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**ADMINISTRATIVE PROCEDURES
FOR COMPLIANCE WITH
THE ILLINOIS FREEDOM OF INFORMATION ACT**

SECTION 1. DEFINITIONS

A. Business Day

A regular day of the week (Monday through Friday) when public offices are open. Saturdays, Sundays, and State holidays are not business days and are not counted in calculating time periods for response. Time periods for responses under FOIA are calculated in business days.

B. Commercial Purpose

The use of any part of a public record or information derived from public records for sale, resale, solicitation, or advertisement for sales or services.

Requests made by news media and non-profit, scientific, or academic organizations are not “made for a commercial purpose” when the principal purpose of the request is: 1) to access or disseminate information concerning news and current events, 2) for opinion or feature articles of public interest, or 3) for scientific, academic, or public research or education.

C. Copying

The reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means now known or hereafter developed and available to the public body.

D. Exemptions

Provisions of FOIA which allow a public body to withhold certain categories of information from inspection and copying.

1. General Exemptions

FOIA Section 7(1) provides 24 exemptions relating to general categories of information which may be withheld from disclosure, such as private information, unique identifiers, and preliminary drafts.

2. Statutory Exemptions

FOIA Section 7.5 provides 14 exemptions, each of which relates to specific Illinois statutes. Disclosures prohibited by the Personnel Records Review Act and the Illinois School Student Records Act are statutorily exempt by FOIA Section 7.5.

E. Freedom of Information Act or “FOIA”

The Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended

F. Freedom of Information Officer

The official(s) or employee(s) formally designated by the District to be primarily responsible to receive and to coordinate timely responses to FOIA requests.

G. Head of the Public Body

The president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or other individual with primary executive and administrative authority for the Center.

H. News Media

Newspapers, or other periodicals, issued at regular intervals in print or electronic form, news services, radio stations, networks, community antenna television services, or individuals or corporations which make news in film formats for public showing.

I. Person

Any individual, corporation, partnership, firm, organization or association which acts individually or as a group.

J. Public Access Counselor

The official in the Illinois Attorney General's office who is responsible to, among other functions, develop an electronic training curriculum for FOIA officers, review denials of FOIA requests, and issue binding and non-binding decisions and advisory opinions concerning compliance with FOIA and the Illinois Open Meetings Act.

K. Public Interest Purpose

A FOIA request is "in the public interest" if its principal purpose is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public, and not for the principal purpose of personal or commercial benefit.

L. Public Records

FOIA generally defines public records to include all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of the public body.

FOIA specifically identifies the following as public records:

1. All records relating to the obligation, receipt, and use of public funds.
2. Certified payroll records submitted to a public body by a contractor under Section 5(a)(2) of the Prevailing Wage Act.
3. Arrest reports and criminal history records.
4. Settlement agreements entered into by or on behalf of a public body.
5. Certain documents in the possession of government contractors.

M. Private Information

Unique identifiers, such as a person's social security number, driver's license number, employee identification number, biometric indicators, personal financial information, passwords, medical records, personal telephone numbers, and personal email

addresses. Home address and personal license plates are also considered private information unless otherwise provided by law or when they are compiled without the possibility of being identified with any person.

N. Unduly Burdensome

A FOIA request may be considered unduly burdensome if:

1. It calls for all records falling within a category, there is no way to narrow the request, and the burden on the public body of responding outweighs the public interest in the information.
2. Repeated requests have been received from the same person for the same records that are unchanged or identical to records previously provided or properly denied under FOIA.

O. Unwarranted Invasion of Personal Privacy

The disclosure of information that is highly personal or objectionable to a reasonable person, and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information.

Information that bears on the public duties of public employees and officials is not considered an invasion of personal privacy.

SECTION 2. FOIA OFFICERS

A. Designation of FOIA Officers

The Superintendent and the Principal are designated as the District's Freedom of Information Act ("FOIA") Officers, who will be referred to as the "FOIA Officer" in these procedures. The term "FOIA Officer" shall also include the FOIA Officer's designees, as appropriate.

B. Responsibilities of FOIA Officer, Generally

1. Summary of duties

The FOIA Officer shall receive requests for records submitted by members of the public, shall ensure that the District responds to records requests in a timely manner, and shall perform other responsibilities as delineated in these Administrative Procedures.

FOIA Forms 1 through 7 appended to these Administrative Procedures shall be used whenever possible to facilitate processing of requests for public records, and compliance with the FOIA.

