

School Board

Access to District Public Records 1

Full access to the District's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures.

Freedom of Information Officer 2

The Superintendent shall serve as the District's Freedom of Information Officer and assumes all the duties and powers of that office as provided in FOIA and this policy. The Superintendent may delegate these duties and powers to one or more designees, but the delegation shall not relieve the Superintendent of the responsibility for the action that was delegated. The Superintendent or designee(s) shall report any FOIA requests and the status of the District's response to the Board at each regular Board meeting.

Definition 3

The District's *public records* are defined as records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all 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 School District.

Requesting Records 4

A request for inspection and/or copies of public records must be made in writing and may be submitted by personal delivery, mail, telefax, or email directed to the District's Freedom of Information Officer. Individuals making a request are not required to state a reason for the request other than to identify when the request is for a commercial purpose or when requesting a fee waiver.

¹ The Illinois Freedom of Information Act (FOIA) governs the subject matter in this policy (5 ILCS 140/, amended by P.A. 97-579). School districts are required to make public records available to any person for inspection or copying, unless they fall within an exception (105 ILCS 140/3(a)). Amendments to FOIA that are not relevant to school districts are not discussed in the footnotes.

Two laws limit the disclosure of employee performance evaluations. See f/n #6. State law does not explicitly require boards to adopt a policy on access to their records. However, a board policy is the logical instrument to memorialize the actions that are required to implement FOIA.

² Each board must designate one or more official(s) or employee(s) to act as its freedom of information officer(s) (5 ILCS 140/3.5). Amend this sentence to identify by job title the freedom of information officer or use one of the following:

Alternative 1: The Board will appoint an employee to serve as the District's Freedom of Information Officer. That appointee assumes all the duties and powers of that office as provided in FOIA and this policy.

Alternative 2: The Superintendent shall appoint an employee, who may be himself or herself, to [continue as with alternative 1].

The School Code requires the FOIA report described in the third sentence of this section (105 ILCS 5/10-16); it is optional, however, for districts governed by a board of school directors.

³ The definition is quoted from 5 ILCS 140/2(c). Substitute the following alternative for this paragraph if desired: "The definition of *public records*, for purposes of this policy, is the definition contained in Section 2(c) of FOIA without amendment."

⁴ This section restates 5 ILCS 140/3(c). Districts may, but are not required, to accept oral requests. Compliance with an oral request may stave off the formal written request and permit more flexibility in the response. Add this option if the district wants to accept oral requests: "Oral requests may be accepted provided personnel are available to handle them." The response to an oral request should be documented. Districts may provide a request form for convenience but may not require its use. See 2:250-E1, *Written Request for District Records*.

All requests for inspection and copying shall immediately be forwarded to the District's Freedom of Information Officer or designee.

Responding to Requests

The Freedom of Information Officer shall approve all requests for public records unless:

1. The requested material does not exist; **5**
2. The requested material is exempt from inspection and copying by the Freedom of Information Act; **6** or
3. Complying with the request would be unduly burdensome. **7**

Within 5 business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA. **8** The Freedom of Information Officer may extend the time for a response for up to 5 business days from the original due date. **9** If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the extension, and (2) either inform the person of the date on which a response will be made, or agree with the person in writing on a compliance period. **10**

Notwithstanding the above, the Freedom of Information Officer shall respond to requests for *commercial purposes* and to *recurrent requesters* (as those terms are defined in Section 2 of FOIA) according to Sections 3.1 and 3.2 of FOIA. **11**

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request. **12**

5 FOIA does not require a public body to create a record (5 ILCS 140/1).

6 5 ILCS 140/7 and 140/7.5 describe numerous explicit exceptions to the presumption that all public records are available for public inspection. Each record is "presumed to be open to inspection or copying" and the district will have "the burden of proving by clear and convincing evidence that it is exempt," (5 ILCS 140/1.2 and 140/11(f)). A person who prevails in a court proceeding to enforce FOIA will be awarded attorney fees; the public body may incur a civil penalty of between \$2,500 and \$5,000 for each occurrence of a willful or intentional violation of FOIA or other action in bad faith (5 ILCS 140/11(i) and (j)). School officials should seek the board attorney's advice concerning the denial of a record request.

Two State laws limit the disclosure of employee personnel evaluations:

1. The Personnel Record Review Act prohibits the disclosure of performance evaluations (820 ILCS 40/11).
2. The School Code prohibits the disclosure of public school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws (105 ILCS 5/24A-7.1).

