

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

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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. (A public body must respond to a FOIA request within 5 business days after the public body receives the request.

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. (A public body has 21 business days to respond- see pages 11 & 12).

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 not to make certain categories of information available for 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 information specifically prohibited from disclosure by law, statutorily defined “private information,” and minutes of closed meetings of the public body’s governing board which have not been approved for release to the public.

2. Exemptions Related to Other Statutes

FOIA Section 7.5 provides 14 exemptions related to enumerated Illinois statutes. For example, disclosures prohibited by the Personnel Records Review Act are statutorily exempt by FOIA Section 7.5.

FOIA exemptions of primary relevance are listed in Appendix A to these Administrative Procedures.

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 Park District to be primarily responsible to receive and to coordinate timely responses to FOIA requests.

G. Head of the Public Body

The Executive Director or other individual with primary executive and administrative authority for the Park District.

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 under Section 5(a)(2) of the Prevailing Wage Act (but contractors' employees' personal information must be redacted prior to disclosure).
3. Arrest reports and criminal history records.
4. Settlement agreements entered into by or on behalf of a public body, provided that information exempt from disclosure under FOIA Section 7 may be redacted.

5. Certain documents in the possession of government contractors. Specifically, the Act exempts records in the possession of a party with whom the public body has contracted to perform a governmental function on its behalf that directly relate to the governmental function, and are not otherwise exempt under FOIA. See FOIA Section 7(2).

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 Executive Director and/or his/her designate are designated as the Park 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 Park 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 Park 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 Park District's administrative office.

All requests for inspection and copying received by the Park District shall immediately be forwarded to the FOIA Officer, who shall communicate with administrators and employees as needed to ensure that any request for public records of the Park 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 Park 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 Park District's 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 Park District in accordance with Sections 4 through 12 of these Administrative Procedures.

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

Each FOIA Officer designated by the Park District shall successfully complete an electronic training curriculum provided by the Illinois Attorney General's Public Access Counselor shall within 30 days of his or her appointment (or by July 1, 2010, in the case of the FOIA Officer appointed by the Park 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 Park District shall prominently display at its administrative office, post on the Park District website, make available for inspection and copying, and send through the mail if requested, each of the following:

A. Description of the Park District

This description shall consist of a brief description of the Park 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. Types of public records maintained by the Park District, including records that the Park District will disclose immediately upon request.

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 Park 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 Park 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 it provides copies in color or in a size other than letter or legal, the Park District will charge its actual cost for reproducing the records. The calculation of actual cost will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records.

The Park District will charge \$1 for certifying a record.

B. Records in electronic format

When a person requests a copy of a record maintained in an electronic format, the Park 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 Park District shall furnish the record in the format in which it is maintained by the Park District, or in paper format at the option of the requester. The Park District will 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

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, upon request, 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 Park 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 Park District’s response.

An Appendix listing the exemptions of primary relevance provided for in the FOIA is included at the end of these Administrative Procedures. Consultation with 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 legal counsel as may be

appropriate, and shall be subject to the review process described in Section 12 of these Administrative Procedures.

B. Consequences of untimely response

1. The Park 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 Park District is extending the time for response, and/or deny the request in writing.
2. If the Park 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 Park District shall not impose copying fees for the records.
3. The Park 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. (A court may impose a civil penalty of between \$2,500 and \$5,000 per violation.)

C. Extension of time for response

The Park 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 Park District;
7. The Park 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 Park 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 Park 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 Park District shall allow the FOIA requester an opportunity to reduce the request to manageable proportions. **See FOIA Form 7.**

If the Park District responds to a categorical request by stating that compliance would unduly burden its operation, and the conditions described above are met, the Park 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 Park 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 Park 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 Park 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. (Requests by the news media, not-for-profit organizations, scientific, or academic institutions are not considered commercial information requests.)

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

The Park District shall respond to a request for records to be used for a commercial purpose within 21 business days after receipt, unless the requester agrees to a specified longer period for response. Any such agreement must be confirmed in writing.

