determination, and the right of the Requester to meet with the FOIA Officer in an effort to narrow the request. The notice will be given by use of **FORM 7** or substantially similar writings (“*Notice to Narrow Request*”).
- (b) If the Requester agrees to meet and confer with the FOIA Officer regarding the notice to narrow request, the FOIA Officer will respond to the Request, or to the Request as narrowed, within five business days. The response may take any form specified in this Section II.D.
- (c) If the Requester does not agree to meet and confer with the FOIA Officer regarding the request to narrow, the FOIA Officer may deny the request pursuant to Section II.D(8) below on the fifth business day after the date of the notice given pursuant to Section II.D(6)(a) above.

7. Redacting Information. When a request is made to inspect or copy a public record that contains information that is exempt from disclosure, but also contains information that is not exempt from disclosure, the FOIA Officer may elect to redact the information that is exempt, making available the remaining information for inspection and copying.

8. Denial. If the FOIA Officer determines that all or any part or portion of any public records request filed pursuant to Section I of this FOIA Policy are not subject to disclosure under the Act or this FOIA Policy, the FOIA Officer will notify the Requester in writing of that determination, including: (i) a detailed factual basis for the application of any exemption claimed; (ii) the reason for the denial; (iii) the name and position of each person responsible for the denial; and (iv) the Requester’s right to judicial review and review by the Public Access Counselor, including the Public Access Counselor’s address and phone number (“*Notice of Denial*”).

In the event that a Request is denied on the grounds that the records are exempt under Section 7 of the Act, the notice of denial will specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. The notice will be given by use of **FORM 8** or a substantially similar writing.

E. Records Available on the Township’s Website

Pursuant to Section 8.5 of the Act, the Township is not required to copy a public record that is published on the Township's website, and in response to a Request may notify a Requester that the record is available online and direct the Requester to the website where the record can be reasonably accessed. However, if a Requester is unable to reasonably access the record online after being directed to the website, the Requester may re-submit his or her request for the record stating his or her inability to reasonably access the record online, and the record will be made available for inspection or copying.

F. Failure to Respond

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

G. No Obligation to Create New Records

Except as provided in Section VI below, in responding to Requests to inspect, copy, or certify public records, the Act and this FOIA Policy does not require the Township to create records that the Township does not already maintain in record form.

III. INTERACTION WITH PUBLIC ACCESS COUNSELOR

A. The Township's Request for an Advisory Opinion

In the event that the Township desires an advisory opinion regarding whether it is obligated to comply with any FOIA request, or portion thereof, it may request an advisory opinion from the Attorney General by written request of the head of the Township or the Township Attorney pursuant to Section 9.5 (h) of the Freedom of Information Act.

B. Receipt of Request for Review

In the event that the Township receives a copy of a request for review from the Public Access Counselor which specifies records or other documents that the Township will furnish to facilitate the review, the Township will provide copies of the records requested within 7 business days and will otherwise fully cooperate with the Public Access Counselor in accordance with Section 9.5(c) of the Freedom of Information Act. Within 7 business days after it receives any copy of a request for review and request for production of records from the Public Access Counselor, the Township may, but is not required to, answer the allegations of the request for review pursuant to Section 9.5(d) of the Act, including filing affidavits or records concerning relevant matters. Records that are obtained by the Public Access Counselor from the Township for purposes of addressing a request for review under Section 9.5 of the Freedom of Information Act will not be disclosed to the public by the Public Access Counselor. The Township may furnish affidavits or records concerning any matter germane to the review.

C. Mediation

In the event the Public Access Counselor chooses to resolve a request for review by mediation or by a means other than the issuance of a binding opinion in accordance with Section 9.5(f) of the Freedom of Information Act, the Township will cooperate with the Public Access Counselor.

