

FREEDOM OF INFORMATION ACT REQUESTS

Section

- 1.01 Freedom of information; purpose
- 1.02 Application of provisions
- 1.03 Definitions
- 1.04 Requests to be made in writing
- 1.05 Procedures in response to requests
- 1.06 Schedule of fees; waiver
- 1.07 Appeals
- 1.08 Commercial enterprise
- 1.09 Partial denial
- 1.10 Written notice of approval form
- 1.11 Balancing considerations
- 1.12 Dissemination of rules and regulations
- 1.13 Exceptions
- Appendix:: Forms concerning requests and Responses

§ 1.01 FREEDOM OF INFORMATION; PURPOSE.

The purpose of these rules and regulations is to effectuate the orderly administration of, and to formulate standardized procedures for, compliance with the terms of "The Freedom of Information Act," as enacted by the General Assembly of the State of Illinois in Public Act 83-1013, effective July 1, 1984.

§ 1.02 APPLICATION OF PROVISIONS.

Unless otherwise provided by constitution or state statute, or by duly adopted resolution of the Board of Health, these rules and regulations shall be applicable to all requests for access to the public records, as defined in "The Freedom of Information Act," of the DeWitt/Piatt Bi-County Health Department.

§ 1.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Freedom of Information Act, as enacted by the General Assembly of the State of Illinois; Public Act 83-1013

COPYING. The definition ascribed to such term in Section 2(d) of the Act.

DESIGNATED ADDRESS. The address or addresses of designated employees for the purpose of

receiving requests as set forth by the public body in its FOIA Informational Packet.

DESIGNATED LOCATION. That place or location where the public records of the public body subject hereto are stored, maintained or may be inspected as set forth in the FOIA Informational Packet of such public body.

DESIGNATED TIME. The time or times when public records of each public body subject hereto shall be available for inspection, or the time or times when requests may be received by designated employees of such public body, as set forth in such public body's FOIA Informational Packet.

EXEMPTION or EXEMPT. Public records or information which are not required to be disclosed pursuant to the provisions of Section 7, and all of its sub-parts, of the Act.

FOIA INFORMATIONAL PACKET. That information required by Sections 4(a) and 4(b) of the Act to be displayed by the public body at its administrative offices, made available for inspection or copying, and sent through the mail if requested, or any part or parts thereof requested.

HEAD OF THE PUBLIC BODY. The Public Health Administrator of the DeWitt/Piatt Bi-County Health Department

PERSON. The definition ascribed to it in Section 2(d) of the Act.

PUBLIC BODY. The DeWitt/Piatt Bi-County Health Department

PUBLIC RECORD. The definition ascribed to such term in Section 2(c) of the Act.

REQUESTS. Requests for production, inspection, copying and/or certification of public records of the public body by any person, as such terms are defined herein above.

§ 1.04 REQUESTS TO BE MADE IN WRITING

(A) All requests shall be made in writing, in substantially the form set in Appendix, §1. The public body shall make available to any person copies of such request form.

(B) Nothing provided herein shall be construed to prohibit the acceptance of day-to-day routine verbal requests for information by a public

body subject hereto, and the compliance therewith, insofar as such compliance is lawful. However, the public body or designated employee thereof may, at any time, in its or his or her discretion, refuse to accept verbal requests, and may require that the same be submitted in writing, in conformity with division (A) of this section.

(C) Requests to the public body subject hereto may be presented by mail or in person. If in person, such request shall be submitted to a designated employee of the public body during designated times and at the location designated for such requests in the FOIA Informational Packet of the public body. If submitted by mail, requests shall be mailed to a designated address of such public body.

(D) Requests submitted to the public body subject hereto by mail shall be deemed received only upon actual receipt by such public body, regardless of post mark or date of mailing.

(E) All requests shall be plainly marked to indicate the date of the receipt thereof by the public body or its designated employee.

§ 1.05 PROCEDURES IN RESPONSE TO REQUESTS

Except as may be otherwise provided herein with respect to "Commercial Enterprises", the public body shall make available to any person for inspection or copying all public records of such public body unless such public records are exempt from disclosure under the terms of Section 7 of the Act and all of its sub-parts, or other controlling state or federal law.