C. Content of response

The response shall:

1. Provide an estimate of the time the Park District will require to provide the requested records requested and an estimate of the fees to be charged, which the Park 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 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 Park District shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requests made 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 legal counsel as may be appropriate, the Park 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 Park District's response shall identify the exemptions under 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 Park 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 Park 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 Park District shall within seven business days provide copies of records requested by and shall otherwise fully cooperate with the PAC. The Park District shall also answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Park 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 Park 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 Park District shall be immune from liability for any disclosure of records in compliance with an opinion of the Attorney General.

SECTION 11. PARK DISTRICT'S RIGHT TO REQUEST OPINION FROM PAC

The Park District's Executive Director or, at the direction of the Board of Park Commissioners, the Park District's Attorney 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 Park 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 Park 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 Park 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 Park 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 Park 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 Park 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 Park District is required to respond to or comply with the FOIA request is tolled (stops running) during the PAC's review of whether the Park District may assert the exemptions.

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APPENDIX A: FOIA EXEMPTIONS OF PRIMARY RELEVANCE

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 or exemptions is clear, consultation with legal counsel is recommended when the Park 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 primary importance to local governmental entities include:

1. Section 7(1)(a) – Information specifically prohibited from disclosure by federal or state law, rules or regulations;

2. Section 7(1)(b) – “Private information,” as defined in FOIA Section 2(c-5) to include “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 records
 - h. Home or personal telephone numbers
 - i. Personal electronic mail addresses
 - j. Home addresses, except where provided by law
 - k. License plate numbers, except where provided by law
3. Section 7(1)(c) – 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 shall not be considered an invasion of personal privacy.

4. Section 7(1)(d) – Records in the possession of any public body created in the course of administrative enforcement proceedings, subject to additional conditions set out in this section.
5. Section 7(1)(f) – Preliminary drafts, notes or memoranda in which opinions are expressed or policies/actions are formulated, except when a specific record is publicly cited and identified by the head of the public body.
6. Section 7(1)(g) – Trade secrets and commercial or financial information obtained from a person or business, when such information has been furnished to the public body under a claim that it is proprietary, privileged, or confidential and that disclosure of the information would cause competitive harm to the person or business.
7. Section 7(1)(h) – Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the body, until an award or final selection is made. Information prepared by or for the public body in preparation of a bid solicitation shall be exempt until an award or final selection is made.
8. Section 7(1)(i) – Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.
9. Section 7(1)(k) – Architects' plans, engineers' technical submissions, and other construction-related technical documents for projects without regard to whether such projects were constructed or developed with public funds, to the extent that disclosure would compromise security.

10. Section 7(1)(l) – Minutes of meetings of public bodies which are closed to the public under the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.
11. Section 7(1)(m) – 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 by or for the public body in anticipation of a criminal, civil, or administrative proceeding at the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.
12. Section 7(1)(n) – Records relating to the adjudication of employee grievances or disciplinary cases; however, this exemption does not extend to the final outcome of cases in which discipline is imposed.
13. Section 7(1)(o) – Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under the Section.
14. Section 7(1)(p) – Records relating to collective negotiating matters between a public body and its employees, except that any final contract or agreement shall be subject to inspection and copying.
15. Section 7(1)(q) – Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.
16. Section 7(1)(r) – The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or

otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

17. Section 7(1)(s) – Proprietary information and records related to the operation of an intergovernmental risk management association, self-insurance pool, or jointly self-administered health and accident cooperative pool. Insurance or self insurance claims, loss or risk management information, records, data, advice or communications.

18. Section 7(1)(v) – Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community’s population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

B. Exemptions Related to Other Statutes

FOIA Section 7.5 provides 14 exemptions related to enumerated Illinois statutes.

Statutory exemptions of primary importance to local governmental entities:

1. Section 7.5(k) – Law enforcement officer identification information or driver identification information compiled under Section 11-212 of the Illinois Vehicle Code.

