

COUNTY OF MADISON, ILLINOIS

RULES AND REGULATIONS FOR THE PRODUCTION, COPYING, INSPECTION OR CERTIFICATION OF PUBLIC RECORDS

1. Public Records, as defined in the Freedom of Information Act (FOIA), shall be made available to the public in accordance with these regulations and the FOIA.
2. All requests for public records not considered to be in the ordinary course of business must be made in writing; said request shall include whether copies are requested or the documents will be inspected by the requestor. The attached Form A may be used at the option of the requestor. Requests for records utilized for a commercial purpose or to request a fee waiver in accordance with the FOIA law must include a statement indicating the purpose of the request.
3. Requests shall be directed to the FOIA Officer or to a FOIA designee in a department or office of Madison County Government. The names of the FOIA Officer and designees shall be prominently posted in each office and in addition posted on the Madison County Web Site.
4. Requests submitted by mail shall be deemed received only upon actual receipt by the County Department regardless of post mark or date of mailing. All requests shall be date stamped upon their receipt.
5. All requests for public records shall be acted upon within five (5) business days after receipt of a written request. Madison County may extend the time period for providing the public records to ten (10) business days by providing written notice to the requestor of the statutory reason for the extension and the date when the requested information will be produced. In addition, the requestor and the public body may agree to extend the deadline to respond beyond the ten days by written agreement.
6. Upon receiving a request, the FOIA Officer, or designee, must note the date the public body received the written request; compute the day on which the period for the response will expire and make a notation of that date on the written request; 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 create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communication.
7. Failure to act upon a written request within five (5) working days after receipt of such request shall be deemed a denial. The denial must be in writing and reference a specific legal reason under FOIA to justify the non-disclosure including citing the applicable exemption. If the denial is made under the "unduly burdensome" standard, the public body must give the requester an opportunity to reduce the request to manageable proportions. The denial must also inform the requestor of the right to seek review of the

issue by the Public Access Counselor in the Attorney General's office and the right to seek judicial review by filing a court case.

8. The following fee schedule is hereby established for copies of nonexempt public records:
 - a. The first 50 pages for black and white, letter or legal sized copies are provided free of charge. Any additional pages shall be charged \$.15 per page.
 - b. Photocopy of oversize paper or color copies, per page: \$.50 per page.
 - c. County Clerk certification: \$1.00.
 - d. Transcription of taped or electronic material: actual cost of reproducing the records excluding any personnel costs. Electronic requests shall stipulate the specified electronic format. If the format is not available, the requestor may obtain the files in the format which they are kept, or paper at their option.

Payment is required in cash, or by cashier's check or certified check at the time the records are delivered.

9. Any requests that the above fees be reduced or waived must be made in writing at the time the request for the records is presented. The person seeking the reduction or waiver shall state specifically how the production of the requested information "primarily benefits the general public" as set forth in section 6(c) of the Freedom of Information Act ("Act").
10. In determining the applicable time periods, business days are defined as a regular day of the week (Monday through Friday) when public offices are open. Saturdays, Sundays and holidays are not business days. Day 1 of the 5-day timeline is the first business day after the request is received by the public body.
11. Notice of need for extension of time, action reports, and notices of denial issued on behalf of the county shall be conclusively deemed to have been given if mailed within the applicable time period regardless of the date of actual receipt by the party requesting the records. All such notices shall include a proof of mailing in substantially the form:

PROOF OF MAILING

- a. The undersigned certifies that a copy of the foregoing Form E was served upon:
 - b. by enclosing same in an envelope addressed as above and placing same in a United States Post Office mail box in _____, Illinois this _____ day of _____, _____.
12. In view of the abbreviated time periods specified in the Freedom of Information Act, the following duties, powers and responsibilities are hereby delegated:
 - a. Each FOIA Officer is authorized to issue notices of extensions of time, action reports and notices of denial on behalf of the office or department. These notices shall be the forms attached hereto as Forms B, C, D, or D-1.

- b. Copies of any denial notices and time extensions served upon the requestor shall be forwarded to the County Clerk for filing. Copies of notices complying with the request need not be provided to the County Clerk but shall be maintained in accordance with paragraph 6.
- 13. The County Clerk shall be designated the central office and maintain a file that will include copies of all notices of denial of records, classified and organized by the nature of the exemption claimed in denying the records and, also indexed and filed by the department from which records were requested. The County Clerk, with the assistance of the Director of Administration, shall be responsible for seeing that these records are kept current.
- 14. The effective dates of these Amended Rules and Regulations shall be January 1, 2010

ADOPTED this 16th day of December, 2009.

COUNTY OF MADISON

s/Alan J. Dunstan
Alan J. Dunstan, Chairman
Madison County Board

Attest:

s/ Mark Von Nida
Mark Von Nida
County Clerk of Madison County