

Following are answers to questions City Council members have asked about the City's FOIA procedures.

1. If email response is requested, what determines the decision to instead put it on media (XXX Mb limit?)

One factor in determining the delivery method is the size of the responsive records. Every email provider can have its own rules for maximum file sizes. However, a 10-megabyte maximum attachment size is common. A second factor is the type of electronic file. For example, police body worn camera and dashcam videos are in a non-PDF format. Therefore, the Police Department places these records on DVDs.

2. Assuming PDF, delivery by 1) email < 10 megabytes, or 2) hardcopy, picked up at window:

- **fee example for request of < 50 pages response, one record.**
- **fee example for 100 page response, one record.**
- **fee example for 600 page (voluminous) response, one record.**

For a response of fewer than 50 pages delivered by email or picked up at the City Clerk's Office, the City does not impose a fee. However, if the request is voluminous, the City may impose a fee for electronic records based on the file size in megabytes.

For a response of 100 pages delivered by email, the City does not impose a fee. However, if the request is voluminous, the City may impose a fee for electronic records based on the file size in megabytes. For a response of 100 pages picked up at the City Clerk's Office, the City does not impose a fee for the first 50 pages of black and white, letter or legal sized copies. For the remaining copies, the City imposes a fee of \$0.15 per page. In this case, the fee would be \$7.50 (50 pages x \$0.15).

For a voluminous response consisting of 600 pages delivered by email, the City imposes a fee based on the file size in megabytes. For a file in PDF format, the fee is \$20 for not more than 80 megabytes of data. For a file not in PDF format, the fee is \$20 for not more than 2 megabytes of data. For a voluminous response consisting of 600 pages picked up at the City Clerk's Office, the City does not impose a fee for the first 50 pages of black and white, letter or legal sized copies. For the remaining copies, the City imposes a fee of \$0.15 per page. In this case, the fee would be \$82.50 (550 pages x \$0.15).

3. Does having status as a "recurrent requester" impact the fees required? (I believe the answer is NO)

No. The fee amounts do not change for recurrent requesters. However, under section 3.2 of FOIA, a public body may provide a recurrent requester with an estimate of the fees and may require the person to make payment before the public body copies the requested records. 5 ILCS 140/3.2(a).

4. When email response is requested, is there a way we can check to see who the actual owner of the email address is? What prevents a recurrent requester from using multiple email addresses under different names in order to avoid the delay allowed for such requests?

The City requires all FOIA requesters to provide the following information: the requester's name, complete contact information (address, phone number, email address), a clear description of the records requested, and whether or not the requester is a commercial requester. See <https://www.urbanillinois.us/forms/freedom-information-act-request-form>. Yet, some requesters disregard these requirements. In recent weeks, for example, the City has received several requests from persons who give names and email addresses but who decline to provide other contact information. In these cases, the City cannot ascertain the actual owner of the email address.

If the City does not identify each requester, nothing would prevent a recurrent requester from using multiple email addresses under different names to avoid the consequences of being a recurrent requester. The same would be true for someone who files voluminous requests. So, when a FOIA requester's identity is in question, the City makes repeated attempts to verify the requester's identity. If unable to confirm a requester's identity, however, the City may treat the request as one from a recurrent requester. Additionally, the City may require the requester to present a government-issued photo identification document before the City releases any responsive records.

5. Is there a policy to allow a certain number of "free" USB sticks per year or something like that, so that a one-time requester wouldn't have to pay for it?

Yes. Effective September 1, the City has offered a \$20 credit to each requester against FOIA fees incurred during any 12 months. The credit would allow for two free USB flash drives at their current cost of \$7.97 each and a reduced charge for a third flash drive. Nevertheless, the vast majority of FOIA requesters pay no fees. The City's fees typically apply only to requests made for commercial purposes and to the relatively few requesters who make voluminous or categorical requests.

6. We try to put as much as we can on the data portal and maintain all of the ordinances, resolutions, minutes, and meeting materials online. Are there any additional records we can put on there or are most requested records for documents that need to be redacted first?

The Police Department responds to most of the City's FOIA requests. These requests usually are for police reports. Police reports often require redactions. So, this type of record is not suitable for placement on the data portal. The types of records most requested by the City's recurrent requesters or by persons who make voluminous or categorical requests are as follows:

- A. Police reports
- B. Complaints of police misconduct

- C. Police investigations of complaints of misconduct
- D. Personnel records of employees
- E. Emails to and from employees, City Council members, and board and commission members
- F. Records concerning applications to, appointments to, and resignations from the City Council and boards and commissions
- G. Records concerning resignations, separations, retirements, and appointments of City employees

Many of these records contain private, personal, or privileged information that the City would need to redact before placing on the data portal.

7. Having a few other concrete examples of common requests with fee breakdown might help too. It would help to see what was requested for those large fees. PDFs? video? How many Mb?

FOIA requests do not commonly result in fees. The City's fees typically apply only to requests made for commercial purposes and to the relatively few requesters who make voluminous or categorical requests. Some examples follow.

FOIA request 2020-F-276.

The initial and final fee accountings for FOIA request 2020-F-276 are attached as Attachments A and B. The initial accounting shows the number of megabytes of data requested and the associated fees. However, the Public Access Counselor subsequently determined that the City could not charge a per megabyte fee in this case because the City's notice that the requester is a recurrent requester did not include language indicating that the request is also voluminous. A copy of the Public Access Counselor's determination letter concerning this case is attached as Attachment C. The City now includes the required language in its notices.

FOIA request 2020-F-386

The initial and final fee accountings for FOIA request 2020-F-276 are attached as Attachments D and E. The initial accounting shows the number of megabytes of data requested and the associated fees. Subsequently, the City eliminated the per megabyte fee for this request because the City's notice that the requester is a recurrent requester did not include language indicating that the request is also voluminous.

FOIA request 2020-F-516

The City's notice that the requester is a recurrent requester is attached as Attachment F. Because the notice includes language indicating that the request also is voluminous, the requester will be subject to payment of the per megabyte fees FOIA specifies for voluminous requests.

FOIA request 2020-F-536

The City's notice that the requester is a recurrent requester is attached as Attachment H. Since this request is not voluminous, the City will not charge a per megabyte fee for its response.

8. The way I read the statute, we shouldn't be charging recurrent requesters personnel costs unless their request is also a voluminous request.

