

FREEDOM OF INFORMATION ACT/ADMINISTRATIVE POLCY

2-1-1 POLICY. The County shall establish an easy and intuitive method for members of the public to request public information by visiting the County web site at www.co.adams.il.us. The method and instructions for users to make an electronic submission will be prominently posted, and in most cases, a link on the site will connect to a form which can be completed and submitted online. Departments and County Offices ("Departments") may adopt a preferred method of their own choosing, but all requests for information shall be made in writing. Requesters may also complete and submit a paper form at the office of the Department which has control or possession of the desired information or materials (see www.co.adams.il.us for a list of Departments).

2-1-2 OBTAINING RECORDS. Members of the public must submit their requests in writing and must describe the records with sufficient clarity as to enable FOIA officers to identify and locate the records. FOIA officers should make reasonable attempts to assist members of the public in accessing records which are responsive to the information they wish to acquire, but public bodies shall not be required to create a record or document which is not generated as a part of normal operations or routine record management. In order to aid persons in obtaining public records, the department heads and office holders ("Department Heads") shall create a list of records under their control sufficiently detailed to enable members of the general public to identify information pertinent to their requests and make the list available to members of the public upon request. The County Clerk shall be responsible to generate and maintain a list of documents on behalf of the County Board and shall perform as that body's FOIA officer.

2-1-3 ANALYSIS/INTERPRETATION OF RECORDS. Department heads, their employees and FOIA officers shall not be required to provide analysis or interpretation of records nor provide an explanation of their meaning, and should refrain from doing so.

2-1-4 DESIGNATION OF FOIA OFFICERS. Department Heads shall designate sufficient FOIA officers within their Departments to promptly and accurately respond to requests for review or copies of the public records held and maintained within their areas of responsibility or under their purview. FOIA officers shall undergo the web-based training required under the Act and register as FOIA officers through the state Attorney General's web site. FOIA officers shall also be responsible for annual recertification; and each Department Head shall be responsible for making sure recertification is timely completed.

2-1-5 RESPONSIBILITIES OF DEPARTMENT HEADS. Department Heads shall assume such authority and responsibility as is required of them to comply with the Illinois FOIA. Included among the requirements of the Act are: Designate FOIA officers and ensure they undergo training in accordance with the Act; prepare a written summary of the purpose and description of their office; prepare a description of the methods whereby members of the

public may request access to public records; prepare a directory of FOIA officers within their agency; and prepare a list of records of documents which are available for immediate release upon request. Each Department shall provide the foregoing information to the Information Technology Department in electronic format for posting on the County's website. Agencies of the judiciary, the Circuit Clerk and Probation Department are exempted from the Illinois FOIA.

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2-1-6 DUTIES OF FOIA OFFICERS. All designated FOIA officers for the Departments of Adams County shall undertake duties as is required of them under the Illinois FOIA, including, but not limited to the following:

- (A) Undertake and successfully complete all training which is required under the Illinois FOIA.
- (B) Receive, date-stamp and promptly and appropriately respond to public requests for access to public records.
- (C) Create and retain records, files and indices as is required by public bodies under the Act.
- (D) Meet with and confer with persons seeking access to public records to facilitate the acquisition of information accurately and correctly.
- (E) Confer with the office of the Public Access Counselor ("PAC") on an ongoing basis for guidance on the correct application of the law and fulfill the legal demands of the PAC with respect to requesters' petitions for review.
- (F) Other miscellaneous duties related to the Illinois FOIA.

2-1-7 PUBLIC ACCESS COUNSELOR (PAC). The Public Access Counselor is part of the Office of the Attorney General and is responsible for ensuring compliance with FOIA. The PAC has the authority to review requests for documents under FOIA and determine whether those documents should have been produced under FOIA.

2-1-8 **ROLE OF STATE'S ATTORNEY.** Each department will be responsible for complying with FOIA requests. If the Department cannot respond to a FOIA request as a matter of course in a timely manner, the Department should contact and forward the request to the Adams County State's Attorney ("SAO") immediately. If the Department of origin and custodial Department cannot reach a mutual agreement regarding the response to a FOIA request, the SAO shall be contacted in order to determine the appropriate response. If a denial is being made based upon the privacy or policy draft exceptions, the SAO shall be contacted in order to seek permission from the PAC to deny the request. The SAO will be involved in all requests to the PAC for Advisory Opinions. Denial appeals made by the requestor shall be handled by the SAO. Departments having questions or concerns regarding answering FOIA requests shall contact the SAO.

(See Ord. #2010-12-001-002)

