

6/5/2014

**43-R-14**

**A RESOLUTION**

**Authorizing the Approval of a Freedom of Information Act Policy**

**WHEREAS**, the City of the Evanston (the "City") is a "public body" within the purview of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA") and responds to requests made for public records under FOIA; and

**WHEREAS**, in accordance with Section 3 of FOIA, City seeks to adopt certain rules and regulations in conformity with FOIA which addresses the procedures to be followed to provide records which are available for public release; and

**WHEREAS**, in keeping with the City's dedication to transparency in its operations, as acknowledged by the Illinois Policy Institute's perfect score ranking for the City's efforts in 2013, and our commitment to providing public records as expediently and efficiently as possible in compliance with FOIA; and

**WHEREAS**, the City Council desires to adopt the attached policy entitled *City of Evanston Freedom of Information Act Policy* to govern the administration of FOIA requests filed with the City,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** The foregoing recitals are incorporated herein as findings of the City Council of the City of Evanston, Illinois.

**SECTION 2:** The City of Evanston Freedom of Information Act Policy, attached as Exhibit 1, is hereby authorized, approved and adopted pursuant to the

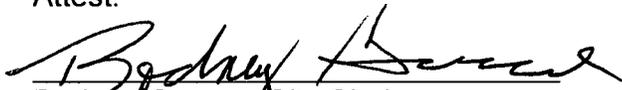
Freedom of Information Act and shall become effective on the date of passage of this Resolution 43-R-14.

**SECTION 3:** City Clerk Rodney Greene, Deputy City Clerks Leticia Blackman and Akasha Terrier are hereby designated Freedom of Information Act officers of the City of Evanston.

**SECTION 4:** This Resolution 43-R-14 shall be in full force and effect from and after its passage and approval in the manner provided by law.

  
Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Adopted: June 23, 2014

**EXHIBIT 1**

**FREEDOM OF INFORMATION ACT POLICY**

## CITY OF EVANSTON FREEDOM OF INFORMATION ACT POLICY

This Policy ("FOIA Policy") outlines the City of Evanston's ("Pubic Body" or "City") procedures for compliance with the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("Act"), by the City and any person requesting public records from the City ("Requestor"), and contains instructions and forms for the implementation of the FOIA Policy. The City will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, this FOIA Policy, and other applicable laws (the "Request"). The Effective Date of this FOIA Policy shall be the date on which they are adopted by the City Council.

### I. REQUESTS FOR PUBLIC RECORDS

#### A. General - Processing of Requests

All requests to inspect, copy or certify public records under FOIA must be submitted to the City in writing or sent via electronic mail. The City will respond to all requests in conformance with the FOIA statute parameters.

#### B. Responsibilities of FOIA Officer

The City's Freedom of Information Officers (collectively referred to as the "FOIA Officer") are the people 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 the authority on behalf of the City 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 City shall designate one or more officials or employees to act as its FOIA officer(s). As of the date of Effective Date of this FOIA Policy, Rodney Greene, Leticia Blackman and Akasha Terrier are the designated FOIA Officers for the City of Evanston.

#### C. FOIA Officer Training

The City's FOIA Officer(s) shall complete the electronic training curriculum developed and administered 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 30 days after assuming the position.

#### D. Summary of the FOIA Request process:

Step One: Complete a FOIA Request Form: All requests for records shall be made in writing. However, oral requests for records will be honored. The City encourages the requestor to use the FOIA Request Form from the City Clerk's website (<https://cityofevanston.org/government/city-clerk/freedom-of-information-act/>), or submit a paper copy available at the City Clerk's Office at 2100 Ridge Avenue, Evanston, Illinois 60201. However, the City will process written requests not on the City's form as long as the following information is included:

- (a) name of requestor;
- (b) the requestor's mailing address, e-mail address (if applicable), and telephone number;
- (c) a specific description of the public records requested; and
- (d) a statement of purpose, indicating 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.

**Step Two:** Procedure for submission of the FOIA Request:

Requests may be mailed, faxed or e-mailed to both FOIA Officers for processing. Requests can also be hand delivered to the FOIA Officers between the hours of 8:30 a.m. and 1:00 p.m. and 2:00 p.m. to 5:00 p.m. Monday through Friday, except on City observed holidays. An e-mail sent during business hours will be deemed received on the day it is received by the Public Body and an e-mail message sent after business hours will be deemed received on the following business day.

