

VILLAGE OF DEER PARK  
RULES, REGULATIONS, AND ADMINISTRATIVE PROCEDURES  
IN ACCORDANCE WITH THE  
FREEDOM OF INFORMATION ACT (FOIA) (5 ILCS 140)

A. FOIA RULES AND REGULATIONS:

1. The following rules and regulations are effective as of January 1, 2010.
2. Information may be requested from the Village's FOIA officer, or his or her designee. The name or names of the Village's FOIA officer(s) shall be provided on either the Village's website or in a directory (list) provided by the Village.
3. An organizational chart of the Village and statement of purpose, a catalogue of existing files, and Freedom of Information Act request forms will be made available by the FOIA officer or his or her designate at the Village of Deer Park Village Hall, 23680 W. Cuba Road, Deer Park, IL. FOIA request forms may be picked up at the Village at the above address during the Village's regular hours, and all such written requests must be directed to the Village at the above address. Requests for review of such material may be made by (a) appointment; (b) mail request; (c) facsimile request; (d) personal delivery; (e) telephone request at (847) 726-1648; or (f) or in person. Copies will be made upon written request and payment of the appropriate fee(s), if applicable, as hereinafter provided. Records kept by the Village in electronic format will be provided to the requester in electronic format. The Village is not required to produce records kept in electronic format in an alternate manner.
4. The catalogue of existing files will include a list of officers or employees having custody of files. Items marked with an asterisk (\*) have been determined to be exempt from public access. Those marked with a double asterisk (\*\*) have been determined partially exempt and require review by one or more authorized officers or employees of the Village before requests may be completed. Records having both exempt and non-exempt material may be provided to the requested in a redacted format revealing only the non-exempt material.
5. Questions regarding access to Village records shall be directed to the FOIA officer, or his or her designate. In consideration of the type, size, and complexity of the document(s) requested, it may be necessary for a requester to make an appointment with the FOIA officer to answer questions or review documents.
6. The Village will charge the following fees for reproduction or copying of records as set forth in the FOI Act:
  - (a) Black and white, letter or legal size copies: There is no charge for providing the initial 50 pages, after which the cost will be \$.15 per page.
  - (b) Color or Irregular Sized Copies: The fee for color or irregular sized copies shall be the actual cost incurred by the Village for reproducing the records.

- (c) Certification of document: The fee for certification of a document shall be \$1.00.
- (d) Records in Electronic Format: The fee charged for producing records in an electronic format shall be the actual cost incurred by the Village for purchasing the recording medium.

Requests to waive any fee(s) for reproduction of document(s) must be made in writing to a FOIA Officer of the Village and must state how the information requested “primarily benefits the general public”. The FOIA Officer shall be authorized to determine whether such request for a waiver shall be honored.

- 7. In determining time periods as provided for in the Illinois Freedom of Information Act, the day the request is received will be excluded.
- 8. The FOIA officer or his or her designate is authorized to issue notices of extension of time and notices of denial.
- 9. Any appeal of the denial of production of records must be directed to the Illinois Public Access Counselor, whose decision shall be binding. The addresses, telephone numbers, and other contact information of the Illinois Public Access Counselor are:

Public Access Counselor	[and]	Public Access Counselor
Office of the Attorney General		Office of the Attorney General
500 S. 2 <sup>nd</sup> Street		100 West Randolph, 12 <sup>th</sup> Floor
Springfield, IL 62706		Chicago, IL 60601
Tel. (877) 299-3642		Tel. (312) 814-5526
Fax: (217) 782-1396		
E-mail: <a href="mailto:publicaccess@atg.state.il.us">publicaccess@atg.state.il.us</a>		

- 10. “Commercial enterprise” as used in the Illinois Freedom of Information Act (IFOIA) shall include both profit and not-for-profit ventures, organizations and entities.
- 11. If the FOIA officer or his or her designee reasonably believes the records requested might be for the purpose of furthering a commercial enterprise, the FOIA officer or his or her designee may inquire the requester to disclose such purpose. The FOI Act requires that a requesting party must so disclose that purpose, and that it is a violation of the FOI Act for a requester to not disclose such information.

