

School Board

Public Access to District Records

The following procedures shall be applied when individuals seek access to public records under the Illinois Freedom of Information Act (“FOIA”) and District Policy 2:250AP:

- A. **Definition of Public Records.** “Public records” which may be available pursuant to District Policy and these Procedures means 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 the District, or as otherwise defined by applicable law.
- B. **FOIA Requests to be in Writing.** Requests to inspect and/or copy District public records must be submitted in writing, and are expected to be directed to the District’s Freedom of Information Officer(s) (“FOIA Officer”). Requests are expected to specify with reasonable particularity which public records are sought to avoid inefficient use of staff time in retrieving and preparing records for inspection. 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. If a request is for a commercial purpose, as defined in FOIA and Section 4.B. below, the requester is expected to disclose that in his or her initial written request. It is a violation of FOIA 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.
3. **FOIA Officer(s).**
 - A. **Designation of FOIA Officer(s).** The Superintendent shall designate one or more employees to serve as the District’s FOIA Officer(s). If more than one, the Superintendent shall designate a Chief FOIA Officer and one or more Deputy FOIA Officers.
 - B. **Training of FOIA Officer(s).** Every FOIA Officer, including any deputies, must complete an electronic training curriculum developed by the Public Access Counselor’s office of the Attorney General within 30 days after assuming the position. After the initial training, all FOIA Officers must complete an annual training program by the Public Access Counselor.
 - C. **FOIA Officer Duties.** Upon receiving a request for a public record, the FOIA Officer shall:
 - Note the date the public body receives the written request.
 - Compute the day on which the period for response will expire (see Section 4 below) and make a notation of that date on the written request.
 - Maintain an electronic or paper copy of each written request, including all documents submitted with the request until the request has been complied with or denied.
 - Coordinate examination of responsive documents, notices to and follow-up with the Public Access Counselor, as necessary.
 - Prepare and issue responses to requests on behalf of the District.
 - Create 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.

- Place and maintain a copy 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 asserted, and, to the extent feasible, according to the types of records requested.

4. **Response to FOIA Request.**

- A. **General Requests.** The FOIA Officer shall respond to all requests other than those outlined in Subparts B, C, and D of this Section within five business days after the District's receipt of the written request, unless the time period for response is extended in accordance with the requirements of FOIA and Section 5 below..
- B. **Commercial Purposes.** The FOIA Officer shall respond to written requests for commercial purposes within 21 business days after receipt. The response shall (i) provide an estimate of the time required by the District to provide the records requested and an estimate of the fees to be charged, which the District may require the person to pay in full before copying the requested documents; (ii) deny the request if an exemption applies; (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or (iv) provide the records requested. Unless the records are exempt from disclosure, the FOIA Officer shall comply with the request within a reasonable period, considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. "Commercial purpose" means the use of any part of a public record, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sale 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 "commercial purposes" 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 for education.
- C. **Recurrent Requesters.** The FOIA officer shall respond to written requests from recurrent requesters, as defined below, within 21 business days after receipt. The response shall: (i) provide to the requester an estimate of the time required by the public body to provide the records requested and an estimate of the fees to be charged, which the public body may require the person to pay in full before copying the requested documents, (ii) deny the request if an exemption applies, (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (iv) provide the records requested. Within 5 business days after receiving a request from a recurrent requester, the FOIA officer shall notify the requester (i) that the public body is treating the request as a request from a recurrent requester, (ii) the reasons why the public body is treating the request as a request from a recurrent requester, and (iii) that the public body will send an initial response within 21 business days after receipt. The public body shall also notify the requester of the four proposed responses (i-iv, above) that can be asserted. Unless the records are exempt from disclosure, the FOIA officer shall comply with a request from a recurrent requester within a reasonable period of time after the initial 21 business days considering the size and complexity of the request.

“Recurrent requester” means a person who, 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 periods in this definition when the principal purpose of the requests 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. “Request” means a written document that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied.