That's true. FOIA allows a public body to charge up to \$10 an hour for searching for and retrieving requested records or examining records for necessary redactions. However, the fee applies only when responding to commercial requests. Also, a public body cannot charge for the first 8 hours spent by personnel in searching for or retrieving a requested record. 5 ILCS 140/6(f).

9. I don't think it's worth trying to collect \$0.38 for a DVD - surely the state doesn't require we charge that.

That's correct. Under FOIA, a public body may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. 5 ILCS 140/6(a). In practice, the City seldom does so. The City's fees typically apply only to requests made for commercial purposes and to the relatively few requesters who make voluminous or categorical requests. For example, the City's response to request 2020-F-276, discussed above, included fees for seven DVDs for just one part of the request.

10. I found this link to administrative rules for charges for IL State Police imaging products:

<https://www.ilga.gov/commission/jcar/admincode/020/02001298sections.html>

Here's where they link to

that:<https://www.isp.state.il.us/foia/faqs.cfm#:~:text=The%20fee%20is%2015%20cents,cost%20for%20reproducing%20the%20records.>

Maybe it would help if Urbana put together our own mini-version of that that spells out simplified charges. The statute also requires us to make public a standard scale of fees if we charge for actual cost for reproducing records (other than the \$.15/page spelled out in the statute for pages beyond 50)

Information about the City's FOIA fees is attached as Attachment G. This information is available on the City's website at <https://urbanaininois.us/departments/city-clerks-office>.

11. I think the main thing is that what we charge is transparent and fair, and predictable as possible. Other governments and agencies may already have a fairly simple FOIA explanation we could mimic about costs, how to avoid voluminous requests and recurrent status, etc. Here's one example:

<https://www.epcusd401.org/about-us/freedom-of-information-act>

The City's FOIA guidance is attached as Attachment G. This guidance is available on the City's website at <https://urbanaininois.us/departments/city-clerks-office>

12. Can the City maintain a list online that reports all FOIA requests and at least the City's response letter, similar to what the U of I does, for example? This would provide transparency on what requests the City is receiving and how we are responding.

Yes. The University of Illinois posts copies of its FOIA response letters at the following address: <https://uofi.app.box.com/s/xgkni7pbpp50r406bittb7mwikjmmpl>. Union County does the same. See <http://www.unioncountyil.gov/foia-responses/>. Other public bodies have different approaches to transparency. The City of Monticello posts a log containing the date of each request, the name of the requester, and a description or summary of the request. See <https://www.cityofmonticello.net/1136/FOIA-Request-Log>. The Illinois State Board of Education not only posts online copies of its FOIA response letters but also copies of the original requests and redacted responsive records. See <https://www.isbe.net/Pages/FOIA-Requests.aspx>. School District U-46 posts a log containing the date of each request, each response date, a link to a copy of each request, the requester's name and organization, links to copies of the District's response letters and responsive records for each request, and the processing time for each request. See <https://www.u-46.org/Page/6856>.

In recent weeks, the Mayor's Office, Legal Division, and Information Technology Division have been discussing how the City can maintain a FOIA log on the City's data portal.

Attachments

- A. Initial response to FOIA request 2020-F-276
- B. Final response to FOIA request 2020-F-276
- C. PAC Req. Rev. Ltr. 2020 PAC 63412 and 63421 (September 2, 2020)
- D. Initial response to FOIA request 2020-F-386
- E. Final response to FOIA request 2020-F-386
- F. Notice for FOIA request 2020-F-516
- G. Website notice
- H. Notice for FOIA request 2020-F-536

Curt Borman

From: Meharry, Kay <lkmeaharry@urbanaininois.us>
Sent: Tuesday, June 16, 2020 12:59 PM
To: 'Christopher Hansen'
Subject: Response to FOIA Request 2020-F-276

Dear Mr. Hansen:

The City of Urbana (City) hereby tenders its response to your FOIA request, dated May 15, 2020, and designated as number 2020-F-276.

The estimated fee for the City's response to your request is \$778.60. This fee has been determined as follows:

Part 1 of request: Any and all documents related to an incident that occurred on April 11, 2020 around 5:45pm involving a UPD response to individuals disturbing private property in the area of the 300 block of W Illinois St. Officers Kaufman, Jeffers, and Marquez initially responded. I called and spoke to Officer Osrice Hayes about an additional related altercation that occurred immediately after the first group of officers had left. Then on April 13 around 6pm there was an additional related altercation wherein Officers Links and Hewkin (and other officers - I think Hale too) responded. All of these events were related to Daniel Weiskamp and his friends. I am requesting all documents, video, and audio related to this string of related events. I suspect, since all of these events were related, that UPD may have documented them as such.

<u>Item</u>	<u>Cost</u>
Dispatch tickets and report: 0.0656 megabytes in PDF format	\$20
Body worn camera video (Jeffers): 1,810 megabytes in non-PDF format	\$100
Body worn camera video (Kaufman): 2,400 megabytes in non-PDF format	\$100
Body worn camera video (Links): 755,210 megabytes in non-PDF format	\$100
Body worn camera video (Hewkin): 701,870 megabytes in non-PDF format	\$100
Body worn camera video (Hale): 1,100 megabytes in non-PDF format	\$100
Dashcam video (Jeffers/Kaufman): 298 megabytes in non-PDF format	\$100
Dashcam video (Hale): 1, 110 megabytes in non-PDF format	\$100
USB flash drive	\$7.97
DVD (7 at \$0.38 each)	\$2.66
Part 1 total	<u>\$730.63</u>

Part 2 of request: All emails to/from Vacellia Clark from Sept 1, 2019 through Dec 31, 2019. Clark seems to have at least two email addresses (vpclark@urbanaininois.us and hro@urbanaininois.us).

On June 16, 2020, you narrowed this request to include only the month of December 2019.

<u>Item</u>	<u>Cost</u>
Miscellaneous responsive records: 5 megabytes in PDF format	\$20
Part 2 total	<u>\$20</u>

Part 3 of request: A copy of the Urbana Police Department Policies. I understand there are versions posted on the City website. I am asking for unredacted versions. I see no reason why citizens would not be allowed to view the policies of their own police department.