D. Adherence to Binding Decisions of the Public Access Counselor

Upon the receipt of a binding opinion from the Public Access Counselor concluding that the Township has violated the Act, the Township, at its discretion, may either take necessary action as soon as practical to comply with the directive of the opinion or may file an administrative review action pursuant to Sections 9.5(f) and 11.5 of the Freedom of Information Act.

IV. REVIEW OF DENIAL**A. Review by Public Access Counselor**

If a non-commercial Requester disagrees with a Notice of Denial, then the non-commercial Requester may file a request for review with the Public Access Counselor not later than 60 days after the date of the Notice of Denial. The request for review by the Public Access Counselor must be in writing, signed by the non-commercial Requester, and include a copy of the Request and the Notice of Denial and any other response from the Township.

Commercial Requesters, or persons whose Request was treated by the FOIA Officer as a request for a commercial purpose under this FOIA Policy, may not file a request for review by the Public Access Counselor with regard to the FOIA Officer's basis for denial. Commercial Requesters may only file a request for review for the limited purpose of reviewing whether the FOIA Officer properly determined the request was made for a commercial purpose.

A Requester whose Request treated as a voluminous request may only file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the FOIA Officer properly determined that the request was a voluminous request.

B. Judicial Review

A Requester denied access to a Specified Record may file suit for injunctive or declaratory relief in the circuit court for the county where the Township is located.

V. FEES**A. Fees Established**

Unless fees are waived or reduced pursuant to Section V.D below, each Requester must pay the following fees for copying, certification, and mailing of public records, which the Township has determined to be reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the Township to copy records:

- | | | | |
|----|-------------------------------------|----|---|
| 1. | Copies — letter or legal | -- | \$.15 per side. |
| 2. | Copies — color or oversize | -- | Actual cost of reproduction. |
| 3. | Certification | -- | \$1.00 per document plus copy cost. |
| 4. | Mailing | -- | Actual cost of postage. |
| 5. | Statutory Fees | -- | Fees otherwise fixed by statute will be imposed at the rates authorized by statute. |
| 6. | Recording Media (tapes, disks, etc) | -- | Actual cost to the Township |

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However, there will be no charge for the first 50 pages of letter or legal size black and white copies for a Requester, except for Requests for commercial purposes. When the services of an outside vendor are required to copy a public record, the actual reasonable charges of the outside vendor will be the fees for copying such records, notwithstanding the fees stated above.

If the Township provides records in response to a Request but fails to respond within the requisite periods, copies will be provided free of charge in accordance with Section 3(d) of the Act.

B. Fees for Commercial Requests.

Commercial requests may be subject to an additional fee of \$10.00 for each hour spent by Township personnel in searching for and retrieving a requested record. No fee will be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record.

Commercial Requesters may also be charged the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the public body.

If a fee is charged to a commercial Requester under this section, the Requester will be provided a receipt accounting for all fees, costs and personnel hours in connection with the Request.

C. Fees for Electronic Records (Voluminous Requests)

The Township will impose a fee for electronic records that fall under a voluminous request, as described in Section II.D.5 of this Policy. The fees are set forth below:

1. Records not in PDF format:
 - up to 2 MB of data - \$20.00
 - more than 2 MB but less than 4 MB of data - \$40.00
 - more than 4 MB - \$100.00
2. Records in PDF format:
 - up to 80 MB of data - \$20.00
 - more than 80 MB but less than 160 MB of data - \$40.00
 - more than 160 MB - \$100.00

D. Method and Time of Payment

Payment of all required fees must be made in cash, by cashier's or certified check, or by money order prior to the examination, copying, or certification of any public record.

E. Waiver of Fees

The fees provided in this Section IV may be waived or reduced by the FOIA Officer or another appropriately authorized official if the Requester states the specific purpose of the request on the Request Form and establishes to the reasonable satisfaction of the FOIA Officer that a fee waiver or reduction would be in the public interest. Any request for fee waiver or reduction must be

indicated on the Request Form at the time the Request Form is filed. A fee waiver or reduction will be considered to be in the public interest only if the principal purpose of the request is to disseminate information regarding the public health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit to the Requester. The FOIA Officer may consider the number of requested public records and the cost and necessity of copying them in setting the fee waiver or reduction amount.