D. Voluminous Requests

- a. The District shall initially respond (the “District’s Initial Response”) to a voluminous request within five business days after receipt. The District’s Initial Response shall notify the requester:
 - that the District is treating the request as a voluminous request;
 - the reasons why the District is treating the request as a voluminous request;
 - that the requester must respond to the District within ten business days after the District’s Initial Response was sent and specify whether the requester would like to amend the request in such a way that the District will no longer treat the request as a voluminous request;
 - that if the requester does not respond within ten business days or if the request continues to be a voluminous request following the requester’s response, the District will prepare a second response (the “District’s Second Response”) to the request and assess any fees the District charges pursuant to these administrative procedures;
 - that the District’s Second Response must be sent within five business after the District’s receipt of the requester’s response or five business days from the last day for the requester to amend his or her request, whichever is sooner;
 - that the District may request an additional ten business days to comply with the request;
 - of the requester’s right to a review of the District’s determination by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
 - that if the requester fails to accept or collect the responsive records, the District may still charge the requester for the District’s response pursuant to these administrative procedures and the requester’s failure to pay will be considered a debt due and owing to the District and may be collected in accordance with applicable law.
- b. The District shall provide a requester an opportunity to amend the request in such a way that the District will no longer treat the request as a voluminous request. The requester must amend the request within ten business days after the date the District’s First Response is sent.
- c. If a request continues to be a voluminous request following the requester’s response to the District’s First Response or the requester fails to respond to the District’s First Response, the District’s Second Response shall be sent within the earlier of five business days after the District receives the response from the requester or five business days after the final day for

the requester to respond to the District's First Response. The District's Second Response shall:

- provide an estimate of the fees to be charged, which the District may require the person to pay in full before copying the requested documents;
 - deny the request pursuant to one or more of the exemptions set out in the FOIA;
 - notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions;
 - provide the records requested; or
 - notify the requester that the District is extending the time for a final response to the requester by an additional ten business days if one of the reasons for an extension provided in Section 5 applies to the request.
- d. Alternatively, the requester and the District may agree in writing to extend the time for the District's Second Response for a period to be determined by the parties. If the requester and the District agree to extend the period for compliance, a failure by the District to comply with any previous deadlines shall not be treated as a denial of the request for the records.
- e. A requester may file a request for review with the Public Access Counselor for the purpose of reviewing whether the District properly determined that the request was a voluminous request.
- f. "Voluminous request" means a request that: (i) includes more than five individual requests for more than five different categories of records or a combination of individual requests that total requests for more than five different categories of records in a period of 20 business days; or (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording.

For the purposes of this definition, "request" means a written document that is submitted to the District via personal delivery, mail, telefax, electronic mail, or other means available to the District and that identifies the particular public record or records the requester seeks. One request may identify multiple individual records to be inspected or copied.

"Voluminous request" does not include a request made by news media and non-profit, scientific, or academic organizations if 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.

- C. **Format of Responsive Documents.** The FOIA Officer shall provide the record in the format requested by the requester, if feasible, Notwithstanding any provision of these administrative procedures to the contrary, the District is not required to copy a public record that is published on the District's website. The District shall notify the requester that the public record is available online and direct the requester to the website where the record can be reasonably accessed. If the requester is unable to reasonably access the record online after being directed to the website, the requester may re-submit the request stating the requester's inability to reasonably access the record online, and the District shall then make the requested record available for inspection or copying as provided in these administrative procedures.

5. **Extensions.** If an extension of time is required, the FOIA Officer shall provide written notice to the requester of the date by which the records shall be available and the reason for the extension. Such extension notice shall be provided within five business days after the District's receipt of the original request to inspect and/or copy public records. Extensions for non-commercial requests shall be no more than an additional five business days after the original response is due, or such longer time as agreed to in writing with the requester. Extensions are warranted if one of the following applies or if otherwise authorized by FOIA or Illinois law:

- The requested records are stored in whole or in part at other locations than the office having charge of the requested records; or
- The request requires the collection of a substantial number of specified records; or
- The request is couched in categorical terms and requires an extensive search for the records responsive to it; or
- The requested records have not been located in the course of routine search and additional efforts are being made to locate them; or
- 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 revealed only with appropriate deletions; or
- The request for records cannot be complied with within the prescribed time limit without unduly burdening or interfering with the operations of the District; or
- 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 substantial interest in the determination or in the subject matter of the request.

