

CITY OF AURORA
FREEDOM OF INFORMATION ACT

REQUESTS FOR PUBLIC RECORDS

The City of Aurora (City) maintains comprehensive Rules and Regulations Implementing the Illinois Freedom of Information Act. The procedures, instructions, and commonly sought information regarding public records requests are set forth in summary below.

All requests to inspect, copy, or certify public records must be submitted to the City in writing. The City encourages Requestors to submit their requests through the online portal on the City's website or on the form provided online or in person at Customer Service, at City Hall, and at the Police Department. The City will review all written requests in any form. The City will respond to each written request to inspect, copy, or certify public records in a manner consistent with the Illinois Freedom of Information Act.

Copies of public records will be provided upon payment of a copying fee, if applicable, as provided in Section V of the FOIA Rules. If requested, copies of public records will be mailed after the City receives payment of the fees and costs of postage and copying as authorized by statute. 5 ILCS 140/6.

Requests and other written communications regarding City records relating to a request to inspect, copy, or certify public records, all requests for copies of the FOIA Rules, and all requests for any other information relating to the City's implementation of the Illinois Freedom of Information Act should be directed to:

FOIA Specialist
City of Aurora Clerk's Office
44 East Downer Place Aurora, Illinois 60507

or

publicrecords@aurora.il.us

The foregoing information is provided pursuant to Section 4(b)
of the Illinois Freedom of Information Act, 5 ILCS 140/4(b).

CITY OF AURORA

ILLINOIS FREEDOM OF INFORMATION ACT RULES AND REGULATIONS

These Rules and Regulations (Rules) include the procedures, instructions, and forms for requesting public records from the City of Aurora (City) under the Illinois Freedom of Information Act (the Act).

The City will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, these Rules, and any other applicable law. Generally, under the Act, the City will provide public records for inspection or copying as requested except for records (1) that would, if disclosed, violate individual privacy, or (2) whose production would disrupt the duly undertaken work of the City, or (3) that are specifically exempted from disclosure by the Act or other applicable law.

Request submissions can be made online, by mail, in person, or by phone.

Online:

[Aurora IL GovQA FOIA Request System](#)

Mail:

City Clerk's Office - 44 East Downer Place Aurora, Illinois 60506

Email:

publicrecords@aurora.il.us

In-Person:

Customer Service - 3770 McCoy Drive, Aurora, Illinois 60504

City Clerk's Office - 44 East Downer Place Aurora, Illinois 60506

Police Department - 1200 East Indian Trail Road, Aurora, Illinois 60505

I. INTERPRETATION

A. Conflicts

B. These Rules do not supersede the provisions of the Act. If a provision of these Rules conflicts with the Act, then the provisions of the Act will govern.

C. Definitions

D. In addition to the definitions provided in the Act or elsewhere in these Rules, the following definitions apply:

1. Business Hours: 8 a.m. to 5 p.m. on a regular Business Day.
2. Business Day: Any day on which general offices of the City at the City Hall are open and staffed for regular public business. Business Days generally are Monday through Friday, except federal and state legal holidays.
3. Freedom of Information Officer (FOIA Officer): The Freedom of Information Officer of the City identified above and designated under Section 3.5 of the Act. The City may at any one time have more than one person acting in the role of Freedom of Information Officers (collectively referred to as the "FOIA Officer").
4. Public Access Counselor: The Public Access Counselor of the Office of the Illinois Attorney General.
5. Recurrent Requestor: A person that in the twelve (12) months immediately preceding the Request, has submitted to the City (i) a minimum of fifty (50) requests for records, (ii) a minimum of fifteen (15) requests for records within a thirty (30) day period, or (iii) a minimum of seven (7) requests for records within a seven (7) day period. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods in this definition when the principal purpose of the request is to (i) access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific or public research or education.
6. Request: A request to inspect, copy, or certify public records.

7. Request Made for Commercial Purposes: A Request made with the intent to use the requested records (or the information derived from those records), in whole or in part, for sale, resale, or solicitation or advertisement for sales or services. However, a Request submitted by news media or by non-profit, scientific, or academic organizations will not be deemed to be made for commercial purposes if the principal purpose of the Request is (a) to access and disseminate information concerning news and current or passing events, (b) for articles of opinion or features of interest to the public, or (c) for the purpose of academic, scientific, or public research or education.

8. Requestor: A person, firm, or corporation that files a Request with the City.

9. Voluminous Request: A request that: (i) includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording. A voluminous request does not include a request made by news media and non-profit, scientific, or academic organizations if the principal purpose of the request is: (1) to access and disseminate information concerning news and current or passing events; (2) for articles of opinion or features of interest to the public; or (3) for the purpose of academic, scientific, or public research or education.