<u>Item</u>	<u>Cost</u>
Police Department policies: 4.98 megabytes in PDF format	\$20
USB flash drive	\$7.97
Part 3 total	\$27.97

Estimated total fee \$778.60

You must pay the estimated fee before the City begins copying the requested records. Payment is due no later than Tuesday, June 23, 2020. To make this payment, please mail a check or money order to the City Clerk’s Office, 400 S. Vine Street, Urbana, Illinois 61801 and include the City’s FOIA request number with your payment. If you fail to remit the estimated fee, the City may deny this request. However, if the City processes this request and you subsequently fail to accept or collect the responsive records, the City may still charge you for its response pursuant to Section 6 of FOIA. Further, your failure to pay will be considered a debt due and owing to the City and may be collected in accordance with applicable law.

Portions of the records you have requested may be exempt from disclosure under FOIA. These portions will be redacted from the records being released to you. The redactions will increase the size of electronic records, which may result in an additional fee. In this case, the City will provide you with an accounting of the final fee. You must pay the final fee before the City will release the records. When retrieving your records, you must present a government-issued photo identification document (ID).

The City will respond to parts 1, 2, and 3 of your FOIA request not more than 21 business days from the date the City receives your full payment of the estimated fee.

Part 4 of request: Any and all documents related to an incident that occurred on May 14, 2020 around 2:50pm involving UPD (Vogt and Rich were on scene, and I think there were others) response to W Elm & S Cedar. I am requesting all documents, video, and audio. I am requesting all documents be provided in digital format.

Part 4 of your request is denied. Section 7(1)(d)(iii) of FOIA exempts from inspection and copying law enforcement records to the extent that disclosure would “create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing.” 5 ILCS 140/7(d)(iii). The records you have requested in part 4 are law enforcement records for a case currently pending in the Champaign County Circuit Court. Premature public disclosure of the records may taint any potential juror and create a significant potential for witness intimidation, expose actual or prospective witnesses to undue influence or retaliation, and deter their cooperation, thereby depriving the defendant of a fair trial. Therefore, these records are exempt from disclosure. The person responsible for the denial is Freedom of Information Officer Curt Borman.

If you believe any records you are seeking have been wrongfully withheld or redacted, you are entitled to a review of this decision by the Public Access Counselor of the Office of the Illinois Attorney General. To file a “request for review,” you may write to the Public Access Bureau at 500 S. Second Street, Springfield, Illinois 62701, or you may phone 877-299-FOIA (877-299-3642). Any person denied access to inspect or copy any public record also may file suit for injunctive or declaratory relief, in accordance with 5 ILCS 140/11.

Sincerely,

L. Kay Meharry
Assistant City Clerk
400 S. Vine St, Urbana, IL 61801
217-384-2362
cityclerk@urbanaininois.us

Curt Borman

From: Borman Curt
Sent: Thursday, September 3, 2020 4:39 PM
To: Christopher Hansen
Cc: !City Clerk
Subject: Supplemental response to FOIA request 2020-F-276

Dear Mr. Hansen:

The City of Urbana (City) hereby tenders its second supplemental response to your FOIA request, dated May 15, 2020, and designated as number 2020-F-276.

The fee for the City's response to your request is \$10.63. This fee has been determined as follows:

Part 1 of request: Any and all documents related to an incident that occurred on April 11, 2020 around 5:45pm involving a UPD response to individuals disturbing private property in the area of the 300 block of W Illinois St. Officers Kaufman, Jeffers, and Marquez initially responded. I called and spoke to Officer Osrice Hayes about an additional related altercation that occurred immediately after the first group of officers had left. Then on April 13 around 6pm there was an additional related altercation wherein Officers Links and Hewkin (and other officers - I think Hale too) responded. All of these events were related to Daniel Weiskamp and his friends. I am requesting all documents, video, and audio related to this string of related events. I suspect, since all of these events were related, that UPD may have documented them as such.

<u>Item</u>	<u>Cost</u>
Dispatch tickets and report	\$0
Body worn camera video (Jeffers) on DVD	\$0.38
Body worn camera video (Kaufman) on DVD	\$0.38
Body worn camera video (Links) on DVD	\$0.38
Body worn camera video (Hewkin) on DVD	\$0.38
Body worn camera video (Hale) on DVD	\$0.38
Dashcam video (Jeffers/Kaufman) on DVD	\$0.38
Dashcam video (Hale) on DVD	\$0.38
USB flash drive	\$7.97
Part 1 total	<u>\$10.63</u>

Part 2 of request: All emails to/from Vacellia Clark from Sept 1, 2019 through Dec 31, 2019. Clark seems to have at least two email addresses (vpclark@urbanaininois.us and hro@urbanaininois.us).

On June 16, 2020, you narrowed this request to include only the month of December 2019.

<u>Item</u>	<u>Cost</u>
Miscellaneous responsive records:	\$0
Part 2 total	<u>\$0</u>

Part 3 of request: A copy of the Urbana Police Department Policies. I understand there are versions posted on the City website. I am asking for unredacted versions. I see no reason why citizens would not be allowed to view the policies of their own police department.

<u>Item</u>	<u>Cost</u>
Police Department policies:	\$0
Part 3 total	<u>\$0</u>

Total fee \$10.63

You must pay the fee before the City begins copying the requested records. Payment is due no later than Friday, September 11, 2020. To make this payment, please mail a check or money order to the City Clerk' Office, 400 S. Vine Street, Urbana, Illinois 61801 and include the City's FOIA request number with your payment.

Portions of the records you have requested may be exempt from disclosure under FOIA. These portions will be redacted from the records being released to you. When retrieving your records, you must present a government-issued photo identification document (ID).

The City will respond to parts 1, 2, and 3 of your FOIA request not more than 21 business days from the date the City receives your full payment of the fee.

If you believe any records you are seeking have been wrongfully withheld or redacted, you are entitled to a review of this decision by the Public Access Counselor of the Office of the Illinois Attorney General. To file a "request for review," you may write to the Public Access Bureau at 500 S. Second Street, Springfield, Illinois 62701, or you may phone 877-299-FOIA (877-299-3642). Any person denied access to inspect or copy any public record also may file suit for injunctive or declaratory relief, in accordance with 5 ILCS 140/11.