## B. ADMINISTRATIVE PROCEDURES

- 1. Form of FOIA Request: Pursuant to the Freedom of Information Act (“FOIA”) (5 ILCS 140), requests for inspection of or copies of records shall be made in writing, but no standard form is required. Requests may be made by appointment, mail, facsimile request, or personal delivery. If a requester wishes, the FOIA officer will provide the requester with a “Freedom of Information Act Request Form” for his or her possible use. Upon receiving a FOIA request, the FOIA officer, or his or her

designee, will date the request and indicate the initial date by which such request must be approved or denied.

2. Time Frame for Production of Records: Pursuant to the FOIA, the Village is required to produce the requested records within five (5) business days of receipt of the request, excluding the day the request was received by the Village. However, in instances of requests for commercial purposes, the Village is required to produce the requested records within a “reasonable period” up to 21 days.
3. Exempt and Non-Exempt Records: If file is marked by an asterisk (\*) in the catalogue of existing files, it has been predetermined to be exempt from public access; if it is marked by a double asterisk (\*\*) it has been determined to be partially exempt and will require careful review by one or more authorized officers or employees responsible for said records. Records having both exempt and non-exempt material will be provided to the requester in a redacted format revealing only the non-exempt material.
4. Inspection of Records: The FOIA officer or his or her designee shall obtain the file or files requested and allow the requester to inspect them in his or her presence. Should the requester request copies of all or a portion of the information, the requester must indicate in writing, or on the FOIA request form what copies are desired, and the FOIA officer or his or her designee will make the requested copies and provide them to the requester within the time frame prescribed by the IFOIA.
5. Fees: The requester is required pay the appropriate fees for such copies to the Village as set forth in the Rules and Regulations and will receive a receipt for same. Each copy, other than electronic media, may be certified if requested and paid for by the requester. Documents may be furnished without charge if the requester is unable to pay for them, and the purpose of such request is determined by the FOIA officer to be in the public interest. After the requester has viewed the information and the desired copies have been made, the FOIA officer, or his or her designee, should indicate on the request form how many copies were made, the time spent and file the request form. These costs will not apply to pamphlets, brochures or other pre-printed materials which the Village may sell. Also, the FOIA officer, or his or her designate, may give out materials at no charge if the Village has extra copies or when no copying is necessary.
6. Procedure for Fulfilling FOIA Requests: Upon receiving a FOIA request, the following procedure will be followed by the FOIA officer, or his or her designee:
  - (a) Note the date the Village received the written request;
  - (b) Compute the day on which the period for response will expire and make a notation of that date on the written request (5 business days, or a reasonable time of up to 21 business days for requests for commercial purposes);
  - (c) 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

- (d) Create a file for the retention of each original request, a copy of the response, a record of written communications with the requester, and a copy of other related communications.
7. If, upon review of the request, the FOIA officer, or his or her designee, finds that he or she is not able to compile all of the necessary information immediately, another time may be arranged within the prescribed five (5) business days for the requester to return to receive a response to the request.
  8. The FOIA officer, or his or her designee, may extend the time limit for responding to a request by an additional five (5) business days where:
    - (a) The requested record is in a place other than the office in charge of the record.
    - (b) The request requires an extensive search.
    - (c) The records have not been found in time and additional efforts are necessary to retrieve them.
    - (d) The record requires examination to determine if it should be exempt from viewing.
    - (e) Compliance with the request would cause undue burden or interfere with the operations of the Village. (Repeated requests for the same information by the same person shall be deemed unduly burdensome under this provision).

If it is necessary to extend the time limit for production of records, the requester will be notified in writing by the FOIA officer or his or her designee within five (5) business days of receipt of the request and such notice will give the reason for the extension. Failure to respond to the request within five (5) business days is considered a denial of the request.