**Mailed Requests should be addressed as follows:**

**City of Evanston  
Attn: FOIA Officer  
2100 Ridge Avenue  
Evanston, IL 60201  
Fax Number: 847- 448 - 8131**

**If you are sending request via email, send to both Deputy City Clerks: [lblackman@cityofevanston.org](mailto:lblackman@cityofevanston.org) and [kterrier@cityofevanston.org](mailto:kterrier@cityofevanston.org)**

**Step Three: City Response**

The City will respond to the Request within five (5) business days of receipt of the Request. If the FOIA Officer determines that additional time is needed and allowed under FOIA to respond to the Request, then the FOIA Officer will send written notification to the Requestor of the reasons requiring the extension, and the length of the extension (no more than 5 business days). The Requestor and the City may also agree in writing to extend the time period to a date certain that is beyond the additional five (5) business days. The FOIA Officer, City Department officials, with the aid of the City of Evanston Law Department, shall evaluate if any or all of the requested public records are exempt from disclosure under FOIA.

**The City officials shall respond to the Request for records in one of five ways:**

- (a) Approve the Request and release all requested documents for inspection and/or copying (Approval Response; Form A);
- (b) Approve the Request in part and deny the Request in part based on statute exemptions and provide the requestor an opportunity to appeal (Partial Denial Response; Form B);
- (c) Deny the Request for all records requested. The denial must cite statutory reasons for denial and provide requestor an opportunity to appeal (Denial Response; Form B).
- (d) Send a notice of extension for the City's response to the Request (Notice of Extension; Form D); or

(e) Meet and confer with the Requestor to narrow the scope of the Request (Meet and Confer Notice; Form E) and if the Requestor narrows the Request to a manageable size, the City will send a follow-up response letter with the updated records.

(f) Send response letter indicating that the Request needs clarification regarding the records that the requestor is seeking and the verbiage within the Request is unclear (Form F).

#### Step Four. (If applicable) City Response – Commercial Requests

The City must be informed if the Request is made for commercial purpose. It is a violation of FOIA to attempt to procure public records without disclosing to the City that the Request is submitted for a commercial objective. The City shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall (i) provide to the requester 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 City may require the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in this 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, or (iv) provide the records requested.

Requests from the news media or non-profit organizations are not classified as a request for a commercial purpose if the purpose of the request is to:

- (a) access and disseminate information concerning news and current passing events;
- (b) write articles of opinions or features of interest to the public; or
- (c) use for the purpose of academic, scientific or public research/education.

#### Step Five: Delivery of response and payment of any applicable fees

If the Request is approved or approved in part, the City shall provide the materials in accordance within the time period aforementioned. The FOIA Officer shall give notice that the materials shall be made available upon payment of the reproduction costs, or give notice of the time and place for inspection of records. Public records are available for inspection during regular City business hours. During inspections, a City employee must be present and the record(s) cannot be removed from the building.

#### E. 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. These requests will be considered new requests for purpose of determining all applicable time periods under FOIA.

#### F. Interpretations or Advice

The FOIA Officers are encouraged to contact the Requestor, if necessary, to clarify the Request. The FOIA Officer is also encouraged to seek advice on appropriate responses from the City's Law Department.

#### G. Request for an Extension – Form D

The City must respond to a Request in 5 business days, but this response time may be extended by a FOIA Officer for up to 5 additional business days from the original due date for any of the following reasons.

- The requested records are stored in whole or in part at other locations;
- The request requires the collection of a substantial number of specified records;
- The request is stated 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 a 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; or
- The City must consult with another public body with respect to the records or the subject matter of the Request.

## **II. DISCLOSURE OF PUBLIC RECORDS**

### **A. Notice of Approval**

If the FOIA Officer, in consultation with the applicable City department and the Law Department, determines that the Act permits disclosure of all or any part or portion of any public records requested on a Request filed under Section I of this FOIA Policy, the FOIA Officer will notify the Requestor in writing of that determination.

### **B. Access to Public Records**

Except as otherwise specifically authorized by the FOIA Officer, only City personnel will be permitted to search City files, records, or storage areas; to use City equipment; or to make copies of City's public records. Original public records may not be removed from the City's Office at any time.

### **C. Appointment to Inspect Records**

Public records requested under the FOIA may be inspected, or copies of public records obtained, during regular business hours of the City Clerk's Office (Monday – Friday 8:30 a.m. – 5:00 p.m.). Because space is limited, Requestors must make arrangements in advance with the FOIA Officer for a specific appointment to inspect public records at the City Office.