Sincerely,

Curt Borman
Assistant City Attorney
City of Urbana Legal Division
400 S. Vine Street
Urbana, IL 61801
217-384-2464



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 2, 2020

Via electronic mail
Mr. Christopher Hansen
corruptcu@gmail.com

Via electronic mail
Mr. Curt Borman
Assistant City Attorney
City of Urbana
400 South Vine Street
Urbana, Illinois 61801
do CityClerk@urbanaininois.us

RE: FOIA Requests for Review — 2020 PAC 63412; Urbana File No. 2020-269
• 2020 PAC 63421; Urbana File No. 2020-276

Dear Mr. Hansen and Mr. Borman:

This determination is issued pursuant to section 9.5(1) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(1) (West 2018)). For the reasons that follow, the Public Access Bureau concludes that portions of the City of Urbana's (City) responses to Mr. Hansen's May 14, 2020, and May 15, 2020, FOIA requests violated the requirements of FOIA.

On May 14, 2020, Mr. Hansen submitted a FOIA request to the City, processed as Urbana File No. 2020-269, seeking copies of all: (1) "[D]ocuments related to an incident on May 12 around 10pm involving a damaged van on the 500 block of W Illinois St[.]" including any audio or video recordings; (2) "[D]ocuments related to the Urbana CPRB regarding the resignation of Grace Mitchell, the placement of Mikhail Lyubansky as chair, and the resulting vacant board seat which the City now seeks to fill;" (3) "All emails to/from Council member Bill Brown from April 15 to May 15[.]" (4) "All emails to/from Vacellia Clark during 2020[.]" and (5) "All emails to/from Diane Wolfe Marlin during March and April of 2020[.]" On May 30, 2020, the City e-mailed Mr. Hansen, asserting that compliance with items 3-5 of his request

¹E-mail from [Christopher Hansen] to [City of Urbana City Clerk] (May 14, 2020).

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would be unduly burdensome pursuant to section 3(g) of FOIA² and inviting him to narrow those portions of his request. On June 4, 2020, Mr. Hansen asked the City to "indicate what level of reduction would bring the request into a range that you would not label 'unduly burdensome' so that [he does not] have to guess." On June 8, 2020, the City replied, "suggest[ing] that [he] limit [his] request to shorter timeframes and identify the particular subjects or topics of the messages [he] would like us to locate." On June 15, 2020, the City provided an assessment of fees for records responsive to items 1-3. With respect to item 1, the City denied the request for any officer-worn body camera videos pursuant to section 7.5(cc) of FOIA. The City asserted that its police department had determined that the responsive recordings had not been flagged, and that Mr. Hansen was not the subject of the encounter captured in the footage. As to items 3-5, the City asserted that Mr. Hansen had not amended those items to manageable proportions. The City denied the request for items 4 and 5 as unduly burdensome, but stated that it would produce records responsive to item 3 upon receipt of payment.

On June 24, 2020, this office received Mr. Hansen's complete Request for Review (2020 PAC 63412) contesting the fees. He also contended that "[t]he City has denied a body worn camera video in which I personally appear." Additionally, Mr. Hansen disputed the City's claim that compliance with items 3-5 would be unduly burdensome, arguing that "[t]he City gave no specific information about what made the request burdensome." He further argued: "My records requests have been attempts to learn more about how the City handles police complaints. There is now a national movement regarding this same issue. The burden is minimal compared to the public interest."

On June 25, 2020, this office forwarded a copy of the Request for Review to the City and asked it to: (1) provide a detailed explanation of the legal and factual bases for the fees,

²⁵ 1LCS 140/3(g) (West 2018), as amended by Public Act 101-081, effective July 12, 2019.

³ E-mail from [Christopher Hansen] to Charlie [Smyth] (June 4, 2020).

⁴ E-mail from L. Kay Meharry, Assistant City Clerk, to [Christopher] Hansen (June 8, 2020).

⁵⁵ 1LCS I 40/7.5(cc) (West 2018), as amended by Public Acts 101-013, effective June 12, 2019; 101-027, effective June 25, 2019; 101-081, effective July 12, 2019; 101-221, effective January 1, 2020; 101-236, effective January 1, 2020; 101-375, effective August 16, 2019; 101-377, effective August 16, 2019; 101-452, effective January 1, 2020; 101-466, effective January 1, 2020; 101-600, effective December 6, 2019; 101-620, effective December 20, 2019; 101-649, effective July 7, 2020.

⁶ E-mail from Christopher Hansen to Public Access Counselor Pratt (June 16, 2020).

⁷ E-mail from Christopher Hansen to Public Access Counselor Pratt (June 16, 2020).

⁸ E-mail from Christopher Hansen to Public Access Counselor Pratt (June 16, 2020).

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together with any relevant supporting documentation; (2) copies of the responsive body camera footage for this office's confidential review, together with a detailed explanation of the legal and factual bases for the applicability of the asserted exemption to that footage; and (3) a detailed explanation of the legal and factual bases for the applicability of section 3(g) to items 3-5, including an estimate of the number of responsive e-mails. On July 7, 2020, this office received the requested materials. On July 13, 2020, this office forwarded a copy of the City's response to Mr. Hansen; he replied on July 20, 2020.

On May 15, 2020, Mr. Hansen submitted a separate FOIA request to the City, processed as Urbana File No. 2020-276, seeking copies of: (1) all documents pertaining to an April 11, 2020, incident; (2) all e-mails sent to or received by Vacellia Clark for the time frame of September 1, 2019, through December 31, 2019; (3) an unredacted copy of the City's police department policies; and (4) all documents pertaining to a May 14, 2020, incident. On June 16, 2020, the City provided an assessment of fees for records responsive to items 1-3 and denied item 4 pursuant to section 7(1)(d)(iii) of FOIA. On July 5, 2020, this office received Mr. Hansen's complete Request for Review (2020 PAC 63421), contesting the fees.

On July 16, 2020, this office forwarded a copy of the Request for Review to the City and asked it to provide a written response addressing the assessment of fees. Specifically, this office asked the City to clarify whether the bases for the fees were the same as the bases described in the City's response to 2020 PAC 63412. On July 24, 2020, this office received the requested response and forwarded a copy of that response to Mr. Hansen on July 29, 2020. In its response, the City confirmed that the bases were the same and that it incorporated its response to 2020 PAC 63412 into its response to 2020 PAC 63421. Accordingly, this office has consolidated 2020 PAC 63412 and 2020 PAC 63421 in this determination because the City's arguments for charging fees for the May 14, 2020, and May 15, 2020, requests are the same.

