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**DATE:** March 13, 2017

**TO:** Honorable Mayor John Rey  
City Council

**FROM:** Anne Marie Gaura, City Manager  
Aaron Stevens, Management Analyst

**SUBJECT:** 2016 Annual Freedom of Information Act Report.

Attached is the 2016 Annual Freedom of Information Act (FOIA) Report. The report provides a quick summary of information related to City processing of FOIA requests including a breakdown of total FOIAs by type. In addition, an overview of the procedures City staff follow to process and respond to each FOIA request, and FOIA related information made available through the City's website are provided.

## 2016 Annual Freedom of Information Act Report

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### Overview

The City of DeKalb is required by the Illinois Freedom of Information Act (FOIA) to make available to any person for inspection or copying all public records with the exception of certain information that is made exempt by section 7 of the FOIA Act. The City makes every possible effort to provide, to any person who submits a FOIA request, public records that are able to be released within reasonable timeframes set by state law. A large amount of information is readily accessible through the City's website and if information is not already available online, City staff regularly does and will provide information requested, without disclosing records that are exempt.

In 2016, the City processed a total of 776 Police FOIA requests, 184 commercial FOIA requests, and 234 non-commercial FOIA requests equaling a total of 1,194 responses. Of the 234 non-commercial requests, 120, or 51.2%, were requested by five individuals. A brief summary is provided in the table below:

Request Type	Total
Police	776
Commercial	184
Non-Commercial	234
Total	1,194

### Commercial vs. Non-Commercial

The definition of commercial request is provided by the Illinois FOIA Law 5 ILCS/Section 2 (c-10) which states that "commercial purpose" means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. The City processes a large amount of commercial requests for businesses falling in the categories of real estate, construction, law offices, and others. Non-commercial requests are for information that will not be used for business purposes. Non-commercial requests vary from routine property information inquiries by homeowners, statistics for research organizations, to citizens seeking details regarding general City business.

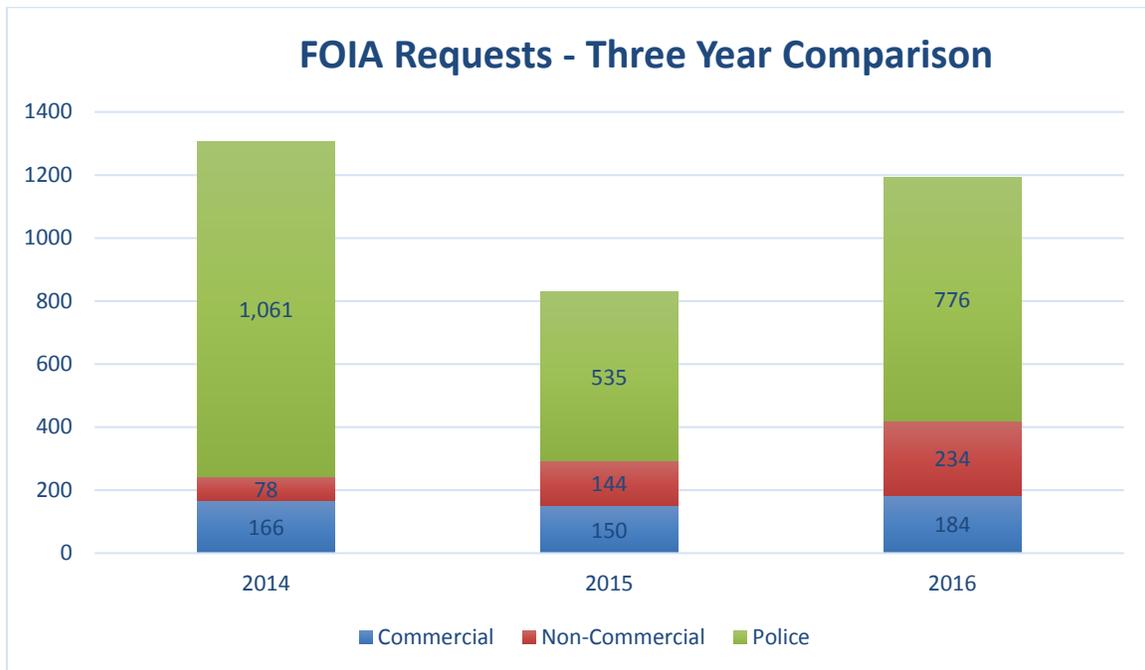


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### Three Year Comparison

The number of total FOIAs received by the City widely varied between 2014 and 2016, however there has been a steady trend in the significant increase of non-commercial requests from year to year. Non-commercial FOIA requests increased by 84.6% from 2014 to 2015 and by 62.5% from 2015 to 2016. A significant drop in police FOIAs from 2014 to 2015 was due to providing direct access to accident reports through the AVRS system, as well as Police Department staff advising attorneys to use the subpoena and discovery process for solicitation of records. The chart provided below displays total annual FOIA requests by type over a three year period for comparison.



### FOIA Response Process

The process of responding to FOIA requests is uniform among all departments. When a FOIA request is received, the response is routed by a one of the designated City FOIA Officers to all departments/divisions that may conceivably house responsive documents. Each City department/division is required to send any documents responsive to the requests (whether or not any exemptions may apply), for review by a FOIA Officer. Once a departmental response is received that includes responsive documents, or confirms that no responsive records exist, all records submitted are reviewed by a FOIA Officer and sent to the requester, less records and or specific redactions subject to permitted exemptions.



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The City provides a convenient option to anyone requesting information through completion of the online FOIA request form on the City's website. Requesters can complete and submit the form directly to the City on the Open Records Portal section of the website. The online request form ensures that designated City FOIA Officers receive the request with all of the necessary details to properly fulfil the request whereas requests submitted via email often lack information needed to accurately respond.

### **FOIA Information on the City Website**

For additional information related to FOIA, the City publishes the items listed below in the Open Records Portal section of the City website. The following information related to FOIA is provided under the Transparency heading on the Open Records Portal:

- [Link to the Illinois General Assembly - State FOIA Law page](#)
- [Index of 2015 and 2016 FOIA requests \(includes FOIA type, name of requester, information requested, date requests was received, and answer date\)](#)
- [Link to the FOIA request form](#)
- [Printable FOIA request form](#)
- [FOIA Packet as required by Illinois FOIA Act](#)