### **D. Payment of Fees**

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

### **E. Disclosure of Records in an Electronic Format**

When requested in electronic format, 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 the format in which the Public Body maintains it, or in paper format at the option of the Requestor.

#### F. Recurrent Requester

A recurrent requester is a person that, in the 12 months immediately preceding the request, has submitted to the City (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 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 requests is (i) to 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. The City shall respond to a request from a recurrent requester, as defined in subsection (g) of Section 2, within 21 business days after receipt. The response shall (i) provide to the requester 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 the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in this 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, or (iv) provide the records requested.

#### G. Categorical Requests

1. 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 City and that the burden of the City outweighs the public interesting production of the public records sought, the FOIA Officer will notify the Requestor in writing of that determination, the reasons supporting such determination, and the right of the Requestor to meet with the FOIA Officer in an effort to narrow the request. The notice will be given by use of Form E or a similar correspondence ("Notice to Meet and Confer").

2. If the Requestor agrees to meet and confer with the FOIA Officer regarding the request, the FOIA Officer will respond to the Request, or to the Request as narrowed at the meeting, within five working days following the date of the adjournment of the meeting. The response may take any form specified in Section II (E).

3. If the Requestor does not agree to meet and confer with the FOIA Officer regarding the request, the FOIA Officer may deny the request on the fifth working day after the date of the notice given pursuant to Paragraph G (1) above.

#### H. 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. The response letter will provide a statutory and factual basis for any and all redactions.

#### I. Denial of Requested Records

If the FOIA Officer determines that all or any part or portion of any public records requested on a 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 the determination. The notice of denial (including partial denials) shall include a detailed factual basis for the application of any exemption claimed, the reason for the denial, and the Requester's right to judicial review or 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 shall 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 shall be given by use of Form A or a similar correspondence.

#### J. Failure to Respond

If the FOIA Officer fails to respond to a Request properly filed under Section I of this FOIA Policy, the Request shall be deemed denied as of the last day permitted for the response. Failure to respond within the time permitted for extension shall be considered a denial of the Request. If the City fails to respond to a Request within the time permitted for extension, but thereafter provides the requester with copies of the requested public records, the City cannot impose a fee for those copies. If the City requests an extension and subsequently fails to respond to the request within the additional time period, the City cannot treat the request as unduly burdensome.

#### K. No Obligation to Create New Records

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

#### L. Request for Review with Public Access Counselor or Circuit Court

If a Requester disagrees with a Notice of Denial, then the Requester 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 Requester denied access to certain information or public record may also file suit for injunctive or declaratory relief in the Circuit Court of Cook County.

### **III. FEES**

#### A. Fees Established

Unless fees are waived or reduced pursuant to Section III (C) below, each Requester must pay the following fees for copying, certification, and mailing of public records, which the City 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 City to copy records:

1. Copies – letter or legal – \$ .15 per side (first 50 pages are free)

- (black and white copies)
2. Copies – color or oversize -- Actual cost of reproduction.
  3. Certification -- \$5.00 per document (plus copy cost)
  4. Mailing -- Actual cost of postage.
  5. Recording Media -- Actual cost to the Public Body  
(discs, diskettes, tapes or other media)
  6. Processing of requests -- Charge \$10 per hour for every hour after the 8th  
Over 8 hours hour.

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 8 1/2 X 11 or 8 1/2 X 14, black and white, then the fees charged for copying the records will be the actual charges incurred by the City to produce the records. Fees specifically outlined in the Act will dictate and supersede these Rules. In the event that the City provides records in response to a Request but fails to respond within the requisite periods, such copies shall be provided free of charge in accordance with Section II (J) of the Act.

#### B. 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.

#### C. Waiver of Fees

The fees provided in Section III above may be waived or reduced by the FOIA Officer if the Requestor states the specific purpose of the request on the Request 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 at the time the Request 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 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.

### **IV. CITY OBLIGATIONS**

#### A. Organizational Description

In accordance with Section IV of the Act, the FOIA Officer will cause the City to prominently display at the Civic Center, make available for inspection, copying, and available on the City Clerk's webpage under Freedom of Information Act "Organizational Information", the following information:

1. City Mission: The City of Evanston is committed to promoting the highest quality of life for all residents by providing fiscally sound, responsive municipal services and delivering those services equitably, professionally, and with the highest degree of integrity.