DETERMINATION

Authority for Fees

Section 6 of FOIA (5 ILCS 140/6 (West 2018)) provides the authority for a public body to charge fees for certain records. Section 6(a) of FOIA (5 ILCS 140/6(a) (West 2018)) provides, in pertinent part:

When a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in the electronic

⁴5 ILCS 140/7(1)(d)(iii) (West 2018), as amended by Public Acts 101-434, effective January 1, 2020; 101-452, effective January 1, 2020; 101-455, effective August 23, 2019).

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format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the public body shall furnish it in the format in which it is maintained by the public body, or in paper format at the option of the requester. **A public body may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium.** (Emphasis added.)

Section 6(a-5) of FOIA (5 ILCS 140/6(a-5) (West 2018)) further provides:

If a **voluminous request** is for electronic records and those records are not in a portable document format (PDF), the public body may charge up to \$20 for not more than 2 megabytes of data, up to \$40 for more than 2 but not more than 4 megabytes of data, and up to \$100 for more than 4 megabytes of data. If a voluminous request is for electronic records and those records are in a portable document format, the public body may charge up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data. If the responsive electronic records are in both a portable document format and not in a portable document format, the public body may separate the fees and charge the requester under both fee scales. (Emphasis added.)

In its response to 2020 PAC 63412, the City stated that it had treated the underlying request as one from a recurrent requester pursuant to section 2(g) of FOIA (5 ILCS 140/2(g) (West 2018)) and noted that this office had previously determined in 2020 PAC 62547 that Mr. Hansen qualified as a recurrent requester. The City contended that section 3.2(a) of FOIA (5 ILCS 140/3.2(a) (West 2018)) permitted it "to charge fees to recurrent requesters and to require full payment before copying the requested records." The City explained that it relied on section 6(a) to assess fees for the actual costs of a USB flash drive and DVDs on which to furnish the records and section 6(a-5) to assess fees based on the quantity of data and format of the records.

Mr. Hansen's request sought copies of e-mails and other records that are maintained in electronic format. Section 6(a) permits a public body to charge a requester for the

^o Letter from Curt Borman, Assistant City Attorney, Freedom of Information Officer, City of Urbana, Legal Division, to Teresa Lim, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (July 7, 2020), at 1.

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actual cost of a recording medium for records that are maintained in electronic format. Therefore, the City's fees for a USB flash drive and DVDs did not violate FOIA.

However, section 6(a-5) of FOIA only pertains to requests identified as "voluminous requests," as defined in section 2(h) of FOIA (5 ILCS 140/2(h) (West 2018)):

a request that: (i) includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording.

Section 3.6 of FOIA sets forth the procedure for complying with or denying a voluminous request. Section 3.6(a) of FOIA (5 ILCS 140/3.6(a) (West 2018)) provides that "[n]otwithstanding any provision of this Act to the contrary, a public body shall respond to a voluminous request within 5 business days after receipt." That provision further provides, in pertinent part:

The response shall notify the requester: (i) that the public body is treating the request as a voluminous request; (ii) the reasons why the public body is treating the request as a voluminous request; (iii) that the requester must respond to the public body within 10 business days after the public body's response was sent and specify whether the requester would like to amend the request in such a way that the public body will no longer treat the request as a voluminous request; (iv) that if the requester does not respond within 10 business days or if the request continues to be a voluminous request following the requester's response, the public body will respond to the request and assess any fees the public body charges pursuant to Section 6 of this Act[.] (Emphasis added.)

The City confirmed that it did not treat the May 14, 2020, or May 15, 2020, requests as voluminous requests, and it is apparent from the City's responses to Mr. Hansen that it did not follow the notification procedures described in section 3.6. Because the City did not designate Mr. Hansen's requests as voluminous, the City may not charge the fees for data set

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forth in section 6(a-5). This office notes that if the City determines that a future request submitted by Mr. Hansen qualifies as a voluminous request as defined in section 2(h), it must follow the notification procedures in section 3.6 of FOIA.

Law Enforcement Officer-Worn Body Camera Act

"All records in the custody or possession of a public body are presumed to be open to inspection or copying." 5 ILCS 140/1.2 (West 2018); *see also Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415 (2006). A public body that withholds a record "has the burden of proving by clear and convincing evidence" that the record is exempt from disclosure. 5 ILCS 140/1.2 (West 2018). The exemptions from disclosure are to be narrowly construed. *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 407 (1997).

Section 7.5(cc) of FOIA exempts from disclosure "[r]ecordings made under the Law Enforcement Officer-Worn Body Camera Act [Body Camera Act], except to the extent authorized under that Act." Section 10-20(b) of the Body Camera Act (50 ILCS 706/10-20(b) (West 2018)) provides, in relevant part:

Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Mt, except that:

(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

(A) the subject of the encounter captured on the recording is a victim or witness; and

(B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;

(2) except as provided in paragraph (1) of this subsection (b), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force,

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arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act; and

(3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative.

The City maintained that it properly denied the request for body camera videos pursuant to section 7.5(cc). The City stated that it withheld three responsive body camera videos:

Video No. 1 was recorded with Officer Fink's body camera and shows him issuing a ticket to a traffic violator. Video No. 2 also was recorded with Officer Fink's body camera and contains additional footage showing Officer Fink issuing the ticket to the violator. Video No. 3 was recorded with Officer Vogt's body camera and captures her interactions with persons at the accident scene. According to the Police Department, Mr. Hansen was a bystander who was not directly involved in Officer's Vogt's interactions and was not the subject of any of the videos.

The City asserted that the recordings had not been flagged due to the filing of a complaint, an arrest, or for any of the other reasons listed in the Body Camera Act. Additionally, the City argued that "Mr. Hansen is not the subject of the encounters captured on the recordings."¹²

In reply to that answer, Mr. Hansen asserted that "since Mr. Borman's letter, a police complaint has been filed regarding the incident. Also, as Officer Vogt's body camera video will show, she spoke directly to me, addressing me by my last name. That makes me a subject of the video."

¹²Letter from Curt Borman, Assistant City Attorney, Freedom of Information Officer, City of Urbana, Legal Division, to Teresa Lim, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (July 7, 2020), at 4.

¹³Letter from Curt Borman, Assistant City Attorney, Freedom of Information Officer, City of Urbana, Legal Division, to Teresa Lim, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (July 7, 2020), at 4.

¹⁴E-mail from Christopher Hansen to Assistant Attorney General Lim (July 30, 2020).