VI. TOWNSHIP OBLIGATIONS

A. Organizational Description

In accordance with Section 4 of the Act, the FOIA Officer will cause the Township to prominently display at its Office, make available for inspection, copying, and mailing to any person requesting it, the following information, which shall also be posted on the Township's website, if it has one maintained by the Township's full-time staff:

- a brief description of the Township, identifying and describing the membership of the Township Board of Trustees and of all of its standing and special committees and other advisory bodies,
- a short summary of the Township's purpose,
- a block diagram of its functional subdivisions,
- the approximate number of its full and part-time employees,
- identification and membership of advisory councils, commissions, or committees,
- the total amount of its operating budget,
- the number and location of each of its offices,
- a brief description of the methods of requesting information and public records,
- a directory designating the Freedom of Information officer,
- the address where requests for public records should be directed, and
- any fees allowable under Section 6 of the Act, as set forth in Section V, above.

B. Records Stored by Electronic Data Processing

The FOIA Officer will prepare and furnish upon request a description of the manner in which public records of the Township stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

C. Summary of Procedures

The FOIA Officer will create, maintain current, and make available for inspection, copying, and mailing a copy of this FOIA Policy containing at a minimum the following: a brief summary of the procedures established by this FOIA Policy, a directory designating the FOIA Officer, the address where requests for public records should be directed, and any fees allowed.

D. Posting and Mailing of Information

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The FOIA Officer will keep posted at the Office, and will provide a copy to any person making a request therefor, the Organizational Description prepared pursuant to Section VI.A above and the Summary of Procedures prepared pursuant to Section VI.C above.

E. Record Keeping

The FOIA Officer will retain copies of all Requests and documents relating to a Request until the Request is complied with or has been denied. In addition, copies of Requests, any responses including Notices of Denial, and a copy of communications with the Requester and other communications shall be maintained by the FOIA Officer for the period provided by law.

F. Documents Immediately Available for Disclosure Upon Request

The FOIA Officer will develop a list of documents or categories of records that the Township will immediately disclose upon request.

VII. GENERAL

A. Conflicts and Invalidity

This FOIA Policy does not supersede the provisions of the Act. In the event that this Policy in any way conflicts with the Act, the Act will control over the FOIA Policy. If any provision of the FOIA Policy is deemed illegal or unenforceable, all other provisions and their application will remain unaffected to the extent permitted by law.

B. Definitions

In addition to the definitions provided in the Act, the following definitions are applicable to this FOIA Policy:

1. Business Hours: 8:00 a.m. to 4:00 p.m. on a Business Day.
2. Business Day: Any day on which the Office is open and staffed for regular public business during Business Hours.

VIII. LIST OF FORMS

FORM 1	Request for Public Records
FORM 2	Approval of Request for Public Records
FORM 3	Notice of Extension
FORM 4	Agreement to Extend
FORM 5	Recurrent Request Notice
FORM 6	Voluminous Request Notice
FORM 7	Notice to Narrow Request
FORM 8	Denial of Request

TOWNSHIP OF SUGAR GROVE
REQUEST FOR PUBLIC RECORDS

To: FOIA Officer
 Township of Sugar Grove
 54 Snow Street
 Sugar Grove, IL 60554
 mbond@sgtownship.com

Date: _____

- I. Request for Records** Describe in detail the public records that you wish to inspect or to have copied or certified. Use a separate sheet if necessary. Indicate whether you wish only to inspect the public records at the Township Office or to have the public records copied or certified by checking the appropriate box to the right of each record described.

Records Requested	inspect	copied	certified
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- II. Agreement to Pay Fees** By submitting this Request Form, you agree to pay in advance of receiving copies of any public records the copying and certification fees set forth in Section II below.