2. Requests to inspect / copy records to be made in writing to FOIA Officer

The FOIA Officer shall require records requests to be made in writing, and shall encourage (but may not require) the requester to use **FOIA Form 3** for that purpose. Written requests may be submitted to the District by personal delivery, mail, facsimile, or other available means.

Public records shall be made available for inspection or copying only during regular business hours at the District office.

All requests for inspection and copying received by the District shall immediately be forwarded to the FOIA Officer, who shall communicate with District officers and employees as needed to ensure that any request for public records of the District is routed in this manner.

3. Steps to document receipt and processing of records requests

On receiving a written request to inspect and/or copy public records, the FOIA Officer shall:

- a. Note the date on which the District received the written request;
- b. Compute the date on which the period for response will expire and note that date on the written request;
- c. Maintain an electronic or paper copy of the request, including all documents submitted with the request;
- d. Create a file for the retention of the original request and a copy of the response, and of all written communications with the requester, as well as a record of all other communications related to the request.

4. Processing of records requests

The FOIA Officer shall process requests for public records of the District in accordance with Section 4 through 10 of these Administrative Procedures.

5. Completion of Illinois Attorney General's training course; annual training

Each FOIA Officer designated by the District shall successfully complete an electronic training curriculum provided by the Illinois Attorney General's Public Access Counselor within 30 days of his or her appointment (or by July 1, 2010, in the case of the FOIA Officer appointed by the District to serve effective on January 1, 2010), and shall successfully complete an annual training program.

The FOIA Officer shall maintain records documenting compliance with these training requirements.

SECTION 3. GENERAL NOTICES TO PUBLIC REQUIRED BY FOIA

The District shall prominently display at the District office, post on the District website, make available for inspection and copying, and send through the mail if requested, each of the following:

A. Description of the District

This description shall consist of a brief description of the District, including a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any advisory board, commission, or committee.

B. Description of types of public records maintained by the District

See FOIA Form 1, which the FOIA Officer shall review and supplement as may be needed from time to time.

C. Description of procedure for submitting FOIA requests

In addition to briefly describing the procedure for making FOIA requests, this document should include a directory designating the FOIA Officer(s), the address to which requests for public records should be directed, and information about copying fees which may be charged. **See FOIA Form 2.**

The FOIA Officer shall be responsible to ensure that the District is in compliance with the requirements of this Section 3.

SECTION 4. COPYING FEES; REQUESTS FOR FEE WAIVER OR REDUCTION

A. Copies and certification of records, generally

The District shall charge 15 cents per page for black and white, standard-sized copies, except that no fees shall be charged for the first 50 pages. If the District provides copies in color or in a size other than letter or legal, the District shall charge its actual cost for reproducing the records. Calculation of the actual cost shall not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records.

The District shall charge \$1 for certifying a record. The fee for an abstract of a driver's record shall be as provided in Section 6-118 of the Illinois Vehicle Code, 625 ILCS 5/1 *et seq.*, as amended, whether furnished as a paper copy or as an electronic copy.

B. Records in electronic format

When a person requests a copy of a record maintained in an electronic format, the District shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public record in the specified electronic format, then the District shall furnish the record in the format in which it is maintained by the District, or in paper format at the option of the requester. The District shall charge the requester the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium.

Except where provided by the FOIA or other state statutes, fees applicable to copies of public records furnished in a paper format shall not be applicable to those records when furnished in an electronic format.

C. Requests for waiver or reduction of copying fees

Upon request, the FOIA Officer shall determine, on a case-by-case basis, whether documents shall be furnished to a FOIA requester without charge or at a reduced charge when it is in the public interest to do so and when the records request is not for the principal purpose of personal or commercial benefit. See Section 1 of these Administrative Procedures (definition of "Public Interest Purpose") and **FOIA Form 3**. In setting the amount of the waiver or fee reduction, the FOIA Officer may consider the amount of materials requested and the cost of copying them.

SECTION 5. TIME PERIODS FOR RESPONSE TO RECORDS REQUESTS

A. Generally: five business days to respond

Except as provided in Section 7 below (concerning requests for commercial purposes), the District shall either comply with or deny a request for public records within five business days after its receipt of the request, unless the time for response is properly extended as described in Section 5.C. below. Any denial shall be in writing, specifying the responsive documents which are being withheld, the exemption(s) being asserted to support non-disclosure, and factual and legal basis for the denial.

FOIA Forms 4, 5 and 6 are designed to facilitate compliance with FOIA's requirements for responses to records requests, and may be used singly or in combination, as may be appropriate, to notify the requester of the District's response.