9. The FOIA officer, or his or her designee, may not give out information which is in a file marked by an asterisk (\*) in the catalogue of existing files. This information has been predetermined to be exempt from disclosure under the Illinois Freedom of Information Act.
10. Any record marked with a double asterisk (\*\*) has been determined to be partially exempt. One or more authorized officers or employees of the Village must review the file and, will provide any non-exempt information to requester. Records having both exempt and non-exempt material may be provided to the requester in a redacted format revealing only the non-exempt material.

11. In addition, while not so marked, information may not be disclosed if it falls within one or more of the following exempt categories:
- Disclosure of the requested information is specifically prohibited by Federal or State law or rules and regulations implementing Federal or State law [5 ILCS 140/7(1)(a)].
  - The information requested is “private information” unless disclosure is required by another provision of the FOI Act, a State or Federal law, or a court order [5 ILCS 140/7(1)(b)]
  - The information requested is a file(s), document(s), and/or other data or database(s) maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects. [5 ILCS 140/7(1)(b-5)/P.A. 96-0558]
  - The document(s) requested relate to personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. “Unwarranted invasion of personal privacy” means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. [5 ILCS 140/7(1)(c)]
  - The document(s) requested are in the possession of the public body and were created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, and that disclosure would do one or more of the following [5 ILCS 140/7(1)(d)]:
    - (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;
    - (ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;
    - (iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

- (iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;
- (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;
- (vi) endanger the life or physical safety of law enforcement personnel or any other person; or
- (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

- The document(s) requested are records that relate to or affect the security of correctional institutions and detention facilities [5 ILCS 140/7(1)(e)].
- The document(s) requested are preliminary drafts, notes, recommendation, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.[5 ILCS 140/7(1)(f)]
- The document(s) requested would disclose trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and the claim directly applies to the records requested, including all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. This exemption does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. This exemption does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing contained in this exemption is to be construed to prevent a person or business from consenting to disclosure. [5 ILCS 140/7(1)(g)].

- The document(s) requested constitute proposals or bids for a contract, grant or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation is exempt until an award or final selection is made [5 ILCS 140/7(1)(h)].
- The document(s) requested are valuable formulae, computer geographic systems, designs, drawings or research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for “computer geographic systems” does not extend to requests made by news media as defined in Section 2 of the FOIA when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public [5 ILCS 140/7(1)(i)].
- The document(s) requested are architects’ plans, engineers’ technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security. [5 ILCS 140/7(1)(k)].
- The document(s) requested are minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act [5 ILCS 140/7(1)(l)].
- The document(s) requested constitute or reflect communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies [5 ILCS 140/7(1)(m)].
- The document(s) requested are records relating to a public body’s adjudication of employee grievances or disciplinary cases, but this exemption does not extend to the final outcome of cases in which discipline is imposed [5 ILCS 140/7(1)(n)].

- The document(s) requested relate to administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials under this exemption [5 ILCS 140/7(1)(o)].
- The document(s) requested relate to records relating to collective negotiating matters between public bodies and their employees or representatives, but any final contract or agreement is subject to inspection and copying [5 ILCS 140/7(1)(p)].
- The document(s) requested relate to test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment [5 ILCS 140/7(1)(q)].
- The document(s) requested relate to records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel are exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale are exempt until a sale is consummated [5 ILCS 140/7(1)(r)].
- The document(s) requested relate to any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool, including any claims, loss or risk management information, records, data, advice or communications [5 ILCS 140/7(1)(s)].
- The document(s) requested relate to information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law [5 ILCS 140/7(1)(t)].
- The document(s) requested relate to 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 under the Electronic Commerce Security Act [5 ILCS 140/7(1)(u)].

