

1.05 **FREEDOM OF INFORMATION**

It is the policy of the Board of Trustees of the Elwood Fire Protection District to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, balanced, however, by the limited exceptions recognized in the Act to safeguard individual privacy and the efficient operation of the District. The Fire Chief or his or her appointee, who is hereby appointed the District's Freedom of Information Officer, shall insure that the District complies with the Act through execution of the District's regulations adopted pursuant to this policy. A copy of this policy shall be posted on the District's website.

A. Introduction

1. Brief Description of the District

The Elwood Fire Protection District, Will County, Illinois, is a fire protection district organized pursuant to the Illinois Fire Protection District Act (70 ILCS 705/1 *et seq.*) to provide fire protection and other emergency services to the residents of the District. The District's operating budget is comprised of tax collections for both fire and ambulance services along with grants, donations, and other miscellaneous forms of revenue. The District's fire station headquarters is located at 309 West Mississippi Street, Elwood, Illinois 60421.

The Board of Trustees consisting of the following members governs the District:

- President
- Secretary
- Treasurer

The District's Board of Fire Commissioners consists of the following positions:

- Chairman
- Secretary
- Commissioner

The Firefighters' Pension Board consists of the following five positions:

- President
- Secretary
- Treasurer
- Board Member
- Board Member

2. **Brief Description of the Method to Request Information**

All public requests for information and/or records will be processed through the administrative offices of the District, located at 309 West Mississippi Street, Elwood, Illinois 60421. The Fire Chief or his or her designee serves as the Freedom of Information Officer for the District. Requests shall be directed to the Fire Chief of the District (or designee) pursuant to the District's administrative regulations at the address noted above. If a record is available on the District's website, the District will provide a requester with directions on how to access the record electronically. The first fifty (50) black and white copies are free. Thereafter, each page will be charged \$0.15 per page. Electronic, color, or oversized copies will be charged at the actual cost to the District of reproduction.

For any additional information, the administrative office is open Monday through Friday, 9:00 a.m. to 3:00 p.m. The telephone number is 815-423-5224.

B. Public Access to Records

1. **Generally**

The District shall make available its public records to any person requesting access pursuant to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) (the "Act"), as well as other applicable law. The District shall not provide access to public records or portions thereof that are exempt from disclosure under the Act (5 ILCS 140/7) or as provided by other applicable law.

2. **Nonexempt Materials Contained in Exempt Records**

The District shall delete any information which is exempt from disclosure under the Act (5 ILCS 140/7) from a public document which contains nonexempt material, and make the remaining information available for inspection and copying.

3. **Denial of Request for Public Records; Appeal**

Any person denied access to inspect or copy any public record may appeal the denial by sending a written notice of appeal to the Public Access Counselor (PAC) established in the Office of the Attorney General not later than sixty (60) days after the date of final denial. (5 ILCS 140/9.5).

C. General Materials Available

The following information will be made available to the public:

1. **List of all Types or Categories of Records Under the District's Control**

a. **Financial records**

- Budget
- Levy ordinance and certificate of tax levy

- Audit
- Bills
- Receipts for revenue
- Bills payable
- Revenue and Expense Reports
- Cancelled checks

b. **General Records**

- Board minutes
- Board resolutions and ordinances
- Bidding specifications
- Board policies and administrative procedures
- Administrative instructions to staff
- Personnel names, salaries, titles and dates of employment
- Office equipment
- Insurance
- Capital equipment
- Real estate
- Legal notices
- Application for contracts, permits, grants or agreements
- Consulting contracts
- Contracts for capital equipment
- Contracts for office supplies
- Contracts for maintenance and repair
- Number of employees

D. **Request Procedures**

1. **Initiation of Request**

Any person wishing to inspect or copy a District's public record shall submit a written request to the Fire Chief or his or her designee. While the use of a specific form is not required, the District will provide a form upon request. (see **Form 1**). Requests are accepted via personal delivery, mail, or email if directed to admin@elwoodfpd.com. Requests must specify District records with reasonable particularity to avoid inefficient use of staff time in retrieving and preparing records for inspection.

2. **Response to Request**

- a. Upon receipt, the District shall mark the date received upon the request, along with the date a response is due.

- b. The District shall either comply with or deny the written request for public records within five (5) working days after its receipt. (see **Forms 2, 3, and 4.**) Denial shall be by letter as provided below and contain a detailed factual basis for the denial. Failure to respond to a written request within five (5) working days after its receipt shall be considered a denial of the request.
- c. The District's time for response may be extended for not more than five (5) additional working days for any of the following reasons (see **Form 5**):
 - 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 the Act or should be revealed only with appropriate deletions;
 - vi. The request for records cannot be complied with by the District within five (5) working days without unduly burdening or interfering with the operations of the public body;
 - 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 the District having a substantial interest in the determination or in the subject matter of the request.
- d. When additional time is required for any of the reasons listed, the District shall notify by letter the person making the written request within five (5) working days of receipt of request (see **Form 5**).
- e. The response times contained in this Section may be extended with the written agreement of the requester; and
- f. The Fire Chief shall maintain a copy of each request, response and written communications with the requester and all documents submitted.