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This office's review of Videos 1 and 2 confirmed that those two recordings reflect Officer Fink issuing a traffic ticket to a violator. Mr. Hansen does not appear in those two videos. The footage does not reveal any arrest, and there is no indication that Videos 1 and 2 were flagged for any other reason, such as bodily harm, at the time of the request. Accordingly, the City did not improperly withhold those videos pursuant to section 7.5(cc).

This office's review of Video 3 determined that the video captures a brief interaction between Officer Vogt and Mr. Hansen. During the interaction at issue, Officer Vogt asked Mr. Hansen to step away from the damaged van that was the subject of the police department's investigation; she did not ask him any questions or otherwise speak with him regarding the incident involving the damaged van. The interaction lasted approximately 30 seconds. The remaining footage does not reflect any other interactions between officers and Mr. Hansen. The City's response to this office stated that the recordings had not been flagged at the time of the request. Because Video 3 captures Officer Vogt's encounters with subjects other than Mr. Hansen, and because the incident involving the damaged van had not been flagged at the time of the request, the City was not permitted to disclose Video 3 in its entirety to Mr. Hansen pursuant to the Body Camera Act. However, Mr. Hansen was the "subject of the encounter" during his limited interaction with Officer Vogt. The Attorney General has issued a binding opinion concluding that the Body Camera Act requires a body camera recording to be disclosed to the subject of the encounter even if the recording has not been flagged. III. Att'y Gen. Pub. Acc. Op. No. 20-001, issued January 9, 2019, at 10. Accordingly, the City has not demonstrated by clear and convincing evidence that footage of that brief encounter is exempt from disclosure pursuant to section 7.5(cc).

Section 3(g) of FOR

Section 3(g) of FOIA provides:

Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If any public body responds to a categorical request by stating that compliance would unduly

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burden its operation and the conditions described above are met, it shall, do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information.

This office has previously determined that a request seeking all records in a category over an extended period of time, which would require the public body to conduct an extensive search for and review of responsive records, is unduly burdensome under section 3(g) of FOIA in the absence of an identifiable public interest in disclosure of all of the records that outweighs the burden of compliance with the request. *See, for example*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 60425, issued November 5, 2019 (a request that would have required the public body to copy, review, and redact 920 potentially responsive e-mails would be unduly burdensome); Ill. Att'y Gen. PAC Req. Rev. Ltr. 35213, issued February 2, 2016 (a request for all e-mails sent or received by an identified employee in one month, totaling more than 2,000 e-mails, was unduly burdensome). *See also National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill. App. 3d 1, 17 (1st Dist. 2010) ("A request that is overly broad and requires the public body to locate, review, redact and arrange for inspection a vast quantity of material that is largely unnecessary to the [requester's] purpose constitutes an undue burden.").

The City asserted that it located 764 pages of e-mails responsive to item 3, but that it did not deny those records as unduly burdensome. Rather, the City contended that it had provided a fee assessment to Mr. Hansen and was awaiting payment of fees before copying those records. The City, maintained, however, that compliance with items 4 and 5 would be unduly burdensome. The City stated that its search for e-mails responsive to item 4 of the request resulted in 3,529 pages. The City contended that "[i]f Urbana takes just one minute to examine each page and redact exempt information, Urbana would need over 58 hours to complete the necessary review." The City further stated that its search for e-mails responsive to item 5 of the request identified 12,706 pages. The City contended that it would take another 211 hours to review those records. The City argued that Ms. Clark and Ms. Marlin perform a variety of duties as the City's Human Relations Officer and Mayor, respectively, and that the scope of the two¹⁵ items are "so extensive and far-reaching as to be largely irrelevant to Mr. Hansen's purpose." In particular, the City argued that a substantial number of the responsive e-mails were likely to

¹⁴ Letter from Curt Borman, Assistant City Attorney, Freedom of Information Officer, City of Urbana, Legal Division, to Teresa Lim, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (July 7, 2020), at 5.

¹⁵ Letter from Curt Borman, Assistant City Attorney, Freedom of Information Officer, City of Urbana, Legal Division, to Teresa Lim, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (July 7, 2020), at 7.

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be unrelated to Mr. Hansen's stated interest in the issue of the City's handling of police complaints. Additionally, the City asserted that Mayor Marlin often communicates with residents and that it would have to review the records for any personal or private information that may be exempt from disclosure under FOIA.

Items 4 and 5 are categorical requests in that they seek copies of all e-mails sent to and from Ms. Clark and Ms. Marlin over the course of an extended period of time without any subject matter limitation. It is clear that compliance with the request would impose a significant burden on the City's operations, as the responsive records total more than 16,000 pages, which the City would be entitled to review for redactions. Although there is a public interest in information concerning the handling of police complaints, the scope of Mr. Hansen's request is not limited to that subject. The burden of disclosing all of the responsive e-mails, many of which likely are not related to police complaints, outweighs Mr. Hansen's stated interest in the records. Therefore, this office concludes that the City did not improperly deny those portions of his request as unduly burdensome pursuant to section 3(g).

In accordance with the conclusions expressed in this determination, this office requests that the City provide Mr. Hansen with a reassessment of fees for the responsive records. The City may request receipt of payment for the actual cost of the USB drive and DVDs, but may not charge for data under section 6(a-5) or for postage if the records are to be mailed to him. *See Ill. Att'y Gen. PAC Req. Rev. Ltr. 41192*, issued September 8, 2017, at 4 (concluding that "FOIA requires a public body to mail copies of records when the requester has provided the public body with a mailing address; the public body may not impose a fee for the cost of the regular postage."). This office also requests that the City provide Mr. Hansen with a copy of the portion of Officer's Vogt's body camera footage reflecting her limited interaction with Mr. Hansen at the scene of the May 12, 2020, incident; the City may withhold any remaining body camera footage. This office also requests that the City provide Mr. Hansen with a copy of the squad car dashboard video.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter shall serve to close this matter. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,

TERESA LIM
Assistant Attorney General
Public Access Bureau

Mr. Christopher Hansen
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Curt Borman

From: Meharry, Kay <lkmeaharry@urbanailinois.us>
Sent: Monday, August 17, 2020 11:23 AM
To: 'Christopher Hansen'
Subject: Response to FOIA request 2020-F-386

Dear Mr. Hansen:

The City of Urbana (City) hereby tenders its response to your FOIA request, dated July 17, 2020, and designated as number 2020-F-386.