(A) Inspection. Except as may be otherwise provided herein with respect to "Commercial Enterprises", public records required to be disclosed may be inspected by any person at the designated location of the relevant public body during a designated time by prearrangement with a designated employee. No public records may be removed from the designated location at any time other than as provided for in § 1.13.

(B) Copying. Except as otherwise provided herein with respect to "Commercial Enterprises", and subject to the fee provisions set forth in § 1.06, the public body shall provide to any person who submits a written request therefore a copy of any public record required to be disclosed, and shall certify such copy if so requested, within the time limitations set forth herein.

(C) Time limitations. The public body shall either comply with or deny a written request within seven working days after receipt thereof. For purposes hereof, the seven working day period shall not include the day on which the request was initially received. Supplemental, amended or additional requests shall not be deemed to relate back to the receipt of the initial request, but shall be considered as new requests for purposes of determining all applicable time limitations.

(D) Extensions of time.

(1) The seven working day time limitation to either comply with a written request or deny disclosure may be extended for not more than an additional seven working days for any of the following reasons:

(a) The requested records are stored in whole or in part at locations other than the office having charge of the requested records.

(b) The request requires the collection of a substantial number of specified records;

(c) The request is couched in categorical terms and requires an extensive search for the records responsive to it;

(d) The requested records have not been located in the course of routine search and additional efforts are being made to locate them;

(e) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the Act or should be revealed only with appropriate deletions;

(f) The request for records cannot be complied with by the public body within the time limits set forth without unduly burdening or interfering with the operation of the public body; or

(g) 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 a substantial interest in the determination or in the subject matter of the request.

(2) When additional time is required for any of the above reasons, the public body shall notify by letter the person making the request, within seven working days of the receipt of the

request, of the reason or reasons for the delay and the date by which the records will be made available or a denial will be forthcoming. In no event may an extension of time to comply or deny be for more than an additional seven working days. The letter notifying the person making the request of the extension of time for not more than seven working days shall be in substantially the form set forth in Appendix, § 2.

(E) Denial.

(1) Failure to respond to a written Request within seven working days, or in the case where an extension of time was obtained by letter to the person making such request within seven working days from the receipt of such written request, shall constitute a denial.

(2) Each public body denying a written request for information shall notify by letter the person making the request of the decision to deny the request. Such letter of denial shall be in substantially the form as set forth in Appendix, § 3 and shall provide:

(a) The reason or reasons for the denial, and if based upon the exemption as set forth in Section 7 of the Act, the specific subpart of Section 7 authorizing the denial;

(b) The names and titles or positions of each person responsible for the denial; and

(c) An explanation of the person's right to appeal the denial to the head of the public body, such as, the Public Health Administrator, except that, in the event of denial of a request for information made directly in the first instance to the Public Health Administrator, such letter or denial shall set forth a statement of the person's right to judicial review under Section 11 of the Act.

(3) The public body subject hereto shall retain copies of all notices of denial in a single central office file. Such file shall be 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.

(F) Notices.

(1) Notices of extension of time and of denial issued on behalf of the public body shall be conclusively deemed to have been given if mailed within the applicable time period, regardless of the date of actual receipt by the person making the request.

(2) All such notices shall include a verified proof of mailing in substantially the following form:

"The undersigned, after being first duly placed on oath, state that I mailed the original of the foregoing (Notice of Extension) (Notice of Denial) to _____, addressed to _____, with first class postage pre-paid, in the regular U.S. Mail, on this, the _____ day of _____, 20__.

_____/S/_____
Subscribed and Sworn to Before Me this _____ day of _____, 20__.

Notary Public"

(G) Unduly burdensome requests.

(1) Requests calling for all records falling within a particular category shall be complied with unless compliance with the request would be unduly burdensome to the public body. Before invoking this exception the public body shall extend to the person submitting the request an opportunity to conform with a designated employee in an attempt to narrow the request and reduce it to manageable proportions. In the event that no such reduction or narrowing is accomplished, and the burden on the public body outweighs the public interest in disclosing the information requested, such request shall be denied as unduly burdensome, in writing, specifying why compliance would be unduly burdensome to the operations of the public body.