- A. Unless a waiver is requested and approved pursuant to Section B of this Section, I agree to pay the following fees for all public records copied or certified at my request:

1. Copies — letter or legal -- \$.15 per side
2. Copies — color or oversize -- Actual cost of reproduction
3. Certification -- \$1.00 per document plus copy cost
4. Mailing -- Actual cost of postage
5. Commercial Requests
 - a. Personnel Fee -- \$10.00 per hour over 8 hours
 - b. Offsite Storage Retrieval -- Actual cost
6. Electronic Records (Voluminous Requests only)
 - a. Records not in PDF format:
 - o up to 2 MB of data - \$20.00
 - o more than 2 MB but less than 4 MB of data - \$40.00
 - o more than 4 MB - \$100.00
 - b. Records in PDF format:
 - o up to 80 MB of data - \$20.00
 - o more than 80 MB but less than 160 MB of data - \$40.00
 - o more than 160 MB - \$100.00

However, there will be no charge for the first 50 pages of letter or legal size black and white copies for a Requester, except for Requests for commercial purposes or voluminous requests.

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- B. I request a waiver of the fees. (IF APPLICABLE) In support of my request, I certify and represent that I will gain no significant personal or commercial benefit from the records requested and that my principal purpose is to benefit the general public by disseminating information concerning the health, safety, welfare, or legal rights of the general public in the following specific manner: _____

Signature of Requester**III. Purpose of Request** Indicate the purposes for your request for public records:

- ☐ Noncommercial Purpose
☐ Commercial Purpose

A "commercial purpose" is defined as 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. Misrepresentation of the purpose of a Request is a violation of the Act.

IV. Request for Mail Delivery (IF APPLICABLE) I request that copies of the requested records be mailed to me and agree to pay the actual postage in advance._____
Signature of Requester**V. Identification of Requester** You must provide the information requested in Section V.

- A. Name of Requester: _____
B. Address: _____
C. Telephone Number: _____
D. Email Address: _____

VI. Signature of Requester I acknowledge and represent that I have reviewed and understand the Township's FOIA Policy and that the information I have provided in this request is true and accurate._____
Signature of Requester_____
Date

The Township will disclose the public records requested on this Request Form within 5 business days after the receipt of this Request Form (or such other time as permitted by the Act for Commercial Purpose, Recurrent, and Voluminous Requests), unless the time period is extended as provided by law or the request is denied. All extensions and denials will be in writing and will state the reasons therefor. A denial may be appealed to the Public Access Counselor within 60 business days after the date of the Notice of Denial. Judicial review is available under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* For more detailed information, please consult the Township FOIA Policy, which is available from the FOIA Officer.

FOR TOWNSHIP USE ONLY

Received by the Township: Date: _____ Time: _____

Response Due: _____ (5 business days after receipt unless commercial, recurrent, or voluminous request)

Method of Delivery:

- ☐ Personal Delivery ☐ Email
☐ Mail/Courier/Fax Delivery ☐ Other _____

Township employee receiving request:

Name: _____ Title: _____

Signature: _____

TOWNSHIP OF SUGAR GROVE

APPROVAL OF REQUEST FOR PUBLIC RECORDS

To: _____

Date: _____

On _____, the Township received your request for the inspection, copying, or certification of certain Township public records.

I. Approval of Request Your Request is hereby approved as follows:

- ☐ Attached: Electronic copies of your requested public records are attached.
- ☐ Inspection: Your requested public records will be made available for your inspection at the Township Building as indicated in Section II below.
- ☐ Copies for Pick-Up: Subject to payment of any required fees pursuant to Section III below, your requested public records will be made available for pick up by you at the Township Building as indicated in Section II below.
- ☐ Certified Copies for Pick-Up: Subject to payment of any required fees pursuant to Section III below, certified copies of your requested records will be made available for pick up by you at the Township Office as indicated in Section II below.

You will receive a separate response as it relates to any records that are not listed above.

