

School Board

Administrative Procedure - Access to and Copying of District Public Records

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| <p>School Board</p> | <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> |
| <p>Freedom of Information Officer</p> | <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 |

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| | <p>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> <p>Identifies other staff members to assist with FOIA compliance and delegates specific responsibilities to them. These individuals may 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 |

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| | <p>Includes: accountability documents, calendars, student handbooks, learning outcomes, student school records</p> <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. 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. 3. No fee is charged for the first 50 pages of black and white, letter or legal sized copies furnished to a requester. 4. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page. 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>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> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> a. If the responsive record is more than 4 years old, the request must be denied unless the release is ordered in a |

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| | <p>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> <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 |

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| | <p>substantial interest in the determination or in the subject matter of the request.</p> <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, 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</p> |

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| | <p>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 (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> |

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| | <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</p> |

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| | <p>exemption 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. |

LEGAL REF.: 5 ILCS 140/, Freedom of Information Act.