10. Unduly Burdensome Request: A Request that cannot be processed without placing an undue burden on the public body, particularly where the public interest does not outweigh the burden imposed on the public body.

11. Response Time: The time for response by the City to a request for public records, as calculated pursuant to Subsection III.A of these Rules.

E. Days; Measurement of Time

1. Days. In counting the number of days allowed for a response or a decision to be given by the City under the Act and these Rules, the City will not include the day on which the request or notice requiring the response or decision was first received. Day one will be the first Business Day after the request was received.

2. Supplemental Requests. Supplemental, amended, or additional Requests will not relate back to the time of receipt of the initial Request. Supplemental, amended, or additional Requests will be considered new Requests for purposes of determining the applicable Response Time.

3. Response Date. All responses, correspondence and decisions to be issued by the City under the Act and these Rules will be deemed to have been given on the date sent (whether by mail, email, fax or personal delivery) to the person entitled to the response or decision if mailed on the date sent, regardless of the date of actual receipt by that person.

II. REQUESTS FOR INSPECTION, COPYING, OR CERTIFICATION OF PUBLIC RECORDS

A. Officials Responsible for Responding to Requests

1. The Freedom of Information (FOIA) Officer, designated by the Mayor, is administratively responsible for receiving and processing Requests.

2. The FOIA Officer is the person with authority on behalf of the City to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters. The FOIA Officer may consult with City staff, officials, and others as appropriate before responding to a Request.

B. FOIA Officer Training

1. The City's FOIA Officer shall complete the electronic training curriculum developed by the Public Access Counselor and shall successfully complete an annual training program pursuant to Section 3.5 (b) of FOIA. Any FOIA Officer who is subsequently appointed shall complete the electronic training curriculum within thirty (30) days after assuming the position.

C. Form of Request

1. Required Information. A Request must be submitted in writing (including electronically). The City *encourages* (but cannot require) that Requestors submit requests online or by using the convenient form on the City's website or in a similar form that contains, at a minimum, the following information:

- a) *The Requestor's name;*
- b) *Either the Requestor's mailing address, e-mail address, or telephone number;*
- c) *A description of the public records requested;*
- d) *A statement of purpose OR indication of whether the Requestor intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services;*
- e) *Use of the Online submission method is the most effective way to obtain a prompt, full, and complete response by the City to a Request.*

2. Supplemental Information. If a Requestor submits a Request on a form other than the Online or Official Request Form, and the Request does not contain all of the information required pursuant to Paragraph II.C.1 of these Rules, then the Requestor must provide the additional information in writing.

3. Requests Must Be Complete. No Request will be deemed complete unless it contains, at a minimum, all of the information required pursuant to Paragraph II.C.1 of these Rules.

4. Subpoenas. Except as provided in Section 9.5(c) of the Act, these Rules will not apply to any subpoena for records received by the City and issued by, or in accordance with the rules of, a court or agency of competent jurisdiction.

D. Submittal of Request

1. Submitted Requests are received by the City Freedom of Information Officer online, or by phone, mail, facsimile, overnight courier service, electronic mail, or in person, in accordance with the following:

2. In-Person Submissions. Requests submitted in person must be given to the FOIA Officer within the City Clerk's Office or filed in the Aurora Police Department.

3. Online Submissions. Requests submitted online must be submitted through the webpage: Aurora IL GovQA FOIA Request Submission and will be deemed received only upon actual receipt by the FOIA Officer on a Business Day during Business Hours, regardless of date or time of submission.

4. Phone Submissions. Requests may be submitted by phone by contacting the City of Aurora Customer Service at 630-256-4636 (INFO).

5. All Other Submissions. Requests submitted by mail or other means must be addressed to the FOIA Officer at the City Hall or the Police Department or Customer Service and will be deemed received only upon actual receipt by the City on a Business Day, regardless of date of submission.

6. All City officials and employees who receive a Request must immediately forward that Request to the FOIA Specialist or Customer Service for entry.

E. Processing of Request

1. If the FOIA Officer determines that the Request is not complete, the FOIA Officer must send notice to the Requestor within five Business Days after receipt by the City of the Request. If the Freedom of Information Officer determines that the Request is complete, the Freedom of Information Officer must indicate on each completed Request, the date and time of receipt and, if known, the date on which the City must respond to the Request.

2. The Freedom of Information Officer must maintain an electronic or paper copy of the Request, including all documents submitted with the Request, until all matters related to the Request have been completed.