- The document(s) requested relate to vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information under this exemption may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations [5 ILCS 140/7(1)(v)].
- The document(s) requested relate to maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency [5 ILCS 140/7(1)(x)].
- The document(s) requested relate to information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission [5 ILCS 140/7(1)(y)].
- The document(s) requested relate to one or more of the following statutory exemptions to the extent provided for by such specific statute(s):
  - Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act;
  - Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code;
  - Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act;
  - Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code;
  - Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act;
  - Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act;

- Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act;
- Information prohibited from being disclosed by the Personnel Records Review Act;
- Information prohibited from being disclosed by the Illinois School Student Records Act;
- Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

[5 ILCS 140/7.5(f),(i),(j),(k),(l),(o),(p),(q),(r),(s)].

12. Intent to Deny Records: If the Village intends to deny a FOIA request pursuant to 5 ILCS 140/7(1)(c) or 5 ILCS 140/7(1)(f), the FOIA officer shall, within the time period(s) provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include: a copy of the FOIA request; the Village's proposed response; and a detailed summary of the Village's basis for asserting the exemption. Within 5 days of receipt of said notice of intent to deny access to records, the PAC shall notify the Village and the requester whether further inquiry is warranted.
13. Denial of Records; Exemption(s): If requested information cannot be released due to its exempt nature, or if a request is unduly burdensome, the FOIA officer, or his or her designee, shall complete a "Denial of Request for Records" form and mail same to the requester along with a blank "Notice of Appeal" form. The Denial of Request for Records form shall include: (i) the decision to deny the request; (ii) the reasons for the denial, including a detailed factual basis for the application of any exemption claimed; (iii) the names and titles or positions of each person responsible for the denial; (iv) the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and (v) the right to judicial review. If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support legal authority.

A copy of each such denial letter and the completed request form should be sent to the Village President and the Village Attorney. Copies of all notices of denial will be retained by the FOIA officer, or his or her designee, in a central file that is publicly accessible and indexed by type of exemption.

14. If a request for records is denied, the requester has a right to seek judicial review of such denial pursuant to 5 ILCS 140/1, or the requester may, within sixty (60) days from receipt of such denial file an appeal to the denial of production of records directed to the Illinois Public Access Counselor, whose addresses, telephone numbers, and other contact information are:

Public Access Counselor	[and]	Public Access Counselor
Office of the Attorney General		Office of the Attorney General
500 S. 2 <sup>nd</sup> Street		100 West Randolph, 12 <sup>th</sup> Floor
Springfield, IL 62706		Chicago, IL 60601
Tel. (877) 299-3642		Tel. (312) 814-5526
Fax: (217) 782-1396		
E-mail: <a href="mailto:publicaccess@atg.state.il.us">publicaccess@atg.state.il.us</a>		

The Illinois Public Access Counselor will respond to such appeal and issue a binding opinion within 60 days after the request for review (appeal) unless a request for extension of 21 business days is given by the PAC. The PAC's binding opinion must make findings of fact and conclusions of law and shall be issued to the requester and public body. The PAC's binding opinion is subject to administrative review by either party.

15. A binding opinion issued by the Attorney General shall be considered final for purpose of administrative review. Any action for administrative review of a binding opinion must be commenced in Cook or Sangamon County.

# VILLAGE OF DEER PARK, ILLINOIS

## FREEDOM OF INFORMATION REQUEST FOR PUBLIC RECORDS

To: Village of Deer Park  
Freedom of Information Officer  
23680 W. Cuba Road  
Deer Park, IL 60010

From: \_\_\_\_\_  
Name \_\_\_\_\_  
Company/ Organization \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone \_\_\_\_\_  
E-mail \_\_\_\_\_

Description of record(s) requested (try to be as specific as possible, incl. approximate date range, record type, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you asking for these records for commercial purposes?  Yes  No

Please indicate the format in which you would like the Village to respond:

I will inspect these records at the Village Hall, at the above address during the regular Village Hall hours (posted on [www.village.deer-park.il.us](http://www.village.deer-park.il.us)), after you notify me that they are ready for inspection.

