



Oak Park Elementary School District 97

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Freedom of Information Act Procedures for District 97

Purpose

These procedures are intended to implement the provisions of the Freedom of Information Act (5 ILCS 140) that was originally enacted on July 1, 1984, revised in fall 2004 (current law) and revised again January 1, 2010. Oak Park Elementary School District 97 supports the policy of providing public access to the public records in the possession of the district while, at the same time, protecting legitimate privacy interests, and maintaining administrative efficiency and operational priorities.

Public Records

The district's public records are those records and documents, regardless of format, pertaining to the transaction of public business and as further defined by law. The district shall maintain and make available for inspection a reasonably current list of the categories of records under its control, as well as those documents that are immediately available upon request.

Public records are defined in FOIA as "all 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 any public body."

Requesting Public Records

Requests to inspect or secure copies of public records shall be submitted to the district's designated Freedom of Information Act (FOIA) officer:

Sheryl Marinier
Executive Assistant to the Superintendent
Oak Park Elementary School District 97
260 Madison Street
Oak Park, Illinois 60302
(708) 383-7804 (fax)
smarinier@op97.org

In accordance with the FOIA, such requests shall be made by the requestor in writing and sent via fax, e-mail or mail. Oral requests will not be accepted. While the following information is not required, its inclusion will help in processing the request for public records.

- The requestor's full name, address and telephone number.
- A description of the records sought, being as specific as possible.
- Whether the request is for inspection of records, copies of records, or both.

If the requestor would prefer to hand deliver the request, the business hours for the district's administration building are 8 a.m. to 4:30 p.m. Monday through Friday. The office is closed for business on Saturdays,

Sundays and designated school, state or federal holidays. All requests will be date stamped upon receipt by the district's designated FOIA officer or designee.

District Response

In accordance with Illinois' current Freedom of Information Act, the district shall respond to a written request for public records within five working days after the receipt of such request and specify what records are available for inspection and copying. The district may give notice of an extension of time to respond which does not exceed an additional five working days, or a total of 10 working days from the written request. Such an extension is allowable only if written notice is provided by the district within the original five working day time limit and only for the reasons provided in the law. These reasons include:

- The requested records are stored in whole or in part at other locations than the office having charge of the requested records.
- The request requires the collection of a substantial number of specified records.
- The request is couched in categorical terms and requires an extensive search for the records responsive to it.
- The requested records have not been located in the course of routine search and additional efforts are being made to locate them.
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Such notice of extension shall state the reasons why the extension is necessary.

The district shall respond to a request for public records in one of the following ways:

- Approve the request in writing within five working days of receipt of the request.
- Notify requester within five working days that either the district does not maintain or possess the documents requested or that the requested documents could not be found after a diligent search and/or the written request is illegible, incomplete or incomprehensible and must be resubmitted to remedy the identified problem. The district is not obligated to create or maintain a public record solely to respond to a request.
- Notify requester in writing within five working days of receipt of the request that an additional five working days will be necessary to determine a response and provide the requester with the specific reason for the delay consistent with the grounds identified in the law, as well as the date the delayed response will be forthcoming. Where a categorical request creates an undue burden, the district shall send written notification within five working days asking the requester to reduce the request to manageable proportions in accordance with the law.
- Approve the request in part and deny it in part, in writing, within five working days of receipt of the request, and notify the requestor of the specific reason why part of the request has been denied, the district personnel responsible for the decision, and the availability to file a Request for Review with the Attorney General's Public Access Counselor (PAC) or seek judicial review.
- Deny the request in its entirety within five working days of receipt of the request, and notify the requestor of the specific reason the request has been denied, the district personnel responsible for the decision, and the availability to file a Request for Review with the Attorney General's Public Access Counselor or seek judicial review.

Upon approval of a request, the district may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records at its central office, which is located at 970 Madison Street.

Categorical requests creating an undue burden upon the district shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with the law. A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with the law, and provide the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to file a Request for Review with the Attorney General's Public Access Counselor or seek judicial review. Copies of all denials will be retained in the superintendent's office and indexed according to the type of exemption asserted. Copies of all requests will be retained in the superintendent's office and indexed according to the types of records requested.

Exemptions

The FOIA law has a presumption that all information is public, unless the public body proves otherwise. There are several exceptions to public disclosure that include, but are not limited to, the following. For a complete list of exemptions, please review Section 7 of the law.

- Private information – “Private information” is exempt from disclosure under FOIA. FOIA defines “private information” as “unique identifiers, including a person’s social security number, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses.” Under FOIA, “private information also includes home addresses and personal license plate numbers, except as otherwise provided by law or when compiled without possibility of attribution to any person.”
- Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the “unwarranted invasion of personal privacy” means 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.” Disclosing information that relates to the public duties of public employees is not considered an invasion of personal privacy.
- Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding or that would disclose the identity of a confidential source.
- Information that, if disclosed, might endanger anyone’s life or physical safety.
- Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the district.
- Test questions, scoring keys and other examination data used to administer examinations.
- Information concerning a school’s adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student.
- Records relating to the district’s adjudication of employee grievances or disciplinary cases, but not including the final outcome of cases in which discipline is imposed.
- Communications between the district and its attorney that would not be subject to discovery in litigation.
- Proposals and bids for any contract, grant, or agreement, until a final selection is made.

