

**A GUIDE TO
THE ILLINOIS FREEDOM
OF INFORMATION ACT**

DR. TY HARTING

SUPERINTENDENT OF SCHOOLS

**COMMUNITY HIGH SCHOOL DISTRICT 218 COOK
COUNTY, ILLINOIS**

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GUIDELINES

I. Compliance

It is the policy of the Community High School District 218 Board of Education, to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act.

The Superintendent is hereby authorized and directed to do the following in regard to compliance with the Act:

- A. Establish rules to guide the district in complying with the Act. The rules shall include, but not be limited to, permitting only District employees to search for and reproduce requested documents and also specifying time limits for appeals from decisions denying documents.
- B. Designate employees to receive and respond to requests for documents.
- C. Maintain and provide upon request a list of FOIA officers and an address where FOIA requests may be directed. This shall be prominently displayed at the School District office and maintained on the district website.

The following has been established by the Superintendent:

II. Requesting Records

1. Public bodies must designate a FOIA officer(s) to perform the duties listed below.

- Starting January 1, 2010 and annually thereafter, complete electronic training curriculum will be provided by the Office of the Attorney General, State of Illinois to satisfy the new electronic training requirements. These individuals are:

- 1. Dr. Ty Harting – Superintendent of Schools
- 2. Mrs. Karen Hill – Secretary to the Superintendent
- 3. Dr. Mike Ryan – Asst. Supt., of Human Resources & Operations
- 4. Mrs. Pina Paruta – Secretary to the Asst. Supt., Human Resources

FOIA officers must successfully complete the electronic on-line training by 6/30/2015 and must successfully complete electronic training on an annual basis. When a public body designates a new or additional FOIA officer, that person must successfully complete the electronic training within 30 days after that designation.

- These individuals will review and issue timely responses to FOIA requests.
- Develop a list of records that will be disclosed immediately upon request.

- **Maintain such list on the district website along with a brief description of the public body and the methods by which the public may request records.**

- **Designate office for submission of requests:**

**Community High School District 218
Administrative Center
10701 S. Kilpatrick Avenue
Oak Lawn, Illinois 60453**

Hours: 7:30 a.m. to 4:00 p.m. during the school year Summer hours may deviate from the above regular hours.

III. Steps FOIA Officer Must Follow in Responding to FOIA Requests:

- **Note date on which public body receives written request.**
- **Compute and record due date for response on request.**
- **Keep electronic or paper copy of request, including any enclosures.**
- **Create file in which to retain original request, copy of response, and records of written communications with requester and “other communications”.**
- **All request and responses are maintained in the Superintendent’s office and a copy of such request and response shall be provided to the Board of Education as an information only item.**

IV. Methods and Forms of Requests

- **Requests to be made in writing directed to the public body by personal delivery, mail, fax or other available means which may include e-mail.**
- **Public body may provide but not require use of a standard request form.**
- **Public body may not require requester to specify purpose for request, except to determine whether to grant a request for fee waiver, or if request is for commercial purposes.**

V. Responses to Requests for Records

- A. Response Time: Within five business days after receipt of a request for records, the following responses shall be given to the person requesting records. The five-day response timeline begins the day after the public body receives the request for information.**

1. The requested inspection or copying of the records may be granted immediately if the request is for a record or records that are easily accessible and immediately available. The person releasing the records shall prepare a memorandum of the release.
2. Advise in writing that the request is unduly burdensome and request an additional five days with a written notice to the requestor stating such within the original five-day time period.

The above time limits may be extended for not more than 7 additional working days for any of the following reasons:

- the requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- the request requires the collection of a substantial number of specified records;
- the request is couched in categorical terms and requires an extensive search for the records responsive to it;
- the requested records have not been located in the course of a routine search and additional efforts are being made to locate them;
- the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of this Act or should be revealed only with appropriate deletions;
- the request for records cannot be complied with by the public body within the time limits prescribed without unduly burdening or interfering with the operations of the public body;
- there is a need for consultation, which shall be conducted with all practicable speed, 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.

3. Parties may agree in writing to extend these periods beyond the ten days.

B. Requests for Commercial Purposes

1. Public body must respond to the request for records to be used for commercial purposes within 21 days.
2. Response shall provide the requester an estimate of the time required to provide the records and an estimate of the fees to be charged, which the public body may require the person to pay in full before copying the requested documents.
3. Deny the request pursuant to one or more FOIA exemptions.

4. **Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions.**
5. **It is a violation of this Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that purpose, if requested to do so by the public body.**

VI. Fees

- **Public body may not charge fees for the first 50 pages of black and white, letter, or legal sized copies. Fees for page 51 etc. not to exceed 15 cents per page. Fee for color or irregular-sized copies may not exceed actual cost of reproduction.**

Public bodies may waive the fee if the request for information concerns health, safety and welfare or the legal rights of the general public.

