

## **5.18 FREEDOM OF INFORMATION ACT (FOIA)**

This policy is enacted in compliance with the Illinois Freedom of Information Act, 5ILCS 140/1 *et. seq.* The district will respond to any FOIA requests filed in writing to the district within 5 business days after the request is received except those requests which seek records to be used for Commercial purposes, or if the time for response is properly extended per statute. The district shall respond to records to be used for Commercial purposes within 21 business days after receipt of request.

All requests to inspect, copy, or certify public records must be in writing directed to the Hoffman Estates Park District and submitted via personal delivery, mail, fax, or other means available to the district in accordance with Section 3(c) of the Act. The district will honor all requests lawfully submitted to the district whether or not they are submitted on district FOIA request forms. FOIA requests will be deemed received only upon actual receipt by the park district on a working day regardless of the date of transmittal. FOIA requests sent via email or fax or otherwise delivered after business hours will be deemed received the next business day. Supplemental, amended or additional requests to inspect, copy or certify public records will not relate back to the time of receipt of the initial request. Supplemental, amended or additional requests will be considered new requests for the purpose of determining all applicable time periods.

There will be no fee for the first 50 black and white copies; additional black and white copies are 15 cents each; color copies are 50 cents each; copy of Certified Records are \$1.00 each record.

The district shall extend the time for its response to a Recurrent Requester, provided that within 5 days of receipt of the request, the district notifies the requester that it is treating the request as a Recurrent Request and then within 21 days, releases the records, denies the request, or notifies the requester when the records will be provided. There is an exemption for news media and non-profit, academic, and scientific organizations.

A Recurrent Requester is someone who submits:

1. 50 or more requests in a 12 month period;
2. 15 requests in a 30-day period; or
3. 7 or more requests in a 7-day period

The district will charge a fee of \$10 per hour after the first 8 hours for personnel costs when responding to Commercial Requests. The review of Commercial Requests by the Public Access Counselor, except for the limited purpose of determining whether the public body properly classified the request as "Commercial", has been eliminated.

The district can deny a request, under the Personal Privacy or Draft Document exemptions, without the pre-approval or consent of the Public Access Counselor.

The district shall designate the Executive Director and he will also designate one or more officials or employees to act as its FOIA officers. If only one FOIA officer is designated, the district shall designate a designee who will act on the FOIA officer's behalf in the event that the FOIA office is unavailable. Any FOIA officer who is subsequently appointed shall complete the required electronic training curriculum within 30 days after assuming the position.

Representatives of the District, including commissioners, board members, and employees, are prohibited from engaging in electronic communication (including but not limited to e-mails, texts, tweets, blog postings, and/or posting on any social media site) during any public District meeting subject to the Open Meetings Act, including but not limited to board meetings and committee meetings. Any electronic communications transmitted during any public District meeting are subject to a Freedom of Information Act (FOIA) request, regardless of whether they originated from the individual's personal electronic device, or a device issued by the District.