I request electronic copies be sent to the email address above if possible or to receive an e-mail link to the records if available on the internet.

I request hard copies of these records. I agree to pay the fees (if any) for copies as set by the fee schedule below, prior to receiving the copies.

I will pick them up at the Village Hall.  Mail them to the above address.

I request certification of the copies provided. I agree to pay \$1.00 for each document certified, which is in addition to duplication fees (if any).

\_\_\_\_\_  
Signature of Requester

### **For Office Use Only:**

Date written request received: \_\_\_\_\_, By: \_\_\_\_\_

1<sup>st</sup> written response due date: \_\_\_\_\_, Nature of 1<sup>st</sup> response:  Notification of 5 day extension

Notification of date when records will be available (Commercial only)  Notification of fees due/ documents ready date

Delivery of requested records  Notice of Intent to Deny [7(1)(c) or 7(1)(f)]  Notification of denial

If additional extension agreed in writing, new due date is: \_\_\_\_\_ (attach correspondence)

Fees: \$ \_\_\_\_\_, Date paid: \_\_\_\_\_

Record delivery date/ denial date: \_\_\_\_\_,  Viewed,  Picked up,  Mailed,  E-mailed,  Denial notice sent

Reason for denial \_\_\_\_\_

FOIA Officer: \_\_\_\_\_

Notes: \_\_\_\_\_



## VILLAGE OF DEER PARK

### FEE SCHEDULE FOR DUPLICATION OF PUBLIC RECORDS

Digital Copies delivered via e-mail or internet	No Charge
<b>Black &amp; White Copies:</b>	
8.5" x 11" or Legal size, first 50 pages	No Charge
8.5" x 11" or Legal size, each additional page	\$0.15/ page
11" x 17"	\$0.15/ page
<b>Color Copies:</b>	
8.5" x 11" or Legal size	At cost for commercial reproduction
11" x 17"	At cost for commercial reproduction
<b>Black &amp; White or Color Copies over 11"x17":</b>	
Digital Copies of documents or photographs on CD/DVD	At per disc cost of purchasing the disc
Photograph prints	At cost for commercial reproduction
Digital Storage Devices other than CD/DVD	At cost for purchase
<b>Certification of a document</b>	
	\$1.00 per certification

This fee schedule is intended to be compliant with applicable State of Illinois Freedom of Information Act provisions.

If applicable, Requester will be notified of the total fees pertaining to their request. Requester will be notified if any records requested have to be sent out for commercial reproduction/printing and the estimated timing and price.

TO: Public Access Counselor [and] Public Access Counselor  
 Office of the Attorney General Office of the Attorney General  
 500 S. 2<sup>nd</sup> Street 100 West Randolph, 12<sup>th</sup> Floor  
 Springfield, IL 62706 Chicago, IL 60601

CC: \_\_\_\_\_ [Requester]  
 \_\_\_\_\_  
 \_\_\_\_\_

VILLAGE OF DEER PARK  
 FOIA NOTICE OF INTENT TO DENY REQUEST FOR RECORDS

On \_\_\_\_\_, 20\_\_ the Village of Deer Park received the attached FOIA request for records. The FOIA Officer of the Village hereby notifies you that pursuant to Section 5 ILCS 140/7(1)(c) and/or 5 ILCS 140/7(1)(f) of the “Illinois Freedom of Information Act”, the Village intends to deny access to and/or production of such records. In that regard, we hereby request that the Public Access Counselor review the subject request and provide the Village’s FOIA Officer with an opinion relative to same. Enclosed for your review are the following:

- (1) Copy of the FOIA request for records;
- (2) The proposed response from the Village; and
- (3) A detailed summary of the Village’s basis for asserting the exemption.

We look forward to receiving your response.

