

**FOIA POLICY
TRI-COUNTY REGIONAL PLANNING COMMISSION**

The Tri-County Regional Planning Commission (“Commission”) is a public body, as defined by the Freedom of Information Act (5 ILCS 140), and it acknowledges that it is bound by the Act. Pursuant to that Act, the public has the right to information produced by its public bodies, which right is balanced with the limited exceptions in the Act designed to safeguard individuals’ privacy and the efficient operation of the Commission. This policy is designed to provide a framework for the operation of the Act as it applies to Tri-County Regional Planning Commission.

I. Procedures for Requesting Records.

A. Requests for Records. Requests for records should be in writing and should be submitted to the Freedom of Information Officer at the following address:

Terry Kohlbus, Executive Director
OR
Linda Abts
Office Manager
Tri-County Regional Planning Commission
211 Fulton St., Suite 207
Peoria, IL 61602
309-673-9330
309-673-9802 fax
labts@tricityrpc.org
Website: www.tricityrpc.org

and should be marked on the envelope as a “FOIA Request.”

B. Form and Content of Requests.

1. Requests must be made in writing.
2. The requester shall provide the following information:
 - a. The requester’s full name, address, phone number and organization, if any.
 - b. A description of the public records requested, using as much specificity as possible.

c. An indication whether the request is for inspection of records, copies of records or both, and whether the records are requested for a commercial purpose, as defined by the statute.

3. Such written requests for records may be submitted via personal delivery, mail, telefax, or other means available to the Commission.

II. Procedure for Commission Response to Reports.

A. Time Limit. The Commission, through its Freedom of Information Officer, shall respond to a written request within five (5) business days of receipt of the request, unless an extension is necessary.

B. Extension of Time. If an extension of up to five (5) additional business days from the original due date is necessary, notice of the extension will be provided to the requester within the original five (5) day time period. The notice shall state the reasons for the extension and the date by which the records will be made available.

C. Denial of Requests. In some instances, after consultation by the Freedom of Information Officer with the Executive Director, if appropriate, and/or the Attorney for the Commission, the request for records will be denied in whole or in part, in accordance with the pertinent parts of the statute. If so, the reasons for that denial, including reference to the specific provision in the Act on which the denial is based, will be sent in writing along with notice of the requester's right to an appeal.

D. Failure to Respond. Failure to respond within the initial five (5) day period shall be deemed to be a denial of the request.

E. Commercial Purpose Records Request.

1. The Commission shall respond to a request for records to be used for a commercial purpose within twenty-one (21) working days after receipt. Such a response shall (1) provide to the requester an estimate of the time required by the Commission to provide the records requested and an estimate of the fees to be charged, or (2) deny the request, or (3) notify the requester that the request is duly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (4) provide the records requested. The Commission retains the right to require the requester to pay in full before copying the requested documents.
2. Unless the records are exempt from disclosure, the Commission shall comply with the request within a reasonable period, considering both the size and complexity of the request, and further giving priority to records requested for non-commercial purposes.

III. Procedures for Appeal of a Denial.

A requester whose request for records has been denied by the Freedom of Information Officer has a right of review by the Public Access Counselor

Cara Smith
Public Access Counselor
Office of the Attorney General

500 S. Second Street
Springfield IL 62706
Telephone: 1-312-814-5526 or 1-877-299-FOIA (1-877-299-3642)
Facsimile: 1-217-782-1396
Email: publicaccess@atg.state.il.us

Such a request for review must be filed within 60 days of the final denial by the Commission.

IV. Procedures for Provision of Records to Requester.

A. Inspection of Records.

1. Inspection of records shall occur at the office of the Commission during normal working hours.

2. If the requester wishes to have copies of some or all of the documents inspected, those documents will be segregated and an employee of the Commission will prepare the copies.

3. An employee of the Commission may be present throughout the inspection. The requester may be prohibited from bringing bags, briefcases or other containers into the inspection room.

B. Copies of Records.

1. Copies of requested documents will be provided to the requester upon payment of the charges due.

2. Charges for copies shall be as follows:

a. No charge shall be made for the first 50 pages of black and white letter or legal papers.

b. After 50 pages, each page will be charged at \$.15.

c. Actual cost of materials for color paper, oversize pages, and digital media.

d. \$1.00 for certification.

3. If the Freedom of Information Officer determines that a waiver of charges would serve the public interest, as defined by the Act, such charges may, in the sole discretion of the Freedom of Information Officer, be waived. A waiver will not be granted unless the requester states the specific purpose for the request, and the reason why such a waiver should be granted.


V. Administrative Provisions.

A. Effective Date. This policy and any amendments thereof shall be effective as of January 1, 2010, and shall be prominently displayed in the office of the Commission.

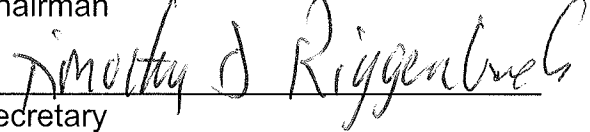
B. Severability. Should any provision of this policy be determined by a court or other authority of competent jurisdiction to be invalid, that determination shall not affect the remaining sections of the policy which shall remain in full force and effect. Therefore, the provisions of this policy are severable.

C. Maintenance of Records. To the extent required by law, the Commission shall maintain all records of FOIA requests, including written requests, letters extending the time for compliance, Notices of Appeal and denial letters.

ADOPTED on the 22nd day of April, 2010.



Chairman



Secretary

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