2. Vision Statement: Creating the most livable city in America.

3. Organizational Values:

- Excellent customer service
- Continuous improvement
- Integrity
- Accountability

4. City of Evanston Budget: The City Council approved the FY 2014 operating budget for the City in the amount of \$ 254,627,610 Million.

5. Total number of City employees: The total staffing level for FY 2014 is 804.78 full-time equivalents.

6. Organizational Chart: The City's organizational charts are posted to the City of Evanston website at: <https://cityofevanston.org/transparency/city-organizational-charts/>.

7. Location of City of Evanston offices:

- Civic Center: 2100 Ridge Avenue, Evanston, IL 60201; (847) 328-2100
- Fire Department: 909 Lake Street, Evanston, IL 60201; (non-emergency) (847) 866-5918
- Main Public Library: 1703 Orrington, Evanston, IL 60201; (847) 448-8600
- Police Department: 1454 Elmwood Avenue, Evanston, IL 60201; (non-emergency) (847) 866-5000
- Water Treatment Plant: 555 Lincoln Street, Evanston, IL 60201; (847) 866-2942
- Dial 3-1-1 for non-emergency City services and information

#### B. Records Stored by Electronic Data Processing

The FOIA Officer will 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.

#### 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

The FOIA Officer will keep posted at the City Office, and will provide a copy to any person making a request therefor, the Organizational Description prepared pursuant to Section IV (A)(6) above and these rules.

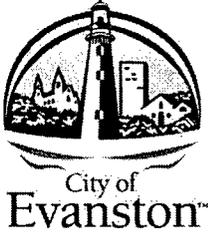
#### E. Record Keeping

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 Requestor and other communications shall be maintained by the FOIA Officer for the period provided under the Illinois Local Records Act, 50 ILCS 205/1 *et seq.*

#### F. Public Records Available

Below is a non-exhaustive list and sampling of the documents retained as public records by the City of Evanston and available for inspection and/or copying:

- Administrative manuals, procedural rules
- Statements and interpretations of policy adopted by any City entity
- Final planning policies adopted by any City entity
- Service request records to the City's 311 system
- Administrative Adjudication records (orders, notices of violation, etc.)
- Factual reports, inspection reports and studies prepared for or by the City
- Any account, voucher or contract dealing with the receipt or expenditure of public funds
- Names, salaries, titles and dates of employment of all employees and officers
- Name of every official and final records of voting in all proceedings of public bodies
- Reports and studies prepared by an independent consultant for the City
- Any grant or contract made by or between the City and another public body or private organization
- Plans submitted to the Building Department and permits issued
- Arrest Reports, crime data, and case reports
- Procurement reports, contracts, performance and payment bonds, proposals, and bid packages



**FORM A**

**CITY OF EVANSTON  
RELEASE OF REQUESTED PUBLIC RECORDS**

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

On \_\_\_\_\_, 20\_\_\_\_, the City of Evanston received your written request for the inspection, copying, or certification of certain City public records ("Your Request") pursuant to the Freedom of Information FOIA ("FOIA").

Your Request was for the following records:

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

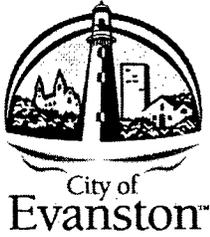
Your Request is granted. The amount owed for the requested

Dated: \_\_\_\_\_, 20\_\_\_\_

CITY OF EVANSTON

By: \_\_\_\_\_

Title: \_\_\_\_\_



**FORM B**

**CITY OF EVANSTON  
DENIAL OF REQUEST FOR PUBLIC RECORDS UNDER FOIA**

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

On \_\_\_\_\_, 20\_\_\_\_, the City of Evanston received your written request for the inspection, copying, or certification of certain City public records ("Your Request") pursuant to the Freedom of Information FOIA ("FOIA").

**1. Denial of Request**

— Your Request is hereby Denied in its entirety. The reason(s) for denial are stated in Paragraph 5 below.

— Your Request has been denied in part. The records for which Your Request is denied and granted are detailed below:

(a) Your Request is denied as to the following records (the "Specified Records"):

\_\_\_\_\_

(b) Your Request is granted in part as the following records (the "Approved Records"):

\_\_\_\_\_

\_\_\_\_\_

**2. Notice of the Right to Review**

You have the right to file a request for review of Your Request and this Notice of Denial by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contested at 500 South 2<sup>nd</sup> Street, Springfield, Illinois 62706, or by telephone at (217) 558-0486. In addition, you have the right to seek judicial review of this denial.