Date: \_\_\_\_\_

\_\_\_\_\_  
 FOIA Officer  
 Village of Deer Park  
 23680 W. Cuba Road  
 Deer Park, Illinois 60010

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VILLAGE OF DEER PARK  
FOIA DENIAL OR PARTIAL DENIAL OF REQUEST FOR RECORDS

On \_\_\_\_\_, 20\_\_ you filed a request for records. After reviewing this request, production of the following records is denied: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Any records requested which are not denied are available for you to inspect or pick up at the Village of Deer Park Village Hall, 23680 W. Cuba Road, Deer Park, IL, 60010:

I. The reason(s) for this denial is (are) as follows:

- Disclosure of the requested information is specifically prohibited by Federal or State law or rules and regulations implementing Federal or State law [5 ILCS 140/7(1)(a)].
- The information requested is “private information” unless disclosure is required by another provision of the FOI Act, a State or Federal law, or a court order [5 ILCS 140/7(1)(b)]
- The information requested is file(s), document(s), and other data or database(s) maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.[5 ILCS 140/7(1)(b-5)/P.A. 96-0558]
- The document(s) requested relate to personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. “Unwarranted invasion of personal privacy” means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. [5 ILCS 140/7(1)(c)]

- The document(s) requested are in the possession of the public body and were created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, and disclosure would do one or more of the following [5 ILCS 140/7(1)(d)]:
  - (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;
  - (ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;
  - (iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;
  - (iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;
  - (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;
  - (vi) endanger the life or physical safety of law enforcement personnel or any other person; or
  - (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.
  
- The document(s) requested are records that relate to or affect the security of correctional institutions and detention facilities [5 ILCS 140/7(1)(e)].
  
- The document(s) requested are preliminary drafts, notes, recommendation, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.[5 ILCS 140/7(1)(f)]
  
- The document(s) requested would disclose trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and the claim directly applies

to the records requested, including all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. This exemption does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. This exemption does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing contained in this exempt is to be construed to prevent a person or business from consenting to disclosure. [5 ILCS 140/7(1)(g)].

- The document(s) requested constitute proposals or bids for a contract, grant or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation is exempt until an award or final selection is made [5 ILCS 140/7(1)(h)].
- The document(s) requested are valuable formulae, computer geographic systems, designs, drawings or research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" does not extend to requests made by news media as defined in Section 2 of the FOIA when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public [5 ILCS 140/7(1)(i)].
- The document(s) requested are architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security. [5 ILCS 140/7(1)(k)].
- The document(s) requested are minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act [5 ILCS 140/7(1)(l)].

- The document(s) requested constitute or reflect communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies [5 ILCS 140/7(1)(m)].
- The document(s) requested are records relating to a public body's adjudication of employee grievances or disciplinary cases, but this exemption does not extend to the final outcome of cases in which discipline is imposed [5 ILCS 140/7(1)(n)].
- The document(s) requested relate to administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials under this exemption [5 ILCS 140/7(1)(o)].
- The document(s) requested relate to records relating to collective negotiating matters between public bodies and their employees or representatives, but any final contract or agreement is subject to inspection and copying [5 ILCS 140/7(1)(p)].
- The document(s) requested relate to test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment [5 ILCS 140/7(1)(q)].
- The document(s) requested relate to records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel are exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale are exempt until a sale is consummated [5 ILCS 140/7(1)(r)].
- The document(s) requested relate to any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool, including any claims, loss or risk management information, records, data, advice or communications [5 ILCS 140/7(1)(s)].

- The document(s) requested relate to information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law [5 ILCS 140/7(1)(t)].
- The document(s) requested relate to 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 under the Electronic Commerce Security Act [5 ILCS 140/7(1)(u)].
- The document(s) requested relate to vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information under this exemption may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations [5 ILCS 140/7(1)(v)].
- The document(s) requested relate to maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency [5 ILCS 140/7(1)(x)].
- The document(s) requested relate to information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission [5 ILCS 140/7(1)(y)].
- The document(s) requested relate to one or more of the following statutory exemptions to the extent provided for by such specific statute(s):
  - Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act;
  - Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code;
  - Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act;
  - Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code;

- Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act;
- Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act;
- Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act;
- Information prohibited from being disclosed by the Personnel Records Review Act;
- Information prohibited from being disclosed by the Illinois School Student Records Act;
- Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

[5 ILCS 140/7.5(f),(i),(j),(k),(l),(o),(p),(q),(r),(s)].