3. The Freedom of Information Officer must create an electronic or paper file for the retention of the original Request, a copy of the response by the City, a record of all written communications with the Requestor regarding the Request, and a copy of other communications related to the Request.

4. The Freedom of Information Officer must keep all Notices of Denial in a single central office file, indexed according to the type of exemption asserted, and, to the extent feasible, according to the types of records requested.

5. Cooperation with Public Access Counselor. If the Public Access Counselor determines that further inquiry into any denied Request is warranted, the Freedom of Information Officer will comply with the directives of the Public Access Counselor, or seek appropriate review of those directives, in accordance with the Act.

III. RESPONSES TO REQUESTS

A. Time for Response

1. Requests Made for Commercial Purposes. The City will respond within twenty-one (21) Business Days to a properly completed Request Made for Commercial Purposes. The response shall (i) provide to the Requestor 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) deny the request pursuant to one of more of the exemptions set out in this Act, (iii) notify the Requestor that the request is unduly burdensome and extend an opportunity to the Requestor to attempt to reduce the request to manageable proportion or (iv) provide the records to the Requestor.

2. Unduly Burdensome Requests. If the City determines that the Request will be treated as Unduly Burdensome, the response shall notify the Requester of the same, state the reason(s) why, and invite the Requester to Confer and Narrow the Request to manageable proportions within five (5) business days. If the Requester does not contact the City following the passage of five (5) business days, the Request will remain Unduly Burdensome and be denied. In accordance with Section 3(g) of the Act, repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Act shall be deemed Unduly Burdensome.

3. Requests Made by Recurrent Requestor.

a) Within five (5) days the City will notify the requestor that they are being treated as a "Recurrent Requestor." The notice shall (i) indicate that the City is treating it as a Request from a Recurrent Requestor, (ii) state why the City is treating the request as a Recurrent Requestor, and (iii) notify the requestor that the City will respond within twenty-one (21) days

b) Within twenty-one (21) Business Days, the City will respond to the request. The response shall (i) provide to the Requestor 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) deny the request pursuant to one of more of the exemptions set out in this Act, (iii) notify the Requestor that the request is unduly burdensome and extend an opportunity to the Requestor to attempt to reduce the request to manageable proportion or (iv) provide the records to the Requestor.

4. Voluminous Requests. The City will respond within five (5) Business Days to a voluminous request. The response shall notify the requester: (i) that the public body is treating the request as a voluminous request; (ii) the reasons why the public body is treating the request as a voluminous request; (iii) that the requester must respond to the public body within ten (10) business days after the public body's response was sent and specify whether the requester would like to amend the request in such a way that the public body will no longer treat the request as a voluminous request; (iv) that if the requester does not respond within ten (10) business days or if the request continues to be a voluminous request following the requester's response, the public body may respond to the request and assess any fees the public body charges pursuant to Section 6 of this Act; (v) that the public body has five (5) business days after receipt of the requester's response or 5 business days from the last day for the requester to amend his or her request, whichever is sooner, to respond to the request; (vi) that the public body may request an additional ten (10) business days to comply with the request; (vii) of the requester's right to review of the public body's determination by the Public Access Counselor and provide the address and phone number for the Public Access Counselor; and (viii) that if the requester fails to accept or collect the responsive records, the public body may still charge the requester for its response pursuant to Section 6 of this Act and the requester's failure to pay will be considered a debt due and owing to the public body and may be collected in accordance with applicable law.

5. Arrest Reports. Requests for arrest reports and criminal history records maintained in accordance Section 2.15 of the Act should be directed to the Aurora Police Department (Department) but will be forwarded if received the City. The Department creates and maintains the content to be furnished and is best situated to comply with this requirement within the more limited period of time than otherwise provided in the Act. For completed Requests for chronologically maintained arrest and criminal history information, the Department (or City) will respond within 72 hours after the later to occur of (a) the arrest that is the subject of the Request, and (b) the time of receipt of the Request.

6. All Other Requests. For all Requests other than those set forth in Paragraph III.A.1, III.A.2, III.A.3 or III.A.4 of these Rules, the City will respond within five Business Days after a Request is received by the City, unless the City has extended the Response Time pursuant to Paragraph III.A.6 of these Rules.

7. Extension of Time. If the FOIA Officer determines that additional time is needed and allowed under the Act to respond to a Request, then the FOIA Officer will notify the Requestor within the applicable Response Time of the determination, of the reasons requiring the extension, and of the length of the extension (which may not exceed five (5) additional Business Days).