2. Section 7.5(q) – Information which the Personnel Records Review Act prohibits from disclosure.

APPENDIX B: MODEL FOIA FORMS

Index of Model Forms

FOIA Form 1 – Types of Public Records Maintained by the Park District

FOIA Form 2 – Notice of Procedure for Requesting Records

FOIA Form 3 – Request to Inspect and/or Copy Records

FOIA Form 4 – Notice For Records Inspection and/or Copying

FOIA Form 5 – Notice of Denial or Partial Denial of Records Request

FOIA Form 6 – Notice of Intent to Deny Records Request Based on Certain
Exemptions

FOIA Form 7 – Notice of Need for Additional Time to Respond to Records Request

TYPES OF PUBLIC RECORDS MAINTAINED BY THE PARK DISTRICT*

The types of public records maintained by the Park District and available for inspection include the following:

GENERAL

Ordinances*

Meeting schedules*

Meeting agenda, minutes and resolutions*

Park District policies and administrative procedures*

Legal notices

Employee names, titles, and dates of employment

Official bonds

Records of Park District ownership of real or personal property

Contracts

Contractors' records of their employees on public works of the Park District

FINANCIAL

Annual budgets*

Tax levies*

Audit reports*

Annual financial statements*

Bills or invoices issued and received by the Park District

Receipts for revenue

Note:

Exemptions under the Illinois Freedom of Information Act may allow non-disclosure of some parts of public records maintained by the Park District.

* Asterisked items describe types of records which will be made available immediately upon request and are posted on the park district website.

NOTICE OF PROCEDURE FOR REQUESTING RECORDS

Requests for public records must be in writing and may be submitted on FOIA Form 3, available at:

Berwyn Park District

3701 S. Scoville Avenue

Berwyn, Illinois 60402

www.berwynparks.org

Requests for records should be directed to:

Freedom of Information Officer

Berwyn Park District

3701 S. Scoville Avenue

708-788-1701

jjanda@berwynparks.org

No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested. After the first 50 pages, the fee for black and white, letter or legal sized copies shall be 15¢ per page. Actual cost will be charged for other documents not of standard size and for the recording medium (e.g. compact disk, tape, DVD). The Park District may waive or reduce fees if the person requesting the records states the specific purpose for the request and indicates that a waiver or reduction of fees is in the public interest.

The Park District shall charge \$1 for certifying a record.

REQUEST TO INSPECT AND/OR COPY RECORDS

Date: _____

To: Freedom of Information Officer

Berwyn Park District

3701 S. Scoville Avenue

708-788-1701

jjanda@berwynparks.org

I hereby request to inspect copy* the following records:
(Please describe requested records as specifically as possible, attaching additional page if necessary.)

* There is no copying fee for the first 50 black and white standard-sized copies. The fee for additional copies is 15¢ per page. Actual cost will be charged for copies of documents not of standard size, and for the recording medium (e.g., compact disk, tape, DVD), when applicable. The Park District shall charge \$1 for certifying a record.

Is this request for a commercial purpose? Yes No

Are you requesting a waiver or reduction of copying fees? Yes No

If yes, what is the purpose of this request? _____

DO NOT WRITE IN THIS SPACE

DATE RECEIVED BY PARK DISTRICT

Requester's (Printed) Name

Requester's Signature

[Address] _____

[Phone Number] _____

[E-mail Address] _____

NOTICE FOR RECORDS INSPECTION AND/OR COPYING

Date: _____

To: [Requester] _____

[Address] _____

[Address] _____

This will confirm the Park District's receipt on _____ [date of receipt] of your request dated _____ to inspect and/or copy the record(s) described in that request.

The following record(s) responsive to your request are posted and may be reviewed on and downloaded from the Park District's website at www.berwynparks.org:

The following additional record(s) responsive to your request may be inspected and/or copied during business hours at _____.

Please contact me to schedule your visit to inspect and/or copy the records, or if you have any questions.

Freedom of Information Officer

Berwyn Park District

3701 S. Scoville Avenue

708-788-1701

jjanda@berwynparks.org

NOTICE OF [DENIAL] [PARTIAL DENIAL] OF RECORDS REQUEST

Date: _____

To: [Requester] _____

[Address] _____

[Address] _____

This will confirm the Park District's receipt on _____ [date of receipt] of your request dated _____ to inspect and/or copy the record(s) described in that request.