3. **Records Maintained Online**

- a. If a requested record is maintained on the District's website, the District shall

notify the requester that the requested record is available online and direct the requester to the website where the record can be accessed.

- b. In the event the requester cannot reasonably access the record, the requester may re-submit their request and the District shall make the requested record available for inspection or copying.

4. **Procedure for Inspection or Copying**

- a. Inspection of District public records not excluded from inspection under the Act shall be permitted between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday, on days the District office is open for business.
- b. Inspection must be made at the District office, and records are not to be removed from the District office.
- c. The Fire Chief or his/her designee shall be present during inspection of District records.
- d. Inspection will not be allowed when records are in immediate use by persons exercising official duties which require use of the records.
- e. Copies of requested records will be provided by District employees within the limitations of District copying equipment.

5. **Copying Fees**

- a. Letter-sized, black and white copies are charged at \$.15 per page after the first 50 copies. Each color copy will be charged at \$.25 per page. Persons requesting electronic or oversized copies of District public records shall reimburse the District for its actual cost for reproducing public records, as determined by the Fire Chief or his/her designee. Each record certified shall cost \$1.00.
- b. Documents shall be furnished without charge or at a reduced charge, as determined by the Board of Trustees, if the person requesting the documents states the specific purpose for the request and indicates that a "waiver or reduction of the fee is in the public interest" pursuant to Section 6(c) of the Act (5 ILCS 140/6(c)). In setting the amount of the waiver or reduction, the District shall take into consideration the amount of materials requested and the cost of copying them.
- b. Records may be produced electronically, if requested. The District will email records where practicable. When requests are unable to be sent via email or the requester does not desire emailed copies, the District shall purchase appropriate electronic media and copy the documents to the electronic media. The requester will pay the actual cost of the media. In no event may the District accept electronic media from a requester.

6. **Unduly Burdensome Request Exemption**

- a. 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.
- b. Before invoking this exemption, the District shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.
- c. The District shall invoke this exemption in writing to the person making the request specifying the reasons why it would unduly burden the District and the extent to which compliance would so burden the operations of the District.
- d. Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision.

7. **Documents Containing Personal Information**

- a. When a requested document contains information of a highly personal nature or whose release would be objectionable to a reasonable person, the Fire Chief or designee must determine if the subject's right to privacy outweighs and legitimate public interest. If the Fire Chief or designee determines the legitimate public interests outweigh privacy interests, the District shall release the documents.
- b. If the District determines the right to privacy outweighs any legitimate public interest, the District shall seek an advisory opinion from the Public Access Counselor pursuant to the procedures adopted by that body.
- c. If the District believes the advisory opinion is in error, it may seek judicial review of the decision.

8. **Preliminary Drafts and Similar Documents**

- a. When the District determines that a requested document is exempt under Section 7(1)(f) as a preliminary draft or other document exempted under this section, it shall initiate the advisory opinion procedures of the Public Access Counselor.
- b. If the District believes the advisory opinion is in error, it may seek judicial review of the decision.

9. **Commercial Requests**

- a. Prior to responding to a request for records, the District shall determine whether the requested records will be used in any sale, resale, solicitation or advertisements for sales or services. If the District determines that

the request is for one of these purposes, it shall be deemed a commercial request and response shall be governed by this section. Requests received from news media, non-profit, scientific or academic organizations shall not be considered commercial requests.

- b. When a request is for a commercial purpose, the District shall respond to the requester within five (5) business days, informing the requester that the request is considered commercial.
- c. Within twenty-one (21) business days after the receipt of the commercial purpose request, the District shall respond to the requester. Such response shall:
 - i) Provide an estimate of the time required to provide the records, including a requirement that the requester pay for the copies;
 - ii) Deny the request pursuant to one or more exemptions found in the Freedom of Information Act;
 - iii) Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to reduce the request to manageable proportions, or
 - iv) Provide the requested records.
- d. When estimating the time required for responding to a commercial records request, the District should consider the size and complexity of the request. Priority shall be given to non-commercial requests.
- e. If the request is a commercial request, the follow fees apply. The District charges \$10 for each hour spent by personnel in searching for and retrieving a requested record or examining the record for necessary redactions. However, no charges will be imposed for the first eight (8) hours spent by personnel in searching for or retrieving a requested record. The District may also charge the actual cost of retrieving and transporting public records from an off-site storage facility. If the District imposes any of these fees, it shall provide the commercial requester with an accounting of all fees, costs, and personnel hours spent in connection with the request.