(2) Repeated requests for the same public records by the same person shall be deemed unduly burdensome pursuant to this provision.

(H) Delivery of copies.

(1) Copies of records made pursuant to a written request shall be made available for pick-up at the designated location. Copies of records, or certifications will be mailed or shipped only if the person submitting the request establishes that it will be impossible or impracticable to pick up the copies or certifications at the designated location, and then, only upon advance payment of all shipping, postage, reproduction and certification costs by the person making the request.

(2) Copies of records or certifications mailed shall be mailed registered or certified, return receipt requested, and the cost thereof

shall be deemed a cost of mailing and shall be payable in advance together with all other costs.

(I) Interpretation. No public body, nor designated employee thereof, need interpret, summarize nor explain records or information contained therein, except that, the public body must develop, maintain and furnish upon request a description of the manner in which any public records which are stored by means of electronic data processing will be available to the public in a form comprehensible to persons lacking knowledge of computer language or printout format.

§ 1.06 SCHEDULE OF FEES; WAIVER.

(A) The public body shall charge the following fees in connection with the reproduction and certifying of public records. Such fees are reasonably calculated to reimburse the actual cost for reproduction and certification of public records and for the use, by any person, of the equipment of the public body to copy records, and do not include the cost of any search for and review of the record. The fee, which the Board of Health finds and determines to be the actual cost of reproduction, are as follows:

TYPE of DUPLICATION	PER COPY FEE (PER SIDE)
Paper copy from paper originals	
8 ½ x 11 inches	\$.50
11 x 14 inches	.75
11 x 17 inches	2.00
Other	
Multiple copies of same original	.20 per copy over five
Paper copy from microfilm	
Printing	Actual cost per unit*
Microfilm from microfilm original	
Computer printout, paper	1.00 per page
Black & white film and prints	
35mm	Actual cost per unit*
TYPE of DUPLICATION	PER COPY FEE (PER SIDE)
110mm	Actual cost per unit*

Other Actual cost per unit*

Audio tape, cassette
 30 minutes Actual cost per unit*
 60 minutes Actual cost per unit*
 90 minutes Actual cost per unit*
 Other Actual cost per unit*

Pre-printed pamphlets Actual cost per unit*

Aperture card copy \$1.00
Dry silver paper copy from aperture card \$1.00 per half pg.
Certification of documents \$2.00 per document
(not otherwise fixed per statute) certified
Facsimiles \$2.00 for 1st page
1.00 for next page

(* to be determined on actual cost basis by each public body)

(B) The foregoing fees are determined to be minimum actual cost figures, and should the actual cost to a public body subject hereto exceed the foregoing, then, and in that event, the actual cost may be charged. Actual cost shall include the per unit use of equipment costs.

(C) Payment shall be required by the public body in cash, cashier's check, certified check or money order, and shall be due and payable at the time the reproductions or certifications are delivered, except that the public body subject hereto may require payment in advance for reproductions or certifications, and the costs of shipping or mailing, as heretofore provided, and further, any requests which provide for ten or more single sided pages, or five or more double sided pages, may be required to be paid for in advance by the public body.

(D) Any delay in excess of 24 hours in receipt by the public body of a requested advance payment of the fees set forth herein shall not be included in determining the applicable time period for the production of such records.

(E) Pursuant to Section 6(b) of the Act, documents shall be furnished without charge or at a reduced charge where the public body determines that waiver or reduction of the fee is in the public interest because furnishing the information requested can be considered as primarily benefiting the general public. Any requests that the above fees be waived or reduced must be made in writing at the time the request for records is submitted. The person seeking the waiver or reduction of the fee shall state specifically how the production of the requested information “primarily benefits the general public” as set forth in Section 6(b) of the Act.

§ 1.07 APPEALS.