Appellate decisions from the former FOIA may be, but are not necessarily, relevant to several exemptions. See Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App.1, 2002)(student records are *per se* prohibited from disclosure); Copley Press, Inc. v. Peoria Sch. Dist., 834 N.E.2d 558 (Ill.App.3, 2005)(upheld a board's denial of a request for the superintendent's evaluation); Reppert v. Southern Illinois University, 874 N.E.2d 905 (375 Ill.App.3, 2007) (declining to follow Copley); and Gekas v. Williamson, 912 N.E.2d 347 (Ill.App.4, 2009)(all investigatory records for an employee are disclosable, despite a finding that the allegations were unfounded and no discipline was imposed).

7 5 ILCS 140/3(g).

8 5 ILCS 140/3(d). Reasons for extensions are addressed at 5 ILCS 140/3(e).

9 5 ILCS 140/3(e).

10 5 ILCS 140/3(f).

11 A *recurrent requester* is defined in 5 ILCS 140/2(g), added by P.A. 97-579. The timelines are relaxed for responding to and complying with a request from a recurrent requester, provided the district follows the statutory requirements in 5 ILCS 140/3.2, added by P.A. 97-579. A *commercial purpose* is defined in 5 ILCS 140/2 (c-10). The timelines for responding to and complying with a commercial request are relaxed, provided the district follows the statutory requirements in 5 ILCS 140/3.1. See the administrative procedure, 2:250-API, *Access to and Copying of District Public Records*, for additional information.

12 5 ILCS 140/7. Redacting exempt portions is permitted, but not required, except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted before disclosure (5 ILCS 140/2.10). Reviewing past responses to FOIA requests will promote uniform treatment of requests for similar records.

Copying Fees 13

Persons making a request for copies of public records must pay any applicable copying fee. The Freedom of Information Officer shall, as needed, recommend a copying fee schedule for the Board's approval. Copying fees, except when fixed by statute, are reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. No copying fee shall be charged for the first 50 pages of black and white, letter or legal sized copies. No copying fee shall be charged for electronic copies other than the actual cost of the recording medium.

Fees for Responding to a Request for a Commercial Purpose 14

In addition to copying fees, persons making a request for a *commercial purpose*, as defined in FOIA, must pay a fee of \$10 for each hour spent by personnel in searching for and retrieving the record. However, no fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. The District also charges the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage facility under contract with the District. Whenever the District charges any fees to a requester making a commercial request, the Freedom of Information Officer shall provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records.

Access 15

The inspection and copying of a public record that is the subject of an approved access request is permitted at the District's administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer.

Many public records are immediately available from the District's website including, but not limited to, a description of the District and the methods for requesting a public record.¹⁶

Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the District's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g. a litigation hold), District auditor, or other

¹³ 5 ILCS 140/6, amended by P.A. 97-579. The statute contains additional limitations on fees, including a prohibition on charging a search or review fee, unless the request is for a commercial purpose. See f/n #16. The fee for black and white, letter or legal sized copies may not exceed 15 cents per page.

¹⁴ A board may, but is not required to, charge a search and/or a retrieval fee when responding to a request for commercial purposes (5 ILCS 140/6(f), amended by P.A. 97-579). If these fees are charged, the remaining provisions in this section are required. Delete this section if the board does not want to charge these fees. Alternatively, the board may decide to charge less than \$10 per hour for the search fee.

¹⁵ Public bodies may adopt rules for the time and places where records will be made available (5 ILCS 140/3(h)). Amend this sentence to reflect where records will be made available.

¹⁶ Web-posting of high-interest records is an easy way to reduce paperwork. FOIA requires that the records identified in this sentence be posted at each administrative office, made available for copying, and posted on the district website, if any (5 ILCS 140/4). Many other records are required to be web-posted and this sentence may be amended to include them. If the district does not have a website, change this sentence as follows: "Some public records are available for immediate access including a description of the District and the methods for requesting a public record, and a list of all types or categories of records under its control." For a list of required web-postings, see exhibit 2:250-E2, *Immediately Available District Public Records*. Using the district's website is also a convenient way to comply with FOIA's requirement to identify documents that are *immediately* available (5 ILCS 140/3.5(a)). However, lawyers disagree as to whether having material web-posted suffices for having it *immediately* available without also having printed copies on-hand to distribute *immediately* on request. Although not required to be web-posted, a list of all types or categories of records under its control must be prepared and made available (5 ILCS 140/5). See 2:250-AP1, *Access to and Copying of District Public Records*.

individual authorized by the School Board or State or federal law to make such a request. ¹⁷ Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission. ¹⁸

LEGAL REF.: 5 ILCS 140/, Illinois Freedom of Information Act.
105 ILCS 5/10-16 and 5/24A-7.1.
820 ILCS 40/11.
820 ILCS 130/5.

