

What is FOIA?

FOIA is the Illinois Freedom of Information Act. Under the Illinois Freedom of Information Act (5 ILCS 140), records in possession of public agencies may be accessed by the public upon written request. Pursuant to 5 ILCS 140, Section 2(c), a public record is any records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. Records that are not subject to release via the FOIA process include confidential and trade secret information.

How can I submit a FOIA request?

Requests must be submitted in writing and can be:

faxed to: 217/453-6395

e-mail to: kyoung@nauvoo-colusa.com

or

mailed to:

Freedom of Information Office

Nauvoo-Colusa CUSD #325

2461 North Highway 96

Nauvoo, Illinois 62354

ATTN: FOIA Request

Nauvoo-Colusa School District has no FOIA request form. Letters should state that information is being sought under the Freedom of Information Act. Provide a brief description of the public records requested, being as specific as possible. While responses can be provided via e-mail, please provide a mailing address.

Nauvoo-Colusa's FOIA Coordinator: Kent H. Young

If you have questions about filing a FOIA request please call (217) 453-6639.

What happens after I submit a request?

The Illinois Freedom of Information Act requires agencies to respond within five working days of receipt of a request. A five-day extension is allowed with written notification to the requester.

If the requested records are 50 pages, or less, in length, the pages will be copied and mailed to the requestor. If the records exceed 50 pages, the requester will be informed of the duplication cost.

What are the costs for duplication?

When copies are requested, a public body may charge fees reasonably calculated to reimburse it for the actual cost of reproducing and certifying public records. The first 50 black and white pages are free; any additional pages cost 15 cents per page (letter or legal-size copies). Color copies are 47

cents for letter-size; 49 cents for legal-size, or 51 cents for tabloid-size copies, single-sided. Information produced on a CD will be provided at the actual cost of copying.

The fundamental right guaranteed by the Act is the right of inspection. While you may obtain copies of records requests, you are not required to purchase copies of records in order to gain access to them. Documents may be furnished without charge or at a reduced fee where access is determined to be "in the public interest"—that is, if the primary purpose of the request is to disseminate information for the benefit of the general public and not for personal or commercial benefit.

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.

What if the district doesn't have the particular record I'm requesting?

As a general rule, the district cannot be required to create records to respond to request for information that it doesn't ordinarily maintain in record form. Additionally, the district is under no duty to recreate records that it no longer possesses, so long as those records were not disposed of to avoid compliance with the law.

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