An Appendix listing the exemptions provided for in the FOIA is included at the end of these Administrative Procedures. Consultation with District legal counsel is recommended prior to asserting exemptions in the course of responding to a FOIA request.

Exemptions asserted under FOIA Section 7(1)(c) and / or FOIA Section 7(1)(f) shall be processed using **FOIA Form 6**, in consultation with District legal counsel as may be appropriate, and shall be subject to the review process described in Section 10 of these Administrative Procedures.

B. Consequences of untimely response

1. The District will be deemed to have denied a records request if, within five business days of receiving the request, it fails to do one or more of the following: comply with a written request, notify the requester that the District is extending the time for response, and/or deny the request in writing.
2. If the District fails to respond to a request within the requisite periods in this Section, but thereafter provides the requester with copies of the requested public records, the District shall not impose copying fees for the records.
3. The District shall not treat a records request as unduly burdensome if it fails to respond to the request within the time period required by the FOIA.

C. Extension of time for response

The District may extend the time period for response by not more than five business days from the original due date, for one or more of the following reasons:

1. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
2. The request requires the collection of a substantial number of specified records;
3. The request has been made in categorical terms and requires an extensive search for the records responsive to it;
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
5. The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under FOIA, or should be disclosed only with appropriate deletions;
6. The request for records cannot be complied with in five business days without unduly burdening or interfering with the operations of the District;
7. The District needs to consult with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

When additional time is required for any of the above reasons, the District shall, within five business days after receipt of the request, notify the FOIA requester of the reasons for the extension and the date by which the response will be forthcoming. **See FOIA Form 7** which should be used to provide such notice.

Form 7 concludes with an (optional) invitation to the requester to consider consenting to a longer period for response, as allowed by FOIA, and asks the requester to contact the FOIA Officer if the requester is willing to agree to a longer period for response. *In any case in which agreement is reached regarding a longer period for response, the FOIA Officer shall promptly confirm such agreement to the requester in writing.*

SECTION 6. UNDULY BURDENSOME REQUESTS

The District shall comply with requests which call for all records falling within a category, unless compliance would be unduly burdensome and there is no way to narrow the request. Before invoking this exemption, the District shall allow the FOIA requester an opportunity to reduce the request to manageable proportions. **See FOIA Form 7.**

If the District responds to a categorical request by stating that compliance would unduly burden its operation, and the conditions described above are met, the District 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 District. Such a response shall be treated as a denial of the request for information.

Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied by the District shall be deemed unduly burdensome.

SECTION 7. RECORDS REQUESTS FOR COMMERCIAL PURPOSES

A. Written confirmation of commercial purpose may be requested

All FOIA requests made for commercial purposes shall be submitted in writing on the District's standard FOIA request form (**see FOIA Form 3**), and shall disclose that the request is being made for a commercial purpose. It is a violation of the FOIA for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.

B. Time period of 21 days for response to commercial purposes requests

The District shall respond to a request for records to be used for a commercial purpose within 21 business days after receipt.

C. Content of response

The response shall

1. Provide an estimate of the time the District will require to provide the requested records and an estimate of the fees to be charged, which the District may require the person to pay in full before copying the requested documents;
2. Deny the request pursuant to one or more of the exemptions provided for in the FOIA (after consultation with District legal counsel, as may be appropriate);

3. Notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions (see FOIA Form 7); and/or
4. Provide the records requested.

Unless the records are exempt from disclosure, the District shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. The time periods for compliance or denial of a request to inspect or copy records set out in these Administrative Procedures shall not apply to requests for records made for a commercial purpose.

SECTION 8. PRODUCING RECORDS WITH EXEMPT INFORMATION REDACTED

In consultation with District legal counsel as may be appropriate, the District shall redact from public records which it makes available for inspection or copying, all information that is exempt from disclosure under the FOIA, as amended. The District's response shall identify the exemptions based on which the redacted information has been withheld

SECTION 9. PROCEDURES FOR DENIAL OR PARTIAL DENIAL OF REQUEST

A. Denials, generally

When denying a request for public records in whole or part, the District shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including an explanation of the factual basis for the denial, exemptions invoked, and other legal authority for the denial. The notice shall also state the names and titles or positions of each person responsible for the denial.