CROSS REF.: 2:140 (Communications To and From the Board), 5:150 (Personnel Records),
7:340 (Student Records)

¹⁷ The Local Records Act, 50 ILCS 205/3, requires the preservation of records described in items #1-3. The preservation of records described in item #3 is also required by the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and the Ill. School Student Records Act, 105 ILCS 10/, among other laws. An example of a record described in item #4 is a record subject to a *litigation hold* or a document preservation requirement pursuant to Federal Rules of Civil Procedure, Rules 16 and 26.

Categorizing email messages is complicated because two laws apply and the rules differ when a board member is a party. See sample policy 2:140, *Communications To and From the Board*, for a discussion of email between or among board members. When employees or agents are using email for school purposes, the email messages may be *public records*, but will not necessarily be subject to disclosure depending on the topic discussed. FOIA's list of exemptions from disclosure determines whether these emails are subject to disclosure. For exemptions, see 5 ILCS 140/7 and 140/7.5.

Not all email messages between or among employees must be preserved, even if they are *public records* for purposes of FOIA. The definition of *public record* in the Local Records Act, 50 ILCS 205/3, is narrower than its definition in FOIA. Thus, staff email, like all district records, must be retained only when it contains material described in #1-4. While this is a slippery slope without definitive parameters, employee email that is conversational or personal, or contains brainstorming may generally be deleted.

The Prevailing Wage Act (820 ILCS 130/5) requires contractors, while participating on public works, to keep records of all laborers, mechanics, and other workers employed by them on the project and to submit this record monthly to the public body. The public body in charge of the project must keep these records for a period of not less than 3 years from the date of the last payment on a contract or subcontract for public works. These records must be made available in accordance with FOIA except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted before disclosure (5 ILCS 140/2.10).

¹⁸ 50 ILCS 205/. Preservation and destruction of documents is covered in 2:250-AP-2, *Protocols for Record Preservation and Development of Retention Schedules*. See also the Ill. Secretary of State's website for information on preserving and destroying records, www.cyberdriveillinois.com/departments/archives/records_management/recman.html.

School Board

Administrative Procedure - Access to and Copying of District Public Records

Actor	Action
School Board	<p>Appoints, or designates the Superintendent to appoint, a Freedom of Information Officer to perform the duties of that office as specified in the Freedom of Information Act (FOIA) and is responsible for managing the District’s compliance with FOIA.</p> <p>Determines from time-to-time by Board resolution:</p> <ol style="list-style-type: none"> 1. Copying fees that are reasonably calculated to reimburse the District for the actual costs of reproducing and certifying the records. 2. The amount by which copy fees will be reduced if the person making the request states a specific purpose for the request that is in the public interest (5 ILCS 140/6(c)). A request is in the <i>public interest</i> if its purpose is to access and disseminate information regarding the health, safety and welfare, or the legal rights of the general public, and is not for the principal purpose of personal or commercial benefit. In setting the reduction, the Board may consider the amount of materials requested and the cost of copying them. <p>Monitors full compliance with FOIA and Board policy 2:250, <i>Access to District Public Records</i>.</p> <p>Budgets sufficient resources to enable full compliance with FOIA.</p> <p>Receives the report from the Superintendent during regular meetings concerning each FOIA request and the status of the District’s response. 105 ILCS 5/10-16.</p>
Freedom of Information Officer	<p><u>Manages FOIA Compliance</u></p> <p>Manages the District’s compliance with FOIA, 5 ILCS 140/, and performs the following duties as specified in FOIA, 5 ILCS 140/3.5:</p> <ol style="list-style-type: none"> 1. Receives FOIA requests, ensures that the District responds to requests in a timely fashion, and issues responses under FOIA. 2. Develops a list of documents or categories of records that will be immediately disclosed upon request. See 2:250-E2, <i>Immediately Available Public Records</i>. 3. Upon receiving a request for a public record, (a) notes the date the District receives the written request; (b) computes the day on which the period for response will expire and makes a notation of that date on the written request; (c) maintains an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and (d) creates a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications. <p>Identifies other staff members to assist with FOIA compliance and delegates specific responsibilities to them. These individuals may</p>