**3. Justification of Denial**

Your Request is being denied with respect to the Specified Records because the Specified Records are exempt from disclosure pursuant to FOIA for the following reason or reasons (references are to sections of FOIA):

**(a) Personal Privacy**

— The Specified Records are private information. § 2(c-5), § 7(1)(b)

**(b) Internal Operations**

— The Specified Records relate to pending negotiations for the purchase or sale of real estate. § 7(1)(r)

**(c) Law enforcement and security**

- The Specified Records were created in the course of administrative enforcement proceedings, or for law enforcement purposes, and disclosure would:
  - interfere with a pending or actually and reasonably contemplated law enforcement proceeding by the City. § 7(1)(d)(i)
  - interfere with active administrative enforcement proceedings by the City. § 7(1)(d)(ii)
  - unavoidably disclose the identity of a confidential source or confidential information provided by the confidential source, or the identity of persons who file complaints with or provide information to administrative, investigative, law enforcements or penal agencies. § 7(1)(d)(iv)
  - disclose unique or specialized investigative techniques other than those generally used and known, and disclosure would result in demonstrable harm to the City. § 7(1)(d)(v)
  - endanger the life or physical safety of any person. § 7(1)(d)(vi)
  - obstruct or interfere with an active or ongoing criminal investigation by the City. § 7(1)(d)(iv), § 7(1)(d)(vii)

**(d) Business**

- The Specified Records contain trade secrets or commercial or financial information furnished to the City under a claim that they are proprietary, privileged, or confidential, and disclosure would cause competitive harm to the furnisher of the information. § 7(1)(g)
- The Specified Records constitute proposals or bids for a contract, grant, or agreement that has not been awarded or for which a final selection has not been made, and disclosure would either frustrate the City's procurement procedures, or give an advantage to any person who may submit a proposal or bid. § 7(1)(h)
- The Specified Records constitute information prepared by or for the City in preparation of a bid solicitation for which no award or final selection has been made. § 7(1)(h)
- The Specified Records are valuable formulae, computer geographic systems, designs, drawings, or search data obtained or produced by the City, and disclosure could be expected to produce private gain or public loss. § 7(1)(i)

**(e) Attorney Communications**

- The Specified Records were prepared or compiled at the request of an attorney advising the City in anticipation of criminal, civil, or administrative proceedings. § 7(1)(m)
- The Specified Records were prepared or compiled with respect to an internal audit of the City. § 7(1)(m)

**(f) Architect and engineering plans**

- Disclosure of the Specified Records would compromise the security of a project constructed with public funds. § 7(1)(k)
- The Specified Records are plans, technical submissions or other construction related technical documents for projects not constructed in whole or in part with public funds. § 7(1)(k)

**(g) Personnel**

- The Specified Records are test questions, scoring keys, or other examination data used to determine employment or license qualifications. § 7(1)(q)
- The Specified Records relate to adjudication of an employee grievance or disciplinary case, and do not constitute the final outcome of a case in which discipline was imposed. § 7(1)(n)
- The Specified Records relate to employee collective bargaining matters and do not constitute a final collective bargaining agreement. § 7(1)(p)
- Disclosure of the Specified Records is prohibited by the Personnel Records Review FOIA. § 7.5(q)

**(h) Not Public Records**

- The Specified Records are neither prepared by or for the City, nor have the Specified Records been or are being used by, or received by, the City. § 1, § 2(c)
- The Specified Records are not within the City's possession or control, nor are the Specified Records related to a governmental function. § 1, § 2(c), § 7(2)

**(i) Miscellaneous:**

- Your Request, couched in categorical terms, is unduly burdensome because the burden on the City of complying with Your Request outweighs the public interest in providing the Specified Records, and efforts to reduce Your Request to manageable proportions have been unsuccessful after the City's extension of the opportunity to meet and confer on the documents requested. § 1 & 3(g)
- Your Request is unduly burdensome because you have repeatedly requested the Specified Records, which records are unchanged or identical to records previously provided or properly denied pursuant to the FOIA § 3(g)
- Disclosure of the Specified Records is specifically prohibited by the following Federal or State law, rule: \_\_\_\_\_ §7(1(a))

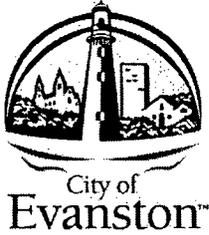
4. You have a right to appeal this decision within 60 days to Sarah Pratt, Acting Public Access Counselor, Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (phone number 1-877-299-FOIA) or to seek judicial review under Section 11 of FOIA, 5 ILCS 140/11.