Each notice of denial shall also inform the requester of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial also shall inform such person of his right to judicial review under the FOIA. **See FOIA Form 5.**

B. Record of denials of FOIA requests

Copies of all notices of denial shall be retained by the District, shall be open to the public, and shall be indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

SECTION 10. REVIEW BY PUBLIC ACCESS COUNSELOR

A. Procedure on notice of a request for review by the PAC

On receiving notice of a request for review from the Illinois Attorney General's Public Access Counselor (PAC), the District shall within seven business days provide copies of records requested by, and shall otherwise fully cooperate with, the PAC. The District shall also answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The District may furnish affidavits or other records concerning any matter germane to the review.

B. Procedure on receipt of binding opinion from PAC

On receipt of a timely issued binding opinion from the Public Access Counselor concluding that a violation of the FOIA has occurred, the District shall either take action immediately to comply with the directive of the opinion, or in the alternative file a complaint for administrative review of the opinion in the circuit court of either Cook or Sangamon County as specified in the FOIA.

The District shall be immune from liability for any disclosure of records in compliance with an opinion of the Attorney General.

SECTION 11. DISTRICT RIGHT TO REQUEST OPINION FROM PAC

The President of the Board or, at the Board's direction, District legal counsel, may submit a written request to the Public Access Counselor for an advisory opinion on a matter germane to the inspection or release of public records. The written request shall contain sufficient accurate facts from which a determination can be made. If the District obtains and relies in good faith on an advisory opinion of the Attorney General in responding to a request, it shall not be liable for penalties under the FOIA.

SECTION 12. ASSERTING "PRIVACY" AND "PRELIMINARY DRAFTS EXEMPTIONS

A. Notice of intent to assert exemptions

If the District intends to assert that certain records are exempt under Section 7(1)(c) (pertaining to records, disclosure of which would result in an unwarranted invasion of personal privacy) or 7(1)(f) of FOIA (pertaining to preliminary policy drafts), the District

shall within the time periods provided for responding to a request, provide written notice to the FOIA requester and to the Public Access Counselor of its intent to deny the request in whole or in part on such grounds.

B. Content of notice

The notice shall include:

1. A copy of the request for access to records;
2. A copy of the District's proposed response; and
3. A detailed summary of the basis for asserting the exemption.

C. PAC determination as to whether further inquiry is warranted

If the PAC determines that further inquiry is warranted, based on the District's assertions, the procedures set out in Section 10 above regarding the PAC's review of denials, including the production of documents, shall also apply to the inquiry and resolution of the District's notice of intent to deny a request in whole or part based on FOIA Section 7(1)(c) or 7(1)(f).

The time within which the District is required to respond to or comply with the FOIA request is tolled (stops running) during the PAC's review of whether the District may assert the exemptions.

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APPENDIX: FOIA EXEMPTIONS

FOIA expressly presumes that all records in the custody or possession of a public body are open to inspection and copying, and a public body which asserts a record is exempt from disclosure must prove the exemption by clear and convincing evidence.

FOIA requires that public records which contain exempt information must be available for inspection and copying, but permits the public body to redact the exempt information. The public body must identify the exemptions which permit the redactions.

Unless the applicability of a FOIA exemption is clear, consultation with District legal counsel is recommended when the District contemplates denying a request in reliance on one or more FOIA exemptions.

FOIA exemptions are split into two categories: general exemptions and statutory exemptions.

A. General Exemptions

FOIA Section 7(1) provides 24 exemptions relating to general categories of information which may be withheld from disclosure.

General exemptions of key importance to school Districts include, but are not limited to:

1. Information specifically prohibited from disclosure by federal or state law, rules or regulations;
2. "Private information," including "unique identifiers" such as an individual's:
 - a. Social security number
 - b. Driver's license number
 - c. Employee identification number
 - d. Biometric identifiers
 - e. Personal financial information
 - f. Passwords or other access codes
 - g. Medical record
 - h. Home or personal telephone numbers

- i. Personal electronic mail address
 - j. Home addresses, except where provided by law
 - k. License plate numbers, except where provided by law
3. Personal information contained in public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information.

Note: The disclosure of information that bears on the public duties of public officials or employees shall not be considered an invasion of personal privacy.

4. To a limited extent, records created in the course of administrative enforcement proceedings.
5. Preliminary drafts, notes or memoranda in which opinions are expressed or policies/actions are formulated.

B. Statutory Exemptions

FOIA Section 7.5 provides 14 exemptions, each of which relates to a specific Illinois statute.

Statutory exemptions of key importance to school Districts include but are not limited to:

1. Library circulation and order records identifying library users with specific materials, prohibited from disclosure under the Library Records Confidentiality Act.
2. Information which the Personnel Records Review Act prohibits from disclosure.
3. Information which the Illinois School Student Records Act prohibits from disclosure.