(A) Any person denied access to inspect or copy any public record by any public body subject hereto may, within 14 days after the effective date of such denial, appeal the denial by sending a written notice of appeal to the Public Health Administrator. Written notices of appeal submitted by mail shall be deemed received only upon actual receipt at the DeWitt/Piatt Bi-County Health Department office by the Public Health Administrator, regardless of post mark or date of mailing.

(B) Written notices of appeal shall be in substantially the form as set forth in Appendix, § 4. Notice of appeal forms shall be available at the DeWitt/Piatt Bi-County Health Department upon request.

(C) If appeal is taken from the denial or a request to the Public Health Administrator as head of the public body, upon receipt of such notice said Public Health Administrator shall promptly review the public record, may consult with the State’s Attorney of the county or his assistant, as legal counsel for the said Public Health Administrator, except when the denial of access to public records appealed from originated in the office of the State’s Attorney, and may, if time permits, submit the matter to the Board of Health for consultation, but in any event, he shall determine whether under the provisions of the Act such public record is open to inspection or copying, and shall notify the person making the appeal of such determination within seven working days after receipt of the notice of appeal. Such notice of determination on appeal shall be in writing and shall be in substantially the form as set forth in Appendix, § 5. Any such notice of denial of an appeal by the Public Health Administrator, as head of the public body, shall inform the person making the appeal of his right to judicial review under Section 11 of the Act.

(D) Any such notice of denial of appeal shall be conclusively deemed to have been given if mailed within the applicable time period, regardless of the date of actual receipt by the person making the appeal. All such notices shall include a verified proof of mailing in substantially the form as set forth in § 1.05 (F).

§ 1.08 COMMERCIAL ENTERPRISE.

(A) The term COMMERCIAL ENTERPRISE, as used in the Act shall include both profit and not-for-profit ventures. For the purpose of furthering a commercial enterprise, as used in the Act shall include any information requested which could be, or is likely to be, used in or as part of any solicitation on behalf of a commercial enterprise.

(B) If the designated employee or head of the public body reasonably believes that the public records requested might be for the purpose of furthering a commercial enterprise, then the requesting person shall be required to furnish a further statement or explanation of the purpose for which the production of public records is sought, which statement shall be verified, under oath.

(C) The applicable time periods for the production of records or the determination of an appeal from a denial of access to public records shall be measured from the receipt of this explanatory statement by the designated employee or the head of the body.

(D) Keeping in mind that the Act expressly states that it is not intended to be used “...for the purpose of furthering a commercial enterprise...” a determination that a request is for the purpose of furthering a commercial enterprise may, in and of itself, constitute grounds for denial of access to public records, exclusive of the statutory exemptions set forth in Section 7 of the Act. In any event, each public body providing reproductions of records for a commercial enterprise shall not be restricted in the imposition of the scheduled fees as set forth in § 1.06, and, pursuant to Section 13 of the Local Records Act, Ill. Rev. Stat. Ch. 116, Para. 43.113, where the reproductions provided by microfilm or other film, the charge shall be the actual cost of such copies plus a service charge of 15% of such actual cost.

§ 1.09 PARTIAL DENIAL.

If any public record that is exempt from disclosure under Section 7 of the Act contain any material which is not exempt, the public body shall separate the exempt material and make the nonexempt material available for inspection and copying, except

that, where information which is exempt and information which is not exempt are not capable of separation, the public body shall make a reproduction, obliterating thereon that information which is exempt, and providing the remainder for inspection and copying. That portion of the material deemed exempt shall, for purposes of the notice and appeal rights hereunder, be considered a denial. The written notice of approval in part and denial in part of a request for public records shall be in substantially the form as is set forth in Appendix, § 6.

§ 1.10 WRITTEN NOTICE OF APPROVAL FORM.

Approval of a request made to the public body subject hereto, other than routine day-to-day verbal requests as hereinbefore stated, shall be in writing, delivered to the person making the request, and shall be substantially in the form as set forth in Appendix, § 7. A copy of such approval notice shall be retained on file by each such public body subject hereto, and shall contain a verified proof of mailing, substantially as set forth in § 1.05 (F).

§ 1.11 BALANCING CONSIDERATIONS.