- **Electronic copies: the above fees shall not be charged when records are furnished in any electronic format.**
- **When a copy of a record is maintained electronically, the public body must furnish it in the electronic format specified by requester, if feasible. If not, then the record must be produced in the format in which it is maintained or in paper format. A public body may charge for its actual cost of purchasing the recording medium (disc, tape, etc.), but not the costs of searching for and reviewing the records, or other personnel costs associated with reproducing them.**

VII. Consequences For Untimely Responses

Due to the many changes made in this aspect of FOIA, the district will consult with legal counsel before denying any FOIA requests.

VIII. Civil Penalties and Expanded Opportunity for Attorney's Fee Awards

- **Requires courts to impose civil penalty of at least \$2,500 and up to \$5,000 per occurrence on a public body found to have willfully and intentionally failed to comply with a FOIA request.**
- **Attorney's fee shall be awarded to a requester who prevails. Court may consider the extent of relief obtained, in determining the amount of the award.**

IX. Denials of FOIA Requests

1. **Must be in writing and state reasons for denial, citing any exemptions relied upon, per existing FOIA.**

2. As to any exemptions claimed under FOIA, reasons for denial must include a “detailed factual basis for the application” of the exemption(s), citation to supporting legal authority, and name of person(s) responsible for the denial.
3. Inform the requester the right to have denial reviewed by Public Access Counselor. The Public Access Counselor is an attorney in the Attorney General’s office whose responsibility it is to ensure that public bodies comply with FOIA. This denial must include the Public Access Counselor’s address and telephone number.
4. Inform requestor of right to judicial review under FOIA.
5. If public body asserts either FOIA’s exemption for “personal information” disclosing which would be an “unwarranted invasion of personal privacy”, or for “preliminary drafts” public body must within periods for response provide written notice to requester and Public Access Counselor of intent to deny request in whole or part. Notice must include copies of :
 - Request and proposed response
 - Detailed summary of basis for asserting the exemption(s)
 - Public Access Counselor within five working days is to notify parties whether further inquiry is warranted.

All records in a public body’s custody or control are presumed to be open to inspection and copying. A public body which claims that a record is exempt from disclosure has the burden of proving this by clear and convincing evidence.

FOIA identifies certain types of documents as being public records:

- All records related to the receipt and use of public funds.
- Certified payroll records of contractors submitted under Prevailing Wage Act, except that the addresses, telephone numbers, and SSNs of contractors’ employees must be redacted.
- All settlement agreements entered into by or on behalf of a public body, except that information exempt from disclosure under FOIA may be redacted.
- Contractors’ records: a record in the possession of a party with whom the public body has contracted to perform a governmental function, and which pertains to that governmental function and is not otherwise exempt, is deemed a public record of the public body.

Definition of Private Information: Private information is exempt.

- **Unique identifiers, including a person’s social security number, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, personal e-mail and home addresses, and personal license plates.**
- **Commercial purposes means use of public records or information derived from them for sale, resale, solicitation, or advertisement for sales or services. Not ordinarily included: requests by news media and non-profit, scientific, or academic organizations.**

General Exemptions:

- **Amended FOIA reorganizes the current list of exemptions, separating and listing documents accorded privileged or confidential status by other statutes.**
- **Within FOIA categories, many exemptions were rearranged, combined, or deleted. Key points:**
 1. **Information specifically prohibited from disclosure by federal or state law including information enumerated in new listing of other statutory exemptions.**
 2. **Private information is exempt unless disclosure is required by State or federal law, another section of FOIA, or court order.**
 3. **As regards the “unwarranted invasion of personal privacy” exemption, the itemized list of private records is deleted. Under amended FOIA, the exemption will be available only to shield information that is “highly personal or objectionable to a reasonable person” and as to which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.**
 4. **Trade secrets/other proprietary information: exempt only if furnished under a claim that is proprietary, privileged or confidential, and that the disclosure would cause competitive harm to the person or business.**
 5. **Employee grievances and disciplinary cases: records related to these are exempt – but the final outcome of cases in which discipline is imposed is not exempt.**
 6. **Preliminary documents generated by a public body’s employees or officials in which policies or actions are formulated.**

7. **Test questions, scoring keys, and other examination data.**
8. **Information received by schools for evaluation of faculty.**
9. **Information about school adjudications of student discipline, to the extent it would reveal a student's identity.**
10. **Law enforcement information.**
11. **Preliminary drafts or notes in which opinions are expressed or policies are formulated.**
12. **Proposals and bids for any contract until a final selection has been made.**
13. **Amended FOIA moves existing provisions which require that, when a nonexempt record contains exempt information, the record be produced in redacted form with exempt information deleted.**

Statutory Exemptions – Including information prohibited from disclosure under the Illinois School Student Records Act, the Personnel Records Review Act and the Library Records Confidentiality Act.

General Information:

A public body must allow you to inspect a copy of a public document and obtain copies of the document.

A request for a copy of an ordinance does not require a FOIA request.

Should any persons have any questions regarding access to public records of the School District that are not answered in the Guide, those questions may be addressed to the Superintendent of Schools.