The Park District is declining to produce the following record(s) responsive to your request for the reason(s) stated below. The reasons for the denial are described further in the Explanation of Factual Basis and Legal Authority for Denial, enclosed with this Notice.

RESPONSIVE RECORD	REASON FOR DENIAL

The name of the person responsible for the denial is [Name and Title].

You may ask the Illinois Attorney General's Public Access Counselor (PAC) to review this decision concerning your records request, by submitting a Request for Review to the PAC by electronic mail or U.S. Mail within 60 days after this denial or partial denial of your request. A Request for Review by the PAC should be directed to:

Public Access Bureau
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
publicaccess@atg.state.il.us

The PAC's telephone number is (217) 558-0486.

You also have the right to administrative review by a court of law pursuant to Section 11 of the Illinois Freedom of Information Act.

Freedom of Information Officer

Berwyn Park District

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Enclosure: Explanation of Factual Basis and Legal Authority for Denial

**NOTICE OF INTENT TO DENY RECORDS REQUEST
BASED ON CERTAIN STATUTORY EXEMPTIONS**

Date: _____

To: [Requester] _____

[Address] _____

[Address] _____

This will confirm receipt on _____ [date of receipt] of your request dated _____ to inspect and/or copy the records described in that request.

Please be advised that the Park District intends to deny your request as to certain of the responsive records involved, for the reason that they are exempt under from inspection and copying under one or both of the following sections of the Illinois Freedom of Information Act ("FOIA"):

Section 7(1)(c) – pertaining to records, the disclosure of which would result in an unwarranted invasion of personal privacy

Section 7(1)(f) – pertaining to preliminary policy drafts

The records involved are listed in the Detailed Summary of Basis for Asserting Exemption(s) which is enclosed with this Notice.

A copy of this Notice has been provided to the Illinois Attorney General's Public Access Counselor (PAC) as required by the FOIA. Within five (5) working days after receipt of this Notice, the PAC will notify you whether further inquiry is warranted. The time within which the Park District is required to respond to your request is tolled (stops running) during the PAC's review of whether the Park District may assert the exemption(s).

Freedom of Information Officer

Berwyn Park District

3701 S. Scoville Avenue

708-788-1701

jjanda@berwynparks.org

Enclosure: Detailed Summary of Basis for Asserting Exemption(s)

NOTICE OF NEED FOR ADDITIONAL TIME TO RESPOND TO RECORDS REQUEST

Date: _____

To: [Requester]_____[Address]_____[Address]_____

This will confirm receipt on _____ [date of receipt] of your request dated _____ to inspect and/or copy the record(s) described in that request.

Please be advised that the Park District is extending the time period for response by an additional five business days from the original due date of [insert date which is five business days after date of receipt].

We are unable to comply with the request within five business days of receipt because:

- ___ The requested record(s) are stored in whole or part in another location.
- ___ A substantial number of records must be collected.
- ___ The request has been made in categorical terms and an extensive search for records responsive to the request is required.
- ___ The requested record(s) have not been located in the course of routine search and additional efforts are being made to locate them.
- ___ The requested record(s) must be examined and evaluated by personnel having the necessary competence and discretion to determine if they are exempt from disclosure or should be disclosed only with appropriate deletions.
- ___ The request for records is made in categorical terms and cannot be complied with in five business days without unduly burdening the operations of [insert name of public body]. *The Park District hereby extends an opportunity to you to reduce the request to manageable proportions. Please call the undersigned to discuss how we may work with you to accommodate your request.*
- ___ The [insert name of public body] needs to consult with another public body or among two or more components of a public body having a substantial interest in the subject matter of the request.

A response will be provided on [insert date which is 10 business days after date of receipt], unless you agree to allow the [insert name of public body] to have until [insert preferred date of response] to respond, by contacting the undersigned at your earliest convenience. Your consent to this longer period for response would be appreciated.

Freedom of Information Officer

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