6. **Inspection of Public Records.** Inspection of District public records not exempted from disclosure under FOIA shall be permitted during regular business hours at the District's office.

7. **Copy Charges and Waivers/Reductions.**

A. **Fee Schedule.** The Board of Education shall adopt a standard scale of fees, in accordance with FOIA and other laws.

B. **Waivers/Reductions** Public records may be furnished without charge or at a reduced charge if a waiver or reduction of the fee is in the public interest. The District may determine a waiver or reduction of the fee to be in the public interest if the principal purpose of the request 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. The individual requesting the public records must state specifically the purpose for the request and the reasons that a waiver or reduction of the fee is in the public interest. The District will then determine whether a fee waiver is appropriate. In determining the amount of waiver or reduction, the District may take into consideration the amount of materials requested and the cost of copying them.

8. **Denials.** A request may be denied when the material requested is (i) the material requested does not exist; (ii) the material requested is not a "public record" of the District, as defined by law; (iii) the material requested is exempt from disclosure under FOIA or any other State or federal law; or (iv) complying with the request would be unduly burdensome.

A. **Unduly Burdensome Requests.** Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the

District and there is no way to narrow the request and the burden on the District outweighs the public interest in the information. Before invoking this exemption, the FOIA Officer shall extend to the requester an opportunity to confer in an attempt to reduce the request to manageable proportions. However, 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 under FOIA and may be denied.

C. **Contents of Denial.** In the event the FOIA Officer denies a request for access to public records, in whole or in part, for any reason, the FOIA Officer shall provide the requester with a written statement of the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, citation to supporting legal authority, which may include citation to the exemption claimed, and the names and titles or positions of each person responsible for the denial. The notice of denial shall inform the requester of the right to review by the Public Access Counselor's office of the Illinois Attorney General and provide the address and phone number for the Public Access Counselor. The notice of denial shall also inform the requester of his or her right to judicial review in accordance with Section 11 of FOIA.

9. **Exemptions.** Records exempt from disclosure include, but are not limited to:

- Private information, unless disclosure is required by another provision of FOIA, a State or federal law, or court order. Private information is defined 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, personal email addresses, home address, and personal license plates (except as otherwise provided by law or when compiled without the possibility of attributing such information to any person).
- Personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. An unwarranted invasion of personal privacy is defined as the disclosure of information that is highly personal or objectionable to a reasonable person and in which the person's right to privacy outweighs any legitimate public interest in obtaining the information.
- 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 (e.g., the Superintendent).
- 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.

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.

10. **FOIA Information.** The District shall prominently display at each of its administrative offices and on its website the following information:

- A brief description of the District;
- A brief description of the methods whereby the public may request information and public records;
- A directory designating the District's FOIA Officer(s);
- The address where requests for public records should be directed; and
- Any fees allowable under FOIA.

The District shall also make the above information available for inspection and copying, and shall send such information through the mail if requested.

11. **Categories of Public Records.** As required by Section 5 of FOIA (5 ILCS 140/5), the FOIA Officer will maintain and make available for inspection and copying a reasonably current list of all types or categories of documents under its control.

12. **Immediately Available Documents.** As required by Section 3.5(a) of FOIA (5 ILCS 140/3.5(a)), the FOIA Officer will develop a list of documents or categories of records that the District will immediately disclose upon request.

Reviewed: October 20, 2003, January 18, 2011, September 14 2015

Approved: November 17, 2003

Revision Adopted: January 24, 2005, January 18, 2011, September 28, 2015, December 19, 2016