The estimated fee for the City’s response to your request is \$27.97. This fee has been determined as follows:

FOIA Request 2020-F-386: Please supply the following records: 1) Any and all documents related investigations performed on police complaints submitted by Christopher Hansen after December 1 2019. I do not need the original complaint submissions, receipt letters, or findings letters (essentially, I do not need the items that I sent or items which will have already been sent to me by certified mail). I am asking for the investigation documents/reports/emails for those complaints.

<u>Item</u>	<u>Cost</u>
Miscellaneous responsive records, except emails: 11.38 megabytes in PDF format	\$20
USB flash drive	\$7.97
Total	\$27.97

Estimated total fee \$27.97

You must pay the estimated fee before the City begins copying the requested records. Payment is due no later than August 21, 2020. To make this payment, please mail a check or money order to the City Clerk’s Office, 400 S. Vine Street, Urbana, Illinois 61801 and include the City’s FOIA request number with your payment. If you fail to remit the estimated fee, the City may deny this request. However, if the City processes this request and you subsequently fail to accept or collect the responsive records, the City may still charge you for its response pursuant to section 6 of FOIA. Further, your failure to pay will be considered a debt due and owing to the City and may be collected in accordance with applicable law.

Portions of the records you have requested may be exempt from disclosure under FOIA. These portions will be redacted from the records being released to you. The redactions will increase the size of electronic records, which may result in an additional fee. In this case, the City will provide you with an accounting of the final fee. You must pay the final fee before the City will release the records. When retrieving your records, you must present a government-issued photo identification document. To receive your records by U.S. mail, please provide a legible photocopy of your photo identification and a stamped, self-addressed 5” x 7” or larger envelope along with your payment.

Except as provided below, the City will respond to your FOIA request not more than 30 days from the date the City receives your full payment of the estimated fee.

Section 3(g) of FOIA allows a public body to deny an unduly burdensome request. 5 ILCS 140/3(g). Your request for “emails for those complaints” is unduly burdensome because 34 complaints are responsive to your request, and your broad description of the emails you seek will yield so many responsive records that the burden on the City to examine each one for information exempt from disclosure would unduly burden City operations. Accordingly, we ask that you

narrow the scope of this portion of your request to bring it within manageable proportions pursuant to section 3(g). For example, you may wish to limit your request to a particular complaint or provide specific search terms and date ranges for a smaller number of complaints. We are willing to help you narrow your request. If you are interested in doing so, please contact the City Clerk's Office. Your narrowed request is due no later than August 21, 2020. If you are unable to narrow the scope of this part of your request, we may deny it pursuant to 5 ILCS 140/3(g).

If you believe any records you are seeking have been wrongfully withheld or redacted, you are entitled to a review of this decision by the Public Access Counselor of the Office of the Illinois Attorney General. To file a "request for review," you may write to the Public Access Bureau at 500 S. Second Street, Springfield, Illinois 62701, or you may phone 877-299-FOIA (877-299-3642). Any person denied access to inspect or copy any public record also may file suit for injunctive or declaratory relief, in accordance with 5 ILCS 140/11.

Sincerely,

L. Kay Meharry
Assistant City Clerk
400 S. Vine St, Urbana, IL 61801
217-384-2362
cityclerk@urbanaininois.us

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Curt Borman

From: Borman Curt
Sent: Wednesday, September 9, 2020 11:57 AM
To: Christopher Hansen
Subject: Supplemental response to FOIA request 2020-F-386

Dear Mr. Hansen:

The City of Urbana (City) hereby tenders its supplemental response to your FOIA request, dated July 17, 2020, and designated as number 2020-F-386.

The fee for the City's response to your request is \$7.97. This fee has been determined as follows:

FOIA Request 2020-F-386: Please supply the following records: 1) Any and all documents related investigations performed on police complaints submitted by Christopher Hansen after December 1 2019. I do not need the original complaint submissions, receipt letters, or findings letters (essentially, I do not need the items that I sent or items which will have already been sent to me by certified mail). I am asking for the investigation documents/reports/emails for those complaints.

<u>Item</u>	<u>Cost</u>
Miscellaneous responsive records, except emails: 11.38 megabytes in PDF format	\$0
USB flash drive	\$7.97
Total	\$7.97

Total fee \$7.97

You must pay the fee before the City begins copying the requested records. Payment is due no later than Wednesday, September 16. To make this payment, please mail a check or money order to the City Clerk's Office, 400 S. Vine Street, Urbana, Illinois 61801, and include the City's FOIA request number with your payment. If you fail to remit the fee, the City may deny this request.

Portions of the records you have requested may be exempt from disclosure under FOIA. These portions will be redacted from the records being released to you. When retrieving your records, you must present a government-issued photo identification document.

Except as provided below, the City will respond to your FOIA request not more than 30 days from the date the City receives your full payment of the fee.

Section 3(g) of FOIA allows a public body to deny an unduly burdensome request. 5 ILCS 140/3(g). Your request for "emails for those complaints" is unduly burdensome because 34 complaints are responsive to your request, and your broad description of the emails you seek will yield so many responsive records that the burden on the City to examine each one for information exempt from disclosure would unduly burden City operations. Accordingly, we ask that you narrow the scope of this portion of your request to bring it within manageable proportions pursuant to section 3(g). For example, you may wish to limit your request to a particular complaint or provide specific search terms and date ranges for a smaller number of complaints. We are willing to help you narrow your request. If you are interested in doing so, please contact the City Clerk's Office. Your narrowed request is due no later than Wednesday, September 16. If you are unable to narrow the scope of this part of your request, we may deny it pursuant to 5 ILCS 140/3(g).

If you believe any records you are seeking have been wrongfully withheld or redacted, you are entitled to a review of this decision by the Public Access Counselor of the Office of the Illinois Attorney General. To file a “request for review,” you may write to the Public Access Bureau at 500 S. Second Street, Springfield, Illinois 62701, or you may phone 877-299-FOIA (877-299-3642). Any person denied access to inspect or copy any public record also may file suit for injunctive or declaratory relief, in accordance with 5 ILCS 140/11.