II. Appointment for Inspection or Pick-Up The Specified Records will be made available for inspection or pick-up at the Township Office at 54 Snow Street, Sugar Grove, Illinois 60554. You must call the FOIA Officer at 630-466-4283 to schedule an appointment for inspection or pick-up of the Specified Records. If you do not make an appointment on or before the 30th calendar day after the date of this notice, the Specified Records may be refiled and will be made available to you only upon the filing of a new Request for Records.

III. Copying and Certification Fee No copies or certified copies of the Specified Records will be provided to you until the following applicable fees have been paid. Fees must be paid in cash, by cashier's or certified check, or by money order. However, no charge will be assessed for the first 50 letter or legal size black and white copies for a Requester.

Regular Copy Cost: \$_____ (___ sides at \$.15 per side)
 Oversize/Color Copy Cost: \$_____ (actual cost of reproduction)
 Certification Cost: \$_____ (___ documents at \$1.00 each)
 Outside Vendor Cost: \$_____ (See attached invoice)

Commercial Requests

- a. Personnel Fee \$_____
- b. Offsite Storage Retrieval \$_____

Electronic Records (Voluminous Requests only)

- a. Records not in PDF format \$_____
- b. Records in PDF format \$_____

Total Fee: \$_____

FORM 2 – APPROVAL OF REQUEST FOR PUBLIC RECORDS**Page 2 of 2**

The following provisions marked with an "X" apply to your request:

- ☐ Your fees have been paid in full.
- ☐ You owe no fee.
- ☐ Your request for a fee waiver or reduction has been approved in the following amount:
\$ _____
- ☐ You have previously deposited the following amount: \$ _____
- ☐ A balance is now due in the following amount: \$ _____

IV. Mailing of Records

- ☐ Your request that the Township mail the Specified Records to you has been approved. However, before the Township will mail the Specified Records, you must pay the balance, if any, indicated in Section III above and the following additional amount to cover the cost of postage: \$ _____.

Freedom of Information Officer

Date**Method of Response:****Email****Fax****Mail****Hand Delivery**

TOWNSHIP OF SUGAR GROVE

NOTICE OF EXTENSION OF TIME TO RESPOND
TO REQUEST FOR PUBLIC RECORDSTo: _____

Date: _____

On _____, the Township received your request for the inspection, copying, or certification of certain Township public records.

I. **Extension of Time to Respond** Pursuant to Section 3(e) of the Act, the Township extends the time for response by 5 business days as to the records identified in Section II. The Township will respond on or before _____, a date that is not more than 10 business days after the date we received your Request (or 26 business days for a Commercial Purposes Request).

II. **Specified Records** This extension applies to the following public records in your Request:

You will receive a separate response as it relates to any records that are not listed above.

III. **Justification for Extension**

This extension is necessary because:

- ☐ The Specified Records are stored at a location other than the Township Office.
- ☐ Your Request requires the collection of a substantial number of Specified Records.
- ☐ Your Request is categorical and requires an extensive search for responsive records.
- ☐ The Specified Records have not been located in the course of routine search and additional efforts are being made to locate them.
- ☐ The Specified Records require review to determine if they are exempt from disclosure under the Act or should be disclosed only with appropriate deletions.
- ☐ Your Request requires consultation with another public body with a substantial interest in the response to, or the subject matter of, Your Request.
- ☐ Your Request seeks records that are not in the possession of the Township but may be in the possession of a party with whom the Township has contracted to perform a governmental function on behalf of the Township.
- ☐ The Specified Records cannot be produced within the time prescribed by the Act without unduly burdening or interfering with the operations of the Township because:

- ☐ The Specified Records cannot be produced within the required time period because:

Freedom of Information Officer

Date

Method of Response: Email Fax Mail Hand Delivery

TOWNSHIP OF SUGAR GROVE

AGREEMENT TO EXTEND

On _____, the Requester filed a request for the inspection, copying, or certification of certain Township public records, which Request is due for response by _____. In accordance with Section 3(e) of the Illinois Freedom of Information Act, 5 ILCS 140/3(e), the Requester and the Township hereby agree to extend the time for response to the Request as it relates to the Specified Records so that the required deadline for response is now _____.