10. Voluminous Requests

- a. Prior to responding to a request for records, the District shall determine whether the requested records will constitute a voluminous request as defined by Sections 2(h) and 3.6 of the Act. If the District determines that the request is voluminous, it shall be governed by this section.
- b. In no event shall requests made by news media, non-profit, scientific, or academic organizations be considered voluminous requests so long as the principal purpose of the request is:

- i) To access and disseminate information concerning news and current 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. If the District determines that a request is voluminous, the requester may file a request for review with the Office of the Public Access Counselor at Illinois Attorney General, 100 West Randolph Street, Chicago, Illinois; telephone (312) 814-3000.
- d. When a request is voluminous, the District shall issue a response within five (5) business days (see **Form 6**). This response will notify the requester:
- i) That the request is being treated as a voluminous request;
 - ii) Of the reasons why the request is being treated as voluminous;
 - iii) That the requester must respond within ten (10) business days after the Fire Chief's response was sent and specify whether the requester would like to amend the request such that it will no longer be treated as a voluminous request;
 - iv) That if the requester does not respond within ten (10) business days, or if the request continues to be a voluminous request following the requester's response, the Fire Chief will respond to the request and assess any fees chargeable pursuant to Section 6 of the Act;
 - v) That the District has five (5) business days after receipt of the requester's response or five (5) business days from the last day for the requester to amend his or her request, whichever is sooner, to respond to the request;
 - vi) That the District may request an additional ten (10) business days to comply with the request;
 - vii) Of the Public Access Counselor's address and phone number, as well as of the requester's right to seek review with the Public Access Counselor; and
 - viii) That if the requester fails to accept or collect the responsive records, the requester may still be charged by the District for its response pursuant to Section 6 of the Act, and that 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.

- e. After issuing a response pursuant to subsection (b) above, the District shall provide a voluminous requester ten (10) business days from the date of the District's response to amend their request such that the request will no longer be treated as voluminous.
- f. If a request continues to be voluminous following the requester's response, the District shall issue a second response within five (5) business days after receipt of the requester's response or five (5) days after the final day for the requester to respond, whichever is sooner. This second response shall:
 - i) Provide an estimate of the fees to be charged;
 - ii) Deny the request pursuant to one or more of the exemptions found in the Freedom of Information Act;
 - iii) Notify the requester that the request is unduly burdensome and provide an opportunity to the requester to attempt to reduce the request to manageable proportions; or
 - iv) Provide the records as requested.
- g. The District may extend the deadline for the District's second response for up to ten (10) business days from the final day for the requester to reply to the District's second response for the reasons set forth in Section D.2.C. above. The District and the requester may also agree in writing to extend the time for compliance.
- h. If the request is voluminous, a special fee structure applies:
 - i) If the voluminous request is for electronic records and those records are not in a portable document format ("PDF"), the District may charge the following fees based upon the amount of megabytes ("MB") of data requested:

2 MB or less	Up to \$20
Between 2 MB and 4 MB	Up to \$40
More than 4 MB	Up to \$100

- ii) If a voluminous request is for electronic records and those records are in a portable document format, the District may charge the following based upon the amount of megabytes of data ("MB") requested:

80 MB or less	Up to \$20
Between 80 MB and 160 MB	Up to \$40
More than 160 MB	Up to \$100

- i. If the District imposes a fee pursuant to the above fee structure, the District shall provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request.

11. Recurrent Requesters

- a. Prior to responding to a request for records, a Fire Chief or his or her designee shall determine whether the requester is a recurrent requester as defined by Sections 2(g) and 3.2 of the Act. If a Fire Chief or his or her designee determines that the requester is a recurrent requester, the request shall be governed by this section. In no event shall news media, non-profit, scientific, or academic organizations be considered recurrent requesters.
- b. When a requester is a recurrent requester, a Fire Chief shall issue a response within five (5) business days (see **Form 7**). This response will notify the requester:
 - i) That the District is treating the requester as a recurrent requester;
 - ii) Of the reasons why the District is treating the requester as a recurrent requester;
 - iii) That the District will send an initial response within twenty-one (21) business days after receipt of the request; and
 - iv) That in its initial response, the District may respond by:
 - Providing an estimate of the time required by the District to provide the requested records, as well as an estimate of the fees to be charged;
 - Denying the request pursuant to one or more of the exemptions found in the Freedom of Information Act;
 - Notifying the requester that the request is unduly burdensome and extend an opportunity to the requester to reduce the request to manageable proportions; or
 - Providing the requested records.
- c. When a requester is a recurrent requester, a Fire Chief or his or her designee shall respond to the request within twenty-one (21) business days after receipt. This response shall:
 - i) Provide an estimate of the time required by the District to provide the requested records, as well as an estimate of the fees to be charged;
 - ii) Deny the request pursuant to one or more of the exemptions found in the Freedom of Information Act;

- iii) Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to reduce the request to manageable proportions; or
 - iv) Provide the requested records.
- d. When a requester is a recurrent requester, the District shall comply with a request within a reasonable period considering the size and complexity of the request, unless the records are otherwise exempt from disclosure.

12. Request for Review

A person whose request to inspect or copy a public record is denied by the District, may file a request for review with the Public Access Counselor (PAC) established in the Office of the Attorney General not later than 60 days after the date of final denial (5 ILCS 140/9.5).