- Closed meeting minutes not yet available to the public under the Illinois Open Meetings Act.
- Collective bargaining documents or information, except for any final contracts or agreements.
- Information regarding real estate transactions until a sale is final.
- Requests that are “unduly burdensome.”

A request may be considered unduly burdensome if there is no way to narrow the request, and the burden on the district to produce the information outweighs the public interest in the information. However, before relying on this exemption, the district will give the requestor an opportunity to reduce the request to a manageable size. If it is still unduly burdensome, the district will explain in writing the reasons why the request is unduly burdensome and the extent to which compliance will burden the operations of the district. Such a response is considered a denial.

In addition, repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under FOIA are deemed unduly burdensome and may be denied.

When a request is made to inspect or copy a public record that contains information that is exempt from disclosure, but also contains information that is not exempt from disclosure, the District must make the non-exempt information available for inspection and copying. However, the FOIA Officer may redact the exempt information from the document before making it available.

Appeal of a Denial

A requestor whose request has been denied by the district may file a Request for Review with the Attorney General’s Public Access Counselor or seek judicial review. A Request for Review with the Attorney General’s Public Access Counselor shall be made to:

Public Access
Counselor Public
Access Bureau 500 S.
2nd Street Springfield,
IL 62706
(217) 558-0486
publicaccess@atg.state.il.us

The PAC will review the request and do one of three things:

- Decide that no further action is necessary. If the PAC decides that the alleged violation is unfounded and no further action is necessary, the PAC will inform the requestor and the district of that decision.
- Request more information from the district. If more information is needed to review the issue, the PAC may, within seven working days after receiving the Request for Review, send a copy of the request to the public body and ask for any records it needs to complete the review. The public body has seven working days to provide the requested information. The Attorney General, through the PAC, has the authority to issue a subpoena if the district fails to fully respond.
- The PAC may also try to resolve the requestor’s FOIA dispute with the district through mediation or other informal efforts.

Copying and Inspection of Public Records

Copies of public records shall be provided to the requestor only upon payment of any charges which are due. If

the person making the request for records states that the purpose of the request is for health, safety and welfare or legal rights of the general public rather than for personal or commercial gain and requests that the fee be waived or reduced, the superintendent may, upon inquiry of the precise reason for the request, grant such waiver or reduction as s/he deems appropriate. Should any person wish to appeal a fee waiver or reduction decision of the superintendent, such appeal is to be made in writing to the Board of Education.

Inspection of public records will be conducted during normal business hours (8 a.m. to 4:30 p.m.) at the central office building (970 Madison Street). For purposes of convenience, inspection of records may take place in another location designated by the district's FOIA officer. With respect to records which are determined to be available, the district's FOIA officer will arrange for the preparation and certification of copies upon tender of any required fee. An employee of the district must be present throughout the inspection, and no records may be removed from the inspection location. In addition, a requestor may be prohibited from bringing bags, brief cases, or other containers into the room where the inspection of records is taking place. Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. All copying shall be done by district employees.

Unless otherwise waived, duplication fees are as follows:

- For documents that are 8 1/2 x 11, 8 1/2 x 14, and 11 x 17 and copied in black and white, the first 50 pages will be duplicated free of charge. Every page beyond 50 will incur a charge of \$0.15 per page
- The charge for duplicating documents in color or copying items on computer disk, CD or videotape will not exceed the actual cost of reproducing the records or the cost incurred for the purchase of necessary supplies (CDs, videotapes, etc.) to fulfill the request.

Certification fees shall not exceed \$1.00 unless otherwise waived.

Payment for duplications shall be made by cash or money order payable to Oak Park District 97 and mailed or hand delivered to the designated FOIA officer. If the requester is unwilling or unable to pick up the copies of requested records at the district's central office, the requester shall incur the costs of mailing or shipping the requested materials.

Records stored by electronic data processing shall be handled in the same manner and under the same rules as normal public record documents (on paper). All converting and copying of electronic records to readable paper form shall be done by district staff. If information is available in no other form than a computer file, the information may be sent in a PDF format via e-mail or on a computer disk and the disk paid for by the requestor. District staff will arrange for the inspection of all electronic records.

Commercial Requests

A commercial request is when the requester seeks to use part or all of the public records for sale, resale, or solicitation or advertisement for sales or services. Requests by the news media, not-for-profit organizations, scientific or academic institutions are not considered commercial information requests.

The district has 21 business days to respond to a request for information that is made for a commercial purpose. The district can either provide the requested records; advise when the records will be provided and the costs; deny the request (if it falls under an exception); or advise the requestor that the request is unduly burdensome.

The district will charge fees for copies of information. For traditional black and white, letter or legal sized copies (8 1/2 x 11 or 11 x 17), the first 50 pages are free, and any additional pages will cost 15 cents per page. For color copies or abnormal size copies, the district will charge the actual cost of copying.