Name of Requester

Address of Requester

Phone Number of Requester

Signature of Requester

Date

Signature of FOIA Officer

Date

TOWNSHIP OF SUGAR GROVE
RECURRENT REQUEST NOTICE

To: _____

Date: _____

Date of Request: _____

Description of Requested Records (if multiple requests made on above date):

Response to Request: Your request for records is being treated as a Recurrent Request, in accordance with section 3.2 of the Illinois Freedom of Information Act, 5 ILCS 140/1-1 et. seq., and the Township's FOIA Policy because in the 12 months immediately preceding Your Request, you have submitted to the Township:

- ☐ A minimum of 50 Requests.
- ☐ A minimum of 15 Requests within a 30-day period.
- ☐ A minimum of 7 Requests within a 7-day period.

The person responsible for the designation is the Freedom of Information Officer.

Within 21 business days after the receipt of your Request, the FOIA Officer will provide one of the following initial responses:

- (i) Provide to you 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 public body may require you to pay in full before copying the requested documents;
- (ii) Deny the request pursuant to one or more of the exemptions set out in the Act;
- (iii) Notify you that the request is unduly burdensome and extend an opportunity to you to attempt to reduce the request to manageable proportions; or
- (iv) Provide the records requested.

Freedom of Information Officer

Date

Method of Response: **Email** **Fax** **Mail** **Hand Delivery**

TOWNSHIP OF SUGAR GROVE
VOLUMINOUS REQUEST NOTICE

To: _____

Date: _____

Date of Request: _____

Description of Requested Records (if multiple requests made on above date):

Response to Request: Your request for records is being treated as a Voluminous Request, in accordance with section 3.6 of the Illinois Freedom of Information Act, 5 ILCS 140/1-1 et. seq., and the Township's FOIA Policy because the Request:

- ☐ Includes more than 5 individual requests for more than 5 different categories or records in a 20-day business period.
- ☐ Includes a combination of individual requests that total requests for more than 5 categories of records in a 20-day business period.
- ☐ Requires the collection of more than 500 pages or records (exempting single records that exceed 500 pages).

The person responsible for the designation is the Freedom of Information Officer.

You have 10 business days from the date of this notice to inform the FOIA Officer whether you will amend your request in such a way so that it is no longer a voluminous request or that the request will continue to be a voluminous request.

Within 5 business days after the receipt of the response noted above or within 15 days from the date of this notice, the FOIA Officer will provide one of the following initial responses:

- (i) Provide to you an estimate of the fees to be charged, which the public body may require you to pay in full before copying the requested documents;
- (ii) Extend the time for response by not more than 10 business days from the final day for the Requester to respond to this notice.
- (iii) Deny the request pursuant to one or more of the exemptions set out in the Act;
- (iv) Notify you that the request is unduly burdensome and extend an opportunity to you to attempt to reduce the request to manageable proportions; and/or
- (v) Provide the records requested.

Freedom of Information Officer

Date

Method of Response: **Email** **Fax** **Mail** **Hand Delivery**

TOWNSHIP OF SUGAR GROVE

NOTICE TO MEET AND CONFER TO
NARROW CATEGORICAL REQUEST FOR
PUBLIC RECORDS TO MANAGEABLE PROPORTIONS

To: _____ Date: _____

On _____, the Township received your request for inspection, copying, or certification of the following categories of Township public records ("**Specified Records**"): _____

You are hereby notified that your request for the Specified Records has been determined to be unduly burdensome pursuant to Section 3(g) of the Illinois Freedom of Information Act, 5 ILCS 140/3(g), because the burden on the Township of providing the Specified Records outweighs the public interest in disclosure of the information contained in the Specified Records. Specifically, but without limitation, providing the Specified Records would be unduly burdensome to the Township because: _____

I hereby extend to you an opportunity to meet and confer with the Township's FOIA Officer in an attempt to narrow your request to manageable proportions. Please call the FOIA Officer at 630-466-4283 between 8:00 a.m. and 4:00 p.m., Tuesday or Thursday, in order to schedule a meeting or call to discuss this.

