

CHAPTER 7
FREEDOM OF INFORMATION

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1-7-1 REQUIRED DISCLOSURE

Public records of the Village of Hebron shall be disclosed to members of the public who make requests for such information in writing.

- A. The Village shall provide forms for written request to inspect or copy Village records.
- B. The request shall be complied with or denied within seven (7) working days after receipt. Any denial of a request shall be in writing and shall be given to the person making the request and shall state the reason for denial.
- C. The seven (7) day time limit for compliance may be extended for an additional seven (7) working days so long as the requester is notified in writing of the specific reason for delay and then only for the following reasons:
 - 1. The records are stored in other locations;
 - 2. The request requires collection of a substantial number of records;
 - 3. The request is in categorical terms and extensive search is required to respond;
 - 4. The requested records cannot be found and an additional search is required;
 - 5. The records are arguably subject to nondisclosure by virtue of an exemption and require further examination;
 - 6. There is a need to consult another public body which has a substantial interest in the determination or subject matter of the request;
 - 7. The request would be unduly burdening or interfering with the operations of the Village. If this reason is used for denying the records requested, the requester must be extended the right to amend his request to make it more practical for the Village to comply. If the request is denied on the basis that the request is unduly burden-

some, the written denial must state specifically in what way the request is unduly burdensome.

1-7-2 INFORMATION CONCERNING THE RIGHT TO DISCLOSURE

A bulletin containing information about how to obtain disclosure of Village records shall be prominently displayed at the place where the Village conducts its monthly meetings. A copy shall be filed with the Village Clerk. The bulletin shall include the following information:

- A. A short summary of the corporate purpose of the Village;
- B. A block diagram giving the functional divisions of the Village;
- C. The total amount of the operating budget of the Village;
- D. The number and location of the offices of the Village;
- E. The number of full-time and part-time employees of the Village;
- F. Identification and membership of any board, committee or council which operates in an advisory capacity or which exercises control over the policies of the Village.
- G. A brief description of how the public can acquire information on public records;
- H. A list by category of the types of records available for disclosure and a designation by titles and by specific name of those officials and employees to whom requests for public records shall be directed;
- I. A statement of the charge for copying of the public record requested.

It shall be the duty of the Village Clerk to update the information contained in the bulletin by July 1 of each year and present it to the Board of Trustees for approval. The Board of Trustees shall accept the bulletin as prepared or modify it as deemed appropriate by the Board and approve of it.

1-7-3 METHOD OF DISCLOSURE

The Village Clerk shall keep on file written request forms which shall be available to the public for making requests of Village records. The Village Clerk shall also have on file compliance forms which shall be distributed to the officials designated in the bulletin as persons to whom requests for disclosure of Village records can be made. It shall be the duty of each Village official who has received a request for disclosure to complete a compliance form with respect to such request and file it with the Village Clerk. If the request is made of the wrong Village official as shown in the bulletin, the requester shall be informed of the proper person to whom the request should be made.

1-7-4 FEES (*Amended, 547, 2/21/94*)

The Village shall charge a fee of \$1.00 per page for any copies requested.

1-7-5 EXEMPTIONS

Requests for disclosure may be denied only on the basis which follow. Designations in the bulletin as to the exempt status of certain categories of records are only for the purpose of indicating to the official contacted for disclosure that the records requested might be exempt. In all requests, the records must be specifically reviewed to determine whether they are exempt under the criteria for exemption set forth below.

1-7-6 INFORMATION EXEMPT FROM DISCLOSURE

The following types of information are exempt from disclosure:

- A. Information which is specifically prohibited from disclosure by Federal or State law or rules or regulations adopted pursuant thereto;
- B. Information which would constitute an unwarranted invasion of personal privacy unless consented to in writing by the individual subjects of the information. Such exempted information includes:
 - 1. Personal information maintained with respect to employees, appointees of other officials of the Village or applicants for such positions;
 - 2. Personal information regarding any person engaged in professional or occupational registration or licensure;
 - 3. Information required of any taxpayer in connection with the assessment or collection of taxes.
 - 4. Information revealing the identity of persons who filed complaints with the Police Department.
- C. Information which constitutes investigatory records concerning traffic, ordinance or State criminal violations;
- D. Records of criminal arrest not leading to convictions;
- E. Criminal history information maintained by the Police Department or obtained by the Police Department;
- F. Preliminary drafts, notes, recommendations and other records in which opinions are expressed or policies are formulated. This exemption is lost, however, when the record is publicly cited and identified;

- G. Trade secrets and commercial or financial information obtained from third parties;
- H. Proposals and bids;
- I. Valuable formulae, designs or other data which could reasonably be expected to product private gain or public loss;
- J. Test questions, scoring keys and other examination data;
- K. Architect and engineering plans for buildings when disclosure of these records would allow a competitor of the architects and engineers who submitted the plans a competitive advantage in obtaining contracts with the Village or in shortcutting work to be done by the requester in order to gain private advantage in connection with some engineering or architectural project that the requester is involved in;
- L. Minutes of executive sessions until available to the public under the Open Meetings Act¹;
- M. Communications between the Village and its attorney or attorneys;
- N. Records relating to negotiations for the purchase of real estate.

1-7-7 ADMINISTRATION APPEAL PROCESS

A person who has his request for disclosure of records of the Village denied, may appeal the decision by filing with the President of the Board of Trustees a written notice of appeal within fourteen (14) days of the denial. The President and the Board of Trustees shall render a decision on the appeal within seven (7) working days after the receipt of the notice of appeal. (*Ord. 396 1/2, 8-6-84*)

¹ S.H.A. Ch. 102 41 et. seq.