- The request is unduly burdensome of the following reasons(s): \_\_\_\_\_  
\_\_\_\_\_
- The Village of Deer Park has no such record(s) within its possession or control.
- Detailed factual basis for denial and any additional legal authority, if any:  
\_\_\_\_\_  
\_\_\_\_\_

II. The name(s) and title(s) of the person(s) responsible for the denial is (are): \_\_\_\_\_  
\_\_\_\_\_

III. You have the right to appeal this denial by filing a Notice of Appeal directed to the Illinois Public Access Counselor, whose addresses are: Public Access Counselor, Office of the Attorney General, 500 S. 2<sup>nd</sup> Street, Springfield, IL 62706; [Tel. (877) 299-3642; Fax: (217) 782-1396; E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)]; and Public Access Counselor, Office of the Attorney General, 100 West Randolph, 12<sup>th</sup> Floor, Chicago, IL 60601 [Tel. (312) 814-5526]. You have a right to judicial review pursuant to Section 11 of the Freedom of Information Act.

A Notice of Appeal form is attached.

Date: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
FOIA Officer  
Village of Deer Park  
(or his or her designee)

TO: Public Access Counselor [and] Public Access Counselor  
 Office of the Attorney General Office of the Attorney General  
 500 S. 2<sup>nd</sup> Street 100 West Randolph, 12<sup>th</sup> Floor  
 Springfield, IL 62706 Chicago, IL 60601

FOIA NOTICE OF APPEAL

I hereby appeal from the denial by the Village of Deer Park, Illinois, of my request for the production of the following records: (specify records):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I believe these records should be produced for the following reason(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Present date: \_\_\_\_\_

Date of request: \_\_\_\_\_

Person responsible for denial: \_\_\_\_\_

Signed: \_\_\_\_\_

Requester

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Copy: Village of Deer Park  
FOIA Officer \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VILLAGE OF DEER PARK  
NOTICE OF EXTENSION OF TIME  
(IFOIA)

On \_\_\_\_\_, 20\_\_ you filed a written request for the production of the Village of Deer Park records. The Village of Deer Park hereby notifies you that pursuant to Section 3(d) of the "Illinois Freedom of Information Act" the time for production of records is extended for an additional period of five (5) business days.

I. The reason(s) for this extension is (are) as follows:

- The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- The request requires the collection of a substantial number of specified records;
- The request is couched in categorical terms and requires an extensive search for the records responsive to it;
- The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the Act or should be revealed only with appropriate deletions;
- There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request;

The request for records cannot be complied within the prescribed time limits without unduly burdening or interfering with the operations of the Village of Deer Park for the \_\_\_\_\_ following \_\_\_\_\_ reasons:  
(Specify) \_\_\_\_\_  
\_\_\_\_\_

Other \_\_\_\_\_ (Specify):  
\_\_\_\_\_  
\_\_\_\_\_

II. This extension applies to the following records which you requested (describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any records you requested which are not listed above are (will be) available at the Village of Deer Park as required by law.

III. The records will be made available or a denial will be forthcoming by:  
\_\_\_\_\_, 20\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
FOIA Officer  
Village of Deer Park  
(or his or her designee)

AGREEMENT TO EXTEND TIME LIMITS  
FOR FOIA RESPONSE

\_\_\_\_\_  
FOIA Officer

The undersigned hereby agrees to extend the time for compliance until \_\_\_\_\_.  
[Insert Date]

NOTE: If a requester and the Village agree to extend the time for compliance, a failure of the Village to comply with such deadline(s) shall not constitute a denial of the subject request for records.

ACCEPTED AND AGREED TO THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Requester's Signature