If you do not take advantage of this opportunity to narrow your request, your request will be denied on the 5th business day after the date of this notice.

Freedom of Information Officer

Date

Method of Response: Email Fax Mail Hand Delivery

TOWNSHIP OF SUGAR GROVE
DENIAL OF REQUEST FOR PUBLIC RECORDS

To: _____ Date: _____

On _____, the Township received your request for inspection, copying, or certification of certain Township public records ("**Your Request**").

I. Denial of Request

After review, Your Request is hereby denied as to the following records ("**Specified Records**"): _____

II. Justification for Denial

Your Request is being denied with respect to the Specified Records because the Specified Records are exempt from disclosure pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, for the following specific reasons (include detailed factual basis): _____

Citation to the specific section or sections of the Act containing the applicable exemption or exemptions is identified below:

- ☐ The Specified Records you have requested are not "public records" under the Act. § 2
- ☐ The Specified Records are not maintained by the Township, would require the Township to create a responsive document, or are not within the Township's possession or control. § 1
- ☐ Contractors' employees' addresses, telephone numbers, and social security numbers have been redacted from certified payroll records. § 2.10
- ☐ The Specified Records constitute arrest report or history record information. § 2.15(c)
- ☐ Your Request, is categorical and unduly burdensome because the burden of complying with the Request outweighs the public interest in providing the Specified Records, and efforts to reduce the Request to manageable proportions have been unsuccessful. § 3(g)
- ☐ Your Request is unduly burdensome because you repeatedly request the same Specified Records that are unchanged or identical to previous requests provided or denied. § 3(g)
- ☐ Disclosure is prohibited by Federal or State law, rule, or regulation. § 7(1)(a)
- ☐ The Specified Records constitute "private information." § 7(1)(b)
- ☐ The Specified Records constitute "personal information," the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. § 7(1)(c)

- ☐ The Specified Records were created in the course of administrative enforcement proceedings, or any law enforcement or correctional agency for law enforcement purposes and disclosure would (i) interfere with a pending or actually and reasonably contemplated law enforcement proceedings; or (ii) interfere with active administrative enforcement proceedings; or (iii) create a substantial likelihood that a person would be deprived of a fair trial or impartial hearing; or (iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by a confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies, except for traffic accident and rescue reports, or (v) disclose unique or specialized investigative techniques and disclosure would result in demonstrable harm to the Township; or (vi) endanger the life or safety of law enforcement personnel or other person; or (vii) obstruct an ongoing criminal investigation. § 7(1)(d)
- ☐ The Specified Records relate to or affect the security of correctional institutions or detention facilities. § 7(1)(e)
- ☐ The Specified Records are preliminary drafts, notes, recommendations, memoranda, or records in which opinions are expressed or policies or actions are formulated. § 7(1)(f)
- ☐ The Specified Records contain trade secrets or commercial or financial information that is proprietary or confidential and disclosure would cause competitive harm. § 7(1)(g)
- ☐ The Specified Records constitute proposals or bids for a contract, grant, or agreement that has not been finally awarded and executed or would, if disclosed, frustrate or compromise the Township's procurement procedures. § 7(1)(h)
- ☐ The Specified Records are valuable formulae, GIS, designs, drawings, or research data if disclosure could reasonably be expected to produce private gain or public loss. § 7(1)(i)
- ☐ The Specified Records are educational data, including test data, evaluation information, student disciplinary information, and faculty course or research materials. § 7(1)(j)
- ☐ The Specified Records are architects' plans, engineers' technical submissions, or other construction related technical documents of projects where disclosure would or could compromise the security of a public building. § 7(1)(k)
- ☐ The Specified Records are minutes of closed meetings of the Township and are not subject to public inspection pursuant to the Open Meetings Act. § 7(1)(l)
- ☐ The Specified Records constitute or reflect communications between the Township and an attorney or auditor not subject to discovery in litigation or were prepared or compiled at the request of an attorney advising the Township in anticipation of criminal, civil, or administrative proceedings or an internal audit of the Township. § 7(1)(m)
- ☐ The Specified Records relate to a Township's adjudication of employee grievances or disciplinary cases. § 7(1)(n)
- ☐ Disclosure of the Specified Records would jeopardize the security of a data processing system or the data contained therein. § 7(1)(o)
- ☐ The Specified Records relate to employee collective bargaining matters and do not constitute a final collective bargaining agreement. § 7(1)(p)
- ☐ The Specified Records are examination data used to determine the qualifications of an applicant for a license or employment. § 7(1)(q)