In his or her discretion, the FOIA officer may seek to obtain an agreed extension with the requestor. If an extension is agreed upon, the FOIA Officer must confirm the agreed extension in writing.

B. Disclosure of Public Records

1. Notice of Approval. If the FOIA Officer determines that the Act requires disclosure of all or any part or portion of the requested public records, then the FOIA Officer will notify the Requestor in writing of his or her determination.
2. Approval of Requests Made for Commercial Purposes. For a Request Made for Commercial Purposes, if requested records are not immediately available for inspection or pick-up, then a letter to the requestor will specify a reasonable date on which the requested records will be available for inspection or pick-up, based on the size and complexity of the Request. The Response will be timely and in accordance with Rule III.A.1.
3. Access to Public Records. Except as otherwise specifically authorized by the FOIA Officer, only City personnel are permitted to search City files, records, or storage areas, or to use City equipment in connection with any Request. Original records may not be removed from the City's Office at any time.
4. Appointment to Inspect Records. Public records requested under FOIA may be inspected, or copies of public records obtained, during regular Business Hours at the City Hall or another location designated by the FOIA Officer. Requestors should make arrangements in advance with the relevant department or division as specified in the letter sent upon closure of the request.
5. Copies of Public Records. Copies of public records approved by the FOIA Officer for disclosure may be obtained during Business Hours at the City Hall or another location designated by the FOIA Officer, provided that the Requestor had requested copies in the Request and has paid any applicable fees.
6. 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 information that is exempt, making available the remaining information for inspection and copying. The response letter will provide statutory and factual basis for redactions.

7. Records Maintained in Electronic Format. When a record maintained in electronic format is requested in electronic format, the public records will be furnished in the electronic format specified by the Requestor, 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 City will furnish the record in which the City maintains it, or in paper format at the option of the Requestor. The City may charge to the Requestor the actual cost of the medium necessary for that format.

8. Payment of Fees. The Requestor must pay all copying, certification, and postage fees in advance of receiving copies of any public records.

C. Unduly Burdensome Response

1. Invitation to Confer to Narrow Request. If the FOIA Officer determines that a Request for all records falling within a category will unduly burden the City, and that the burden to the City outweighs the public interest in production of the public records sought, the FOIA Officer will notify the Requestor in writing of the determination, the reasons supporting the determination, and of the right of the Requestor to modify the request to manageable proportions. The notice will also give the requestor the option to Confer and Narrow the request to a reasonable scope such that it no longer imposes an undue burden on the public body.

2. Agreement to Narrow Request. If the Requestor is able to narrow the request to manageable proportions, then the Freedom of Information Officer will process the Request in accordance with FOIA. The time to complete the request, five (5) working days, will not begin until the parties agree on a narrowed scope.

3. Failure to Confer and Narrow. If the Requestor does not accept the Invitation to Confer and Narrow or otherwise narrow the scope to manageable proportions, then the FOIA Officer may deny the Request as “Unduly Burdensome” on the fifth Business Day after the date of the Invitation to Confer and Narrow the Request.

D. Denial

1. Denials of Requested Records. If the FOIA Officer determines that all or any part or portion of any requested public records are not subject to disclosure under the Act or these Rules, then the FOIA Officer will notify the Requestor in writing of the determination. Exemptions are set forth in Section 7 and Section 7.5 of the Act.

2. Contents of Denials. Each Notice of Denial must (i) set forth the reason(s) for the denial, (ii) cite to the applicable exemption and/or statute, and (iii) must notify the Requestor of his or her rights to (a) seek review of the denial by the Public Access Counselor, and (b) seek judicial review under Section 11 of the Act.

3. Failure to Respond. If the FOIA Officer fails to respond to a Request properly filed under Section II.C of these Rules, the Request shall be deemed denied as of the last day permitted for the response.

4. Request for Review with Public Access Counselor or Circuit Court. If a Requestor disagrees with a Notice of Denial, then the Requestor may file a request for review with the Illinois Attorney General's Public Access Counselor no later than 60 days after the date of the Notice of Denial. A Requestor denied access to certain information or public record may also file suit for injunctive or declaratory relief in the Circuit Court of Kane.

E. Request Must Reasonably Identify Records

1. FOIA Requests are Requests for Public Records.

2. Requests that are worded so broadly or do not reasonably identify public records may be properly denied.

F. No Obligation to Create New Records

1. Except as provided in Section V of these Rules, the Act and these Rules do not require the City, in the course of responding to Requests, to create records that the City does not already maintain in record form. The FOIA Officer may in his or her discretion elect to create new records for the purpose of disclosing documents without extensive redactions/deletions.

