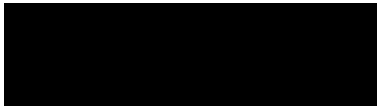




Executive Department
400 South Vine Street
Urbana, Illinois 61801

January 26, 2021



Response - FOIA Request 2021-F-017

Dear Requester,

This message is in response to your Freedom of Information Act (FOIA) request, dated January 09, 2021. The City of Urbana received your request on January 11, 2021, and designated it as FOIA request number 2021-F-017.

You requested:

[Part 1] This includes any qualifying definitions or rubrics that Urbana may use to determine if a requester does or does not qualify as "news media".

[Part 2] This includes any list that Urbana may keep on which requesters do or do not qualify as "news media".

[Part 3] This includes any policies that Urbana has on responding to "news media" FOIA requests (such as policies on charging fees).

[Part 4] If Urbana keeps a list or database which indicates how often FOIA requests are deemed or denied status as "news media", please include that record. If no such list exists, please include records which would satisfy an answer to the question, "how often does Urbana treat requesters as 'news media'"?

[Part 5] If no such list or database exists, one way that this part of the request could be satisfied is by including a copy of every FOIA request wherein the requester represented themselves as news, and Urbana's written response.

[Part 6] If no such list or database exists, and if the preceding suggestion would not be feasible, in lieu of providing records, this part of the request could be satisfied by having Urbana's FOIA Officer provide a written statement which would answer the question posed. For this part of the request, data pertaining to the year 2020 will be satisfactory.

The City has reviewed all relevant records and is attaching the following responsive records:

Part 1: A PDF file labeled "2021-F-017_Part_1.pdf" is attached which contains records responsive to this part of the request. Additionally, the Illinois Attorney General's Public Access Counselor (PAC) maintains a source of binding PAC opinions which the City of Urbana consults as necessary: <http://foia.ilattorneygeneral.net/bindingopinions.aspx>.

Part 2: The City does not maintain records responsive to this part of the request.

Part 3: The City does not have a formal policy regarding "news media" FOIA requests.

Part 4: The City does not maintain records responsive to this part of the request.

Part 5: The City does not have any records responsive to this part of the request. The City does not include in FOIA responses a response to a requester's assertion of "news media."

Part 6: The City does not maintain any records responsive to this part of the request. The City does not have a formal policy regarding "news media" FOIA requests.

Some records that could be deemed responsive to your request are exempt from disclosure because of one or more of the FOIA exemptions listed below. Therefore, the City has withheld these documents from the records being released to you. These documents consist of drafts and communications regarding potential policy decisions not yet acted upon and attorney-client communications.

5 ILCS 140/7(1)(f) exempts preliminary drafts, notes, recommendations, memoranda and other Records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.

5 ILCS 140/7(1)(m) exempts communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

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,
Ross McNeil
Executive Department