Actor	Action
	<p>include the information technology specialist and department heads.</p> <p>Informs and/or trains staff members concerning their respective responsibilities regarding FOIA. This includes explaining the requirement that all FOIA requests must be immediately forwarded to the Freedom of Information Officer including those that are received via email.</p> <p><u>Training Requirements</u></p> <p>Successfully completes the annual training program developed by the Public Access Counselor in the Attorney General’s office. Each newly appointed Freedom of Information Officer must successfully complete the training program within 30 days after assuming the position.</p> <p><u>Posting and Availability Requirements</u></p> <p>Prominently displays at each administrative office and school, and posts on the District website, if any, the following: (1) a brief description of the District, and (2) the methods for requesting information and District public records, directory information listing the Freedom of Information Officer and where requests for public records should be directed, and any fees. 5 ILCS 140/4. This information must be copied and mailed if requested. <u>Id.</u></p> <p>Maintains and makes available for inspection and copying a reasonably current list of all types or categories of records under the District’s control. 5 ILCS 140/5. The following list contains both exempt and non-exempt records:</p> <ul style="list-style-type: none"> Board governance <ul style="list-style-type: none"> Includes: Board meeting calendar and notices, Board meeting agendas and minutes, Board policy Fiscal and business management <ul style="list-style-type: none"> Includes: levy resolution and certificate of tax levy, audit, line-item budget, grant documents, account statements, accounts payable list, contracts, legal notices, bidding specifications, requests for proposals Personnel <ul style="list-style-type: none"> Includes: employee contact information, salary schedules, staff handbook, collective bargaining agreements, personnel file material Students and instruction <ul style="list-style-type: none"> Includes: accountability documents, calendars, student handbooks, learning outcomes, student school records <p><u>Copying Fees</u></p> <p>Recommends a copying fee schedule to the Board from time-to-time as appropriate that complies with 5 ILCS 140/6, including the following:</p> <ol style="list-style-type: none"> 1. The copying fee, except when it is otherwise fixed by statute, must be reasonably calculated to reimburse the District’s actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. The costs of any search for and review of the records or other personnel costs associated with reproducing the records are not included in the fee calculation.

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	<p>2. Statutory fees applicable to copies of public records when furnished in a paper format are not applicable to those records when furnished in an electronic format.</p> <p>3. No fee is charged for the first 50 pages of black and white, letter or legal sized copies furnished to a requester.</p> <p>4. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page.</p> <p>5. If the District provides copies in color or in a size other than letter or legal, the fee may not be more than its actual cost for reproducing the records.</p> <p>Manages and collects the copying fees described above.</p> <p><u>Response</u></p> <p>Complies with or denies a request for inspection or copying within 5 business days of receiving a records request, unless the time for response is extended. 5 ILCS 140/3. Makes decisions whether to comply or deny the request according to Board policy 2:250, <i>Access to District Public Records</i>. May use forms prepared by the Ill. Public Access Counselor available at: foia.ilattorneygeneral.net/foia_formssampleletters.aspx.</p> <p>Redacts any and all exempt portion(s) of requested records containing both exempt and non-exempt material and releases the remaining material. 5 ILCS 140/7. Reviewing past responses to FOIA requests will promote uniform treatment of requests for similar records.</p> <p>Complies with the Personnel Record Review Act.</p> <p>1. The response to a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age of the responsive record.</p> <p>a. If the responsive record is more than 4 years old, the request must be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8.</p> <p>b. If the responsive record is 4 years old or less, it must be disclosed and the employee must be notified in writing (first class mail) or by email, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7. A notice to the employee is not required if:</p> <ul style="list-style-type: none"> • The employee specifically waived written notice as part of a written, signed employment application with another employer; • The disclosure is ordered to a party in a legal action or arbitration; or • Information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency. <p>2. A request for a performance evaluation(s) must be denied. 820 ILCS 40/11.</p> <p><u>Extension of Time</u></p>

Actor	Action
	<p>Identifies the need to extend the time for a response for any of the reasons stated in 5 ILCS 140/3(e)(i-vii), quoted below:</p> <ul style="list-style-type: none"> (i) The requested records are stored in whole or in part at other locations than the office having charge of the requested records; (ii) The request requires the collection of a substantial number of specified records; (iii) The request is couched in categorical terms and requires an extensive search for the records responsive to it; (iv) The requested records have not been located in the course of routine search and additional efforts are being made to locate them; (v) 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 FOIA or should be revealed only with appropriate deletions; (vi) The request for records cannot be complied with by the public body within the time limits prescribed by paragraph (c) of Section 3 of FOIA without unduly burdening or interfering with the operations of the public body; or (vii) 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. <p>Performs one of the following actions within 5 business days after receipt of the request:</p> <ol style="list-style-type: none"> 1. Notifies the person making the request that the District is extending its time for response for no longer than 5 business days from the original due date, and identifies the reason for the delay and the date on which a response will be made. 5 ILCS 140/3(e) and (f). 2. Confers with the person making the request in an attempt to reach an agreement on an extended compliance date. The agreement must be in writing. 5 ILCS 140/3(e). <p><u>Unduly Burdensome Requests</u></p> <p>Confers with the person making an unduly burdensome request in an attempt to reduce the request to manageable proportions. A request may be unduly burdensome due, for example, to the request's breadth. Explains to the requester in writing when a request continues to be unduly burdensome specifying the reason why the request is unduly burdensome.</p> <p><u>Requests for Commercial Purposes</u></p> <p>Handles requests for commercial purposes according to 5 ILCS 140/3.1. <i>Commercial purpose</i> is defined in 5 ILCS 140/2(c-10) as:</p> <p style="padding-left: 40px;">[T]he 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. For purposes of this definition, requests made by news media and non-profit,</p>

