

Elmhurst Park District Freedom of Information Act (FOIA) Policy

The District will disclose public records as required by the Freedom of Information Act (FOIA) (5 ILCS140/1, *et seq.*). Records subject to disclosure include any materials prepared by, for, or in the possession of the District or in the possession of an agency/entity with whom the District has contracted to perform a governmental function on behalf of the District or that directly relates to the District's functions. The District can deny a request for records that are specifically exempt from coverage under the Act, including information that would constitute an unwarranted invasion of personal privacy or a compromise of security.

FOIA Officers: The Park Board appoints one or more FOIA Officers who annually complete an electronic training curriculum developed by the Office of the Illinois Attorney General. Their responsibilities include receiving information requests from the public and sending responses in compliance with FOIA. The current Board appointed FOIA Officers are the Executive Director and Executive Assistant.

Submitting a Request: To review a record, a person must submit a request in writing in person, by mail, or email. Requestors can use the District's Requests for Public Records Form available on the District's website and/or submit requests directly from a link on the District's website to the FOIA Officer email at FOIAOfficer@epd.org. The person does not have to submit the request on a standard form or specify the purpose of a request, except whether the records requested are for a commercial purpose or if requesting for a fee waiver. A commercial request is when the requestor seeks to use public records for the sale, resale, solicitation, or advertisement for sales or services.

Electronic requests must appear in their entirety within the body of an electronic submission. As a cybersecurity measure, the District is not required by law to open electronically attached files or hyperlinks to view or access details of a request.

Review and Response: Within five (5) business days after the date the District receives the request, the following procedure is followed after a District FOIA Officer reviews the request:

- A. If a public record is available on the District's website(s), the Officer directs the requestor to the website location where the records can be reasonably accessed.
- B. If a public record is not available online, the Officer provides it in an electronic format or hard copies as follows:
 - 1. No charge for the first fifty (50) black and white pages (letter or legal size).
 - 2. After the first fifty (50) black and white pages, \$0.15 per page charge.
 - 3. Actual per page cost for color and/or abnormally sized copies.

4. Cost of the electronic medium.

- C. If the District has a reasonable belief that a request was not submitted by a person, a District's FOIA officer may require the requester to verify orally or in writing that the requestor is a person. The deadline for the public body to respond to the request shall be tolled until the requester verifies that they are a person. If the requester fails to verify that they are a person within 30 days after the District requests such a verification, then the District may deny the request. The District may not require the requestor to submit personal information, private information, or identifying information to verify that the requestor is a person.

Voluminous Request: If the request fits the FOIA definition of a voluminous request, the Officer must respond within five (5) business days and notify the requestor that the request is being treated as a voluminous request and why. A voluminous request is defined as any request made by a person, other than the news media and non-profit, scientific or academic organizations, that:

- A. includes more than five (5) individual requests for more than five (5) different categories of records;
- B. includes a combination of individual requests that total requests for more than five (5) different categories of records in a period of twenty (20) business days; or
- C. requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record, such as a memorandum, book or report exceeds 500 pages. The law specifies the procedure for handling this type of request and the related fees that can be charged for copies of the requested records.

Extending a Response: Beyond the five (5) business days, the FOIA Officer can extend the response time for no more than five (5) additional business days. Requests made for commercial purposes can be extended for no more than twenty-one (21) additional business days. The time period can only be extended if the requested information:

- A. is stored at a different location,
- B. requires the collection of a substantial number of documents or an extensive search,
- C. has not been located,
- D. needs to be reviewed further by staff to determine whether they are exempt from FOIA,
- E. cannot be produced without unduly burdening the public body or interfering with its operations,
or

- F. requires the public body to consult with another public body that has substantial interest in the requested subject matter or both parties agree in writing to an extension specifying when the request will be filled.

When additional time is required due to any of the reasons above, the Officer must, within five (5) business days after the receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. If the request is unduly burdensome for the District to complete, the Officer can work with the person making the request in an attempt to reduce the request to manageable proportions.

Deleting Exempt Material or Denying a Request: To delete exempt material or to deny the request, a FOIA Officer must provide a written response to the respondent that includes a detailed factual basis for the application of any exemption claimed as the reason for denying the request, a citation to supporting legal authority, and notice that the requestor has the right to review by the Public Access Counselor (PAC) in the Office of the Illinois Attorney General and to challenge the denial in court. The response should clearly state the names and titles or positions of persons responsible for the denial.

The Board President or Attorney can request that the Attorney General's PAC issue an advisory opinion regarding compliance with FOIA (e.g., to verify if a record must be disclosed). This request must be in writing.

Penalty for Non-compliance: If a court determines that the District willfully and intentionally failed to comply with this Act or otherwise acted in bad faith, it can impose upon the District a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence (considering the budget of the public body and whether the public body has previously been assessed penalties for violations of the Act) (5 ILCS 140).

1.4 - Public Disclosure of Municipal Directory

As required by the Freedom of Information Act, the District will prominently display the following information on the District's website:

- A. a short summary of the District's purpose;
- B. a block diagram giving functional subdivisions;
- C. the total amount of the operating budget;
- D. the location of all its separate offices;
- E. the number of full-time and part-time employees;
- F. the identification and membership of Board members; and
- G. a brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where requests for public records should be directed, and any fees allowable under the Act.