

FREEDOM OF INFORMATION ACT FOIA

Administrative Procedures



FOX RIVER GROVE SCHOOL DISTRICT 3

**403 Orchard Street, Fox River Grove, IL 60021
847-516-5100 – Fax 847-516-9169**

**Algonquin Road Elementary School
Fox River Grove Middle School**

Introduction

Fox River Grove School District 3 has developed the following administrative procedures to comply with the conditions and provisions of the Illinois Freedom of Information Act (FOIA).

Procedures to Request or Copy Documents

Fox River Grove School District 3 shall make available, for inspection and/or copying, all public records, except as exempted under the Illinois Freedom of Information Act.

All requests are to be submitted, in **writing**, to:

FOIA Officer

**Fox River Grove School District 3
403 Orchard Street
Fox River Grove, IL 60021**

Dr. Tim Mahaffy (mahaffyt@dist3.org) and Lois Bowman (bowmanl@dist3.org) are the district's FOIA Officers and requests may also be addressed to them directly at the address shown above.

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." Information may be available in electronic as well as paper format. All requests shall be made in writing and submitted to the FOIA Officer by mail, personal delivery, fax, or e-mail.

The written request should include the requestor's name, address, the date and a daytime phone number so that the district can contact the requestor if they have any questions. Please provide as much information as possible on the subject matter in order to help expedite the search process.

TYPES OF PUBLIC RECORDS MAINTAINED BY THE DISTRICT

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

GENERAL

- Board meeting schedules*
- Board minutes and resolutions*
- Board policies and administrative procedures*
- Legal notices
- Employee names, titles, and dates of employment
- Official bonds

Records of District ownership of real or personal property
Contracts
Contractors' records of their employees on public works of the District
School Report Cards*

FINANCIAL

Annual budgets*
Tax levies*
Audit reports*
Bills or invoices issued and received by 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 District.

* Asterisked items describe types of records which will be made available immediately upon request.

The district will respond to a FOIA request within 5 business days *after* receiving the request. Day 1 of the 5-day timeline is the first business day *after* the district receives the request. A "business day" or "working day" is a regular day of the week (Monday through Friday) when public offices and most businesses are open. Saturdays, Sundays and state holidays are not business days and cannot be counted in the 5 business day time period.

That time period may be extended for an additional 5 business days from the date of the original due date if:

- The requested information is stored at a different location;
- The request requires the collection of a substantial number of documents;
- The request requires an extensive search;
- The requested records have not been located and require additional effort to find;
- The requested records need to be reviewed by staff who can determine whether they are exempt from FOIA;
- The requested records cannot be produced without unduly burdening the district or interfering with its operations; or
- The request requires the district to consult with another public body that has substantial interest in the subject matter of the request.

If additional time is needed, the district will notify the requestor in writing within 5 business days after the receipt of the request of the statutory reasons for the extension and when the requested information will be produced.

The district will not charge a copying fee for the first 50 pages of black and white, letter or legal sized copies. Copies of additional pages will cost \$.10 per page. Color copies or extra large pages will be provided at the actual cost of copying from a local vendor.

Commercial Requests

A commercial request is when the requestor 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 may either:

1. Provide the requested records;
2. Advise when the records will be provided and the costs;
3. Deny the request (if it falls under an exception); or
4. Advise the requestor that the request is unduly burdensome.

The FOIA law has a presumption that all information is public but there are several exceptions to public disclosure that include but are not limited to:

- 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 person who is the subject of the information consents to the disclosure in writing. 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.
- Information that, if disclosed, might endanger anyone’s life or physical safety.
- Preliminary drafts or notes in which opinions are expressed or policies are formulated, unless the record is publicly cited and identified by the superintendent or school board.
- Business trade secrets or commercial or financial information that is proprietary, privileged or confidential and disclosure would cause competitive harm to the person or business.
- Proposals and bids for any contract, until a final selection is made.
- 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 public body to produce the information outweighs the public interest in the information. However, before relying on this exemption, the public body must first give the

requestor an opportunity to reduce the request to a manageable size. If it is still unduly burdensome, the public body must explain in writing the reasons why the request is unduly burdensome and the extent to which compliance will burden the operations of the public body. Such a response is considered a denial.

Denial of FOIA Request

If the district determines that a denial of the request is justified, the requestor will be informed in writing, and reference to the specific legal reason under FOIA justifying non-disclosure will be provided. The requestor has the right to seek review of the issue by the Public Access Counselor (PAC) in the Attorney General's office, as well as the right to seek judicial review by filing a court case.

A Request for Review is a letter that a requestor may submit to the PAC if they believe that the district has not followed FOIA. This letter is a formal way of asking the PAC to take a look at the request and the district's response (or lack thereof) and determine if a FOIA violation has occurred. The request must be in writing, must be signed by the requestor, and must include a copy of the FOIA request for access to records and any responses from the district. It must be submitted within 60 calendar days of the district's final response (or date upon which the response was due).

The Public Access Counselor is a part of the Public Access Bureau in the Attorney General's Office and may be contacted at:

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