Dated: \_\_\_\_\_, 20\_\_\_\_

CITY OF EVANSTON

By: \_\_\_\_\_

Title: \_\_\_\_\_



**FORM C**

**CITY OF EVANSTON  
INSPECTION ACKNOWLEDGEMENT OF REQUESTED PUBLIC RECORDS**

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

On \_\_\_\_\_, 20\_\_\_\_, the City of Evanston received your written request for the inspection, copying, or certification of certain City public records ("Your Request") pursuant to the Freedom of Information FOIA ("FOIA"). You were provided an opportunity to inspect the public records requested on \_\_\_\_\_, 2014.

Your Request was for the following records:

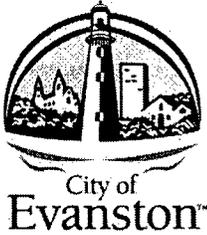
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

CITY OF EVANSTON

By: \_\_\_\_\_

Title: \_\_\_\_\_



FORM D

REQUEST FOR EXTENSION OF TIME

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

On \_\_\_\_\_, 20\_\_\_\_, the City of Evanston received your written request for the inspection, copying, or certification of certain City public records (the "Request") pursuant to the Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA"). Please be advised that an additional five (5) business days from the original due date is needed in order to process your Request. The reason for the need for additional time is for the following reason(s):

\_\_\_\_\_ 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 this Act or should be revealed only with appropriate deletions;

\_\_\_\_\_ The request for records cannot be compiled with the public body within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the public body; and/or

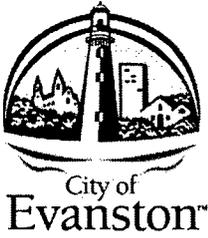
\_\_\_\_\_ There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

Dated: \_\_\_\_\_, 20\_\_\_\_

CITY OF EVANSTON

By: \_\_\_\_\_

Print: \_\_\_\_\_  
Freedom of Information Officer



**FORM E**

**NOTICE TO MEET AND CONFER TO NARROW REQUEST**

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

On \_\_\_\_\_, 20\_\_\_\_, the City of Evanston received your written request for inspection, copying, or certification of the following categories of City public records (the "Request") pursuant to the Freedom of Information Act, 5 ILCS 140/1 et seq. ("FOIA"):

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

Your are hereby notified that your Request for public records has been determined to be unduly burdensome pursuant to Section 3(g) of FOIA because the burden on the City of providing the records outweighs the public interest in disclosure of the information contained in the Request. Specifically, but without limitation, providing the documents within the Request would be unduly burdensome to the City because:

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

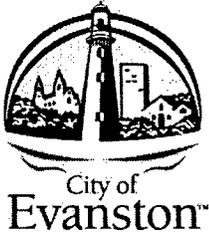
I hereby extend to you an opportunity to meet and confer with \_\_\_\_\_ in an attempt to narrow your request to manageable proportions or send a revised request narrowing the scope. Please call \_\_\_\_\_ between 9:00 a.m. and noon or 1:00 p.m. and 5:00 p.m. Monday through Friday, in order to schedule a conference. Please note that if you do not contact the City staff member indicated for the opportunity to meet and confer, your Request will be denied on the fifth Business Day after the date of this notice and no further correspondence will be sent by the City.

Dated: \_\_\_\_\_, 20\_\_\_\_

CITY OF EVANSTON

By: \_\_\_\_\_

Print: \_\_\_\_\_  
Title



**FORM F**

**NOTICE TO CLARIFY REQUEST**

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

On \_\_\_\_\_, 20\_\_\_\_, the City of Evanston received your written request for inspection, copying, or certification of the following categories of City public records (the "Request") pursuant to the Freedom of Information Act, 5 ILCS 140/1 et seq. ("FOIA"):

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

The City seeks clarification with respect to the following portion:

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

Dated: \_\_\_\_\_, 20\_\_\_\_

**CITY OF EVANSTON**

By: \_\_\_\_\_

Print: \_\_\_\_\_  
Freedom of Information Officer