G. No Obligation to Interpret or Advise

1. Neither the Act nor these Rules compel public bodies to interpret or advise Requesters as to the meaning or significance of public records.

IV. FEES

A. Fees Established

Unless fees are waived or reduced under to Subsection IV.C of these Rules, each Requestor must pay the following fees for copying, certification, and mailing of public records:

1. Copies - 8 ½ x 11 or 8 ½ x 14, Black and White

First 50 Pages	Free
Additional Pages	\$.15 per side

2. Commercial Requests:
 - a) *\$10 for each hour (after 8 hours) spent by personnel in searching, retrieving, redacting or copying a record.*
 - b) *Plus 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 the City imposes a fee pursuant to this subsection, it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records.)

3. Voluminous Requests produced in electronic format:
 - a) *Non-PDF format (PDF not available)*

<i>Up to 2 megabytes</i>	<i>\$20</i>
<i>2-4 megabytes</i>	<i>\$40</i>
<i>Over 4 megabytes</i>	<i>\$80</i>
 - b) *PDF Format*

<i>Up to 80 megabytes</i>	<i>\$20</i>
<i>80-160 megabytes</i>	<i>\$40</i>
<i>Over 80 megabytes</i>	<i>\$100</i>

When fees are imposed, the FOIA Officer will provide an accounting and breakdown of all fees assessed.

If the requested records are of a type not listed above, or when the services of an outside vendor are required to copy any public record that are not 8½ x 11 or 8½ x 14, Black and White, then the fees charged for copying the records will be the actual charges incurred by the City, and the fees stated in items 1 through 4 above will not apply. The fees stated in items 1 through 4 will also not apply if the fee for the requested records is otherwise fixed by statute. If the requested records are produced on an electronic medium, then the Requestor must pay the actual cost of the medium.

The City has determined that the fees in this Subsection A are no more than necessary to reimburse the City for the actual cost of reproducing, certifying, and mailing public records requested pursuant to the Act and these Rules.

B. Method and Time of Payment

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

C. Waiver of Fees

The fees provided in Subsection IV.A of these Rules may be waived or reduced at the discretion of the FOIA Officer. A waiver or reduction in fees will only be considered if the Requestor includes in the Request the specific purpose of the Request and establishes to the reasonable satisfaction of the FOIA Officer that a fee waiver or reduction is in the public interest. Any request for a fee waiver or reduction must be indicated in the Request at the time the Request is filed. A subsequent request will not be considered.

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. No fee waiver will be granted if the Request is for the principal purpose of personal or commercial benefit to the Requestor. 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.

D. Waiver for Failure to Respond

If the FOIA Officer does not respond to a Request properly submitted pursuant to Section II of these Rules within the applicable Response Time, then the City will not require the payment of fees for any copies of records produced in response to that Request.

V. CITY OBLIGATIONS

A. Organizational Description

The FOIA Officer, at least once each fiscal year, will produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of the City. The description must identify and describe the membership of the City Council and of all of its standing and special committees and other advisory bodies and also must include:

- a short summary of the City's purpose,
 - organizational chart,
 - the approximate number of the City's full and part-time employees,
 - the total amount of the City's operating budget, and
 - the number and location of each of the City's offices.
- The FOIA Officer must also post the above listed items pursuant to this Subsection V.A to the City's website.

B. Index of Public Records

The FOIA Officer must create, maintain current, and make available for inspection, copying, and mailing, a current index of all types or categories of public records prepared or received, and maintained, by the City. The index must be reasonably detailed in order to aid persons in obtaining access to the public records of the City.

C. Records Stored by Electronic Data Processing

The FOIA Officer must prepare and furnish, to any person requesting it, a description of the manner in which public records of the City stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

D. Summary of Procedures

The FOIA Officer must create, maintain current, and make available for inspection, copying, and mailing, a brief summary of the procedures established by these Rules.

E. Posting and Mailing of Information

The FOIA Officer must keep posted at the City Hall and will mail to any person making a request therefor, copies of the Organizational Description prepared pursuant to Subsection V.A of these Rules, the Index of Public Records prepared pursuant to Subsection V.B of these Rules, and the Summary of Procedures prepared pursuant to Subsection V.D of these Rules.

F. Filing of Notices of Denial

The FOIA Officer must retain records of all full denials in a single file at the City Hall that is open to the public and indexed according to the type of exemption asserted and, to the extent that categorization is feasible, the type of records requested. This log is to be maintained in accordance with the City's document retention schedule.

These Rules are subject to change where required by statute.