Sincerely,

Curt Borman
Assistant City Attorney
City of Urbana Legal Division
400 S. Vine Street
Urbana, IL 61801
217-384-2464

Curt Borman

From: Borman Curt
Sent: Monday, September 21, 2020 8:38 AM
To: Christopher Hansen
Subject: Notice – FOIA Request 2020-F-516

Dear Requester:

This message is in response to your Freedom of Information Act (FOIA) request, dated September 14, 2020. The Freedom of Information Officer received your request on September 14, 2020, and designated it as FOIA request number 2020-F-516.

FOIA Request 2020-F-XXX: Please send me a full copy of the report(s) generated for the City of Urbana this year by the consulting firm Hillard Heintze. Please send all accompanying and related documents produced by Hillard Heintze for their report and the resulting presentation(s) given to the City Council.

Please be advised that the City of Urbana is treating your request as a request from a recurrent requester, as defined in section 2(g) of FOIA, because in the 12 months immediately preceding the request you previously submitted to the City a minimum of 15 requests for records within a 30-day period. The City of Urbana is also treating your request as a voluminous request, pursuant to section 3.6 of FOIA, because the request includes a combination of individual requests that total requests for more than five different categories of records in a period of 20 business days.

Please respond to this notice no later than Monday, October 5, 2020, specifying whether you would like to amend your request such that it will no longer be a voluminous request. The City will have five business days after the receipt of your response or five business days from the last day for you to amend your request, whichever is sooner, to respond to your request. Because the recurrent requester provisions of FOIA also apply to your request, the City may do any of the following in its response:

1. Provide an estimate of the time required by the City to provide the requested records and an estimate of the fees to be charged, which the City may require to be paid in full before copying the requested records;
2. Deny the request pursuant to one or more of the exemptions found in FOIA;
3. Notify you that the request is unduly burdensome and extend an opportunity to reduce the request to manageable proportions; or
4. Provide the requested records.

If you do not respond within 10 business days, or if your request continues to be voluminous following your response, the City will respond to the request and assess any fees chargeable pursuant to section 6 of FOIA. If you fail to accept or collect the responsive records, the City may still charge you for its response pursuant to section 6. Further, your failure to pay will be considered a debt due and owing to the City and may be collected in accordance with applicable law.

Sincerely,

Curt Borman
Assistant City Attorney
City of Urbana Legal Division

**400 S. Vine Street
Urbana, IL 61801
217-384-2464**

Requests for Public Records

All requests to inspect, copy, or certify public records must be submitted to the City of Urbana in writing. The City encourages requestors to submit their requests through the online portal on the City's website at www.urbanaininois.us. Requests also may be submitted by mail to City of Urbana FOIA, 400 S. Vine Street, Urbana, IL 61801, in person at the City Clerk's Office, by email to CityClerk@urbanaininois.us, or by facsimile to 217-384-2301. All requests must include the requester's name, complete contact information (address, phone number, email address), a clear description of the records requested, and whether or not you are a commercial requester.

When making your request, please be as specific as possible in identifying the types of records you wish to inspect or copy and the particular topic or subject of your interest. For example, if you seek email messages, please provide the account holder's name, the date range to search, and the search terms you would like the City to use. If your request is overly broad – for example, if you ask for any and all records in a general category – your request may cause an undue burden on the City and result in a delayed response, high copying fees, or a denial of your request.

FOIA Fees

Unless fees are waived or reduced under section 6(c) of FOIA, 5 ILCS 140/6, or as provided below, each requestor must pay the below fees for copying, certifying, or delivering public records. All fees must be paid before the release of public records.

Item	Fee
Copies – black and white, letter, or legal sized	No fee will be charged for the first 50 pages of black and white, letter, or legal sized copies. A fee of 15 cents will be charged for any additional pages, color copies, or <u>copies in other sizes</u>
Commercial requests	\$10 for each hour (after 8 hours) spent searching for and retrieving a requested record or examining the record for necessary redactions, plus the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract <u>with the City</u>

Voluminous requests produced in electronic format –
PDF format:

not more than 80 megabytes of data	\$20
more than 80 megabytes but not more than 160 megabytes of data	\$40
more than 160 megabytes of data	\$100

Voluminous requests produced in electronic format –
not in PDF format:

not more than 2 megabytes of data	\$20
more than 2 but not more than 4 megabytes of data	\$40
more than 4 megabytes of data	\$100
Certifying a record	\$1
Flash drive (4-gigabyte capacity)	\$7.97
DVD (4.7-gigabyte capacity)	\$0.38

The City offers a \$20 credit to each requester against FOIA fees incurred during any 12 months. The credit applies only to FOIA cases opened on or after September 1, 2020.

The City's Freedom of Information Officer is Assistant City Attorney Curt Borman. Questions about FOIA may be directed to him by phone at 217-384-2464 or by email at csborman@urbanainllinois.us.

From: Borman Curt
Sent: Monday, September 28, 2020 1:18 PM
To: Christopher Hansen
Subject: Recurrent Requester Notice – FOIA Request 2020-F-536

Dear Requester:

This message is in response to your Freedom of Information Act (FOIA) request, dated September 23, 2020. The Freedom of Information Officer received your request on September 23, 2020, and designated it as FOIA request number 2020-F-536.

FOIA Request 2020-F-536: Please send any and all documents related to the new Community Engagement Coordinator position (which I understand has now been filled). Please send any and all documents related to the new Human Rights and Equity Officer (mentioned on the CPRB agenda here: https://www.urbanaininois.us/sites/default/files/attachments/CPRB_AGENDA_SEPTEMBER_2020_REGULAR_MEETING.pdf) Document should include, but not be limited to, job descriptions, applications & attached documents, correspondence with/about applicants, documents indicating pay/salary, etc...

Please be advised that the City of Urbana is treating your request as a request from a recurrent requester, as defined in section 2(g) of FOIA, because in the 12 months immediately preceding the request you previously submitted to the City a minimum of 15 requests for records within a 30-day period.

Accordingly, the City will provide you with an initial response to your request within 21 business days after the date the City received your request. In that response, the City may:

1. Provide an estimate of the time required by the City to provide the requested records and an estimate of the fees to be charged, which the City may require to be paid in full before copying the requested records;
2. Deny the request pursuant to one or more of the exemptions found in FOIA;
3. Notify you that the request is unduly burdensome and extend an opportunity to reduce the request to manageable proportions; or
4. Provide the requested records.

Sincerely,

Curt Borman
Assistant City Attorney
City of Urbana Legal Division
400 S. Vine Street
Urbana, IL 61801
217-384-2464