- ☐ The Specified Records relate to pending negotiations for the purchase or sale of real estate or pending or contemplated eminent domain proceedings. § 7(1)(r)
- ☐ The Specified Records are proprietary information related to an intergovernmental risk management association, self-insurance pool, or jointly self-administered health and accident cooperative or pool, or are insurance or self insurance claims, loss, or risk management information, records, data, or communications. § 7(1)(s)
- ☐ The Specified Records contain information relating to the regulation or supervision of financial institutions or insurance companies. § 7(1)(t)
- ☐ The Specified Records are information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures. § 7(1)(u)
- ☐ The Specified Records concern vulnerability assessments, security measures, or response policies or plans designed to identify, protect, or respond to potential attacks on a community's population or systems, facilities, or installations. § 7(1)(v)
- ☐ The Specified Records are maps or records regarding the location or security of facilities owned by a utility or power generator or are proposals or bids relating to electric power procurement that are confidential and proprietary. § 7(1)(x) and (y)
- ☐ The Specified Records relate to names, addresses, or other personal information of minors or other participants in recreational programs. § 7(1)(ee) and (ff)
- ☐ The Specified Records are protected by the Judicial Privacy Act. § 7(1.5)
- ☐ The Specified Records are protected by the Technology Advancement and Development Act. § 7.5(a)
- ☐ The Specified Records are library circulation and order records identifying library users with specified materials under the Library Records Confidentiality Act. § 7.5(b)
- ☐ Disclosure is prohibited by the State Officials and Employees Ethics Act. § 7.5(h)
- ☐ The Specific Records are in a local emergency energy plan. § 7.5(i)
- ☐ Disclosure is prohibited by the Wireless Emergency Telephone Safety Act. § 7.5(j)
- ☐ The Specified Records are law enforcement officer information or driver identification information compiled by a local law enforcement agency or DOT under the Illinois Vehicle Code. § 7.5(k)
- ☐ The Specified Records are exempt under the Personnel Records Review Act. § 7.5(q)
- ☐ The Specified Records are exempt under the Illinois School Student Records Act. § 7.5(r)
- ☐ The Specified Records are exempt under Brian's Law. § 7.5(u)
- ☐ The Specified Records are names and information of people who have applied for FOID cards. § 7.5(v)
- ☐ The Specified Records are exempt under 65 ILCS 5/8-11-21 as information contained in a sales tax rebate agreement including sales figures, the amount of sales tax collected, and the amount of sales tax rebated. § 7.5(x)

☐ Other: _____

III. Responsible Official

The Township's FOIA Officer is the official responsible for this denial.

IV. Notice of the Right to Review and Appeal

You have the right to file a review of this denial with the Public Access Counselor at: 500 S. 2nd Street, Springfield, Illinois 62706 or 217-558-0486. You also have the right to judicial review under Section 11 of the Act.

Freedom of Information Officer

Date

Method of Response:

Email

Fax

Mail

Hand Delivery

4847-3019-0372, v. 1