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	<p>scientific, or academic organizations shall not be considered to be made for a <i>commercial purpose</i> when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.</p> <p>Asks the requester to identify if the record is for a commercial purpose. See 2:250-E1, <i>Written Request for District Public Records</i>. It is unlawful for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the District. 5 ILCS 140/3.1(c).</p> <p>Responds to a request for records to be used for a commercial purpose within 21 working days after receipt. The response must be one of the following: (a) provide an estimate of the time required by the District to provide the records and an estimate of the fees, which the requester may be required to pay in full before copying the requested documents, (b) deny the request pursuant to one or more of the exemptions, (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions, or (d) provide the records requested.</p> <p>Complies with a request, unless the records are exempt from disclosure, within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.</p> <p>Collects a fee of \$10.00 for each hour spent by personnel in searching for and retrieving the requested record, provided the Board by policy has approved this charge. No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a request record.</p> <p>Collects the fee for the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the District, provided the Board by policy has approved this charge.</p> <p>Whenever a fee is collected according to the above two paragraphs, provides the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records.</p> <p><u>Requests from a Recurrent Requester</u></p> <p>Identifies and handles requests from a <i>recurrent requester</i> according to 5 ILCS 140/3.2, added by P.A. 97-579. A <i>recurrent requester</i> is:</p> <p>[A] person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time period in this definition when the principal purpose of the requests is</p>

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	<p>(i) to access and disseminate information concerning new and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.</p> <p>One request may identify multiple records to be inspected or copied. 5 ILCS 140/2(g), added by P.A. 97-579.</p> <p>Within 5 business days after receiving a request from a recurrent requester, complies with 5 ILCS 140/3.2(b), added by P.A. 97-579, by notifying the requester:</p> <ol style="list-style-type: none"> 1. That the request is being treated as coming from a recurrent requester under 105 ILCS 140/2(g); 2. Of the reasons why the request is being treated as coming from a recurrent requester; 3. That the District will send an initial response within 21 business days after receipt of the request; and 4. Of the proposed FOIA responses that may be asserted pursuant to 5 ILCS 140/3.2(a). These are the same responses that the District can provide within 21 business days after receipt of a request. <p>Responds within 21 business days after receipt with one of the following: (a) provide an estimate of the time required by the District to provide the records and an estimate of the fees, which the requester is required to pay in full before the District copies the requested documents, (b) deny the request pursuant to one or more of the exemptions, (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions, or (d) provide the records requested. 5 ILCS 140/3.2(a), added by P.A. 97-579.</p> <p>Complies with a request from a recurrent requester within a reasonable period considering the size and complexity of the record, unless the records are exempt from disclosure. 5 ILCS 140/3.2(c), added by P.A. 97-579.</p> <p><u>Denying a Request</u></p> <p>Complies with 5 ILCS 140/9 by:</p> <ol style="list-style-type: none"> 1. Providing the requester with a written response containing: (a) the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, (b) the names and titles or positions of each person responsible for the denial, and (c) information about his or her right to review by the Public Access Counselor (include the address and phone number for the Public Access Counselor), and to judicial review under 5 ILCS 140/11. 2. Specifying the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority when the denial is based on the grounds that the records are exempt under 5 ILCS 140/7. <p>Retains copies of all notices of denial in a single central office file that is open to the public and indexed according to the type of exemption</p>

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	<p>asserted and, to the extent feasible, according to the types of records requested. 5 ILCS 140/9(b).</p> <p><u>Board Attorney</u></p> <p>Consults with the Board Attorney:</p> <ol style="list-style-type: none"> 1. As necessary for legal advice concerning compliance with FOIA and responses to specific requests. 2. For legal advice when communicating with or upon receiving communications from the office of the Illinois Attorney General or Public Access Counselor.

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