The designated employees of the public body subject hereto shall be ever mindful of the competing interests with respect to the administration of the Act, inasmuch that it has been deemed the public policy of the state that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees, and yet, at the same time, the Act is expressly stated as not being intended to be used to violate individual privacy, and specifically exempts from disclosure information which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy. As public employees imposed with public trust, it is the duty of each to carefully and thoughtfully administer the Act and the rules and regulations promulgated in this chapter, incitefully weighting and balancing the competing interests of the members of the public's reasonable right to know, together with the equally important reasonable right to personal privacy.

§ 1.12 DISSEMINATION OF RULES AND REGULATIONS.

Upon adoption of the Board of Health by resolution of these rules and regulations, copies hereof shall be made available to any person upon request.

§ 1.13 EXCEPTIONS.

These rules and regulations shall not apply to the production, inspection, copying, temporary removal or certification of public records by any officer, employee or authorized agent of the relevant public body, if in the regular course of business or coloration of such public body, and if otherwise authorized by law. It is not the purpose of these rules and regulations in any way to disrupt or interfere with the duly undertaken work or duties of any public body subject hereto.

**APPENDIX: FORMS CONCERNING
REQUESTS AND RESPONSES**

Section

1. Request for public records
2. Deferral of response to request for public records
3. Denial of request for public records
4. Notice of appeal
5. FOIA appeal director's response
6. Notice of partial denial
7. Approval of request for public records

§ 1. REQUEST FOR PUBLIC RECORDS

REQUEST FOR PUBLIC RECORDS

TO: _____

FROM: _____

FOI OFFICER (Designated Employee)
NAME

DEPARTMENT/AGENCY
ADDRESS

ADDRESS

PHONE NUMBER

DESCRIPTION OF REQUESTED RECORD(S):

Please indicate if you wish to inspect the above-captioned records or wish a copy of them

_____ Inspection _____ Copy
_____ Both

Do you wish to have copies certified?

FOR OFFICE USE ONLY:

Date Received

Date Response Due

Notations re: Oral Communications or Other
Items.

**§ 2. DEFERRAL TO REQUEST FOR PUBLIC
RECORDS**

DEFERRAL OF RESPONSE TO REQUEST FOR
PUBLIC RECORDS

TO:

FROM:

Name

FOI Officer (Designated
Employee)

Address

Department

Address

Phone Number

Description OF RECORDS REQUESTED:

The response to your request dated _____ for the above captioned records must be delayed. The delay in responding to your request is for the following reason(s):

(Provide reason for delay in accordance with Section 3(d) of the FOIA.)

You will be notified by _____ as to the action taken on your request.

FOI Officer

Date

§ 3. DENIAL OF REQUEST FOR PUBLIC RECORDS.

DENIAL OF REQUEST FOR PUBLIC RECORDS

TO:

FROM:

Name

Employee)

FOI Officer (Designated

Address

Department

Address

Phone Number

Description OF RECORDS REQUESTED:

Your request dated _____ for the above-captioned records has been denied:

_____ The request creates an undue burden on the public body in accordance with Section 3(f) of

_____ the Freedom of Information Act, and we were unable to negotiate a more reasonable request.

_____ The materials requested are exempt under Section 7 __ of the Freedom of Information Act for

the following reasons:

The individuals who have reached the determination that the records you have requested are to be denied are:

1. (Name and Title):

2. (Name and Title):

You have the right to appeal the denial of the records you have requested to the Director of this Department by submitting a written notice of appeal to:

Public Health Administrator
DeWitt/Piatt Bi-County Health
Department
910 Rte. 54 East
PO Box 518
Clinton, IL 61727
ATTN: FOIA Appeal

In submitting your notice of appeal, you should include copies of your original request and this denial, and state any reasons why your appeal should be granted.

FOI Officer
Date

§ 4. NOTICE OF APPEAL.

To: Administrator
From:

DeWitt/Piatt Bi-County Health Dept.
910 Rte. 54 East

PO Box 518
Address
Clinton, IL 61727

Phone Number

NOTICE OF APPEAL
TO HEAD OF PUBLIC BODY
FROM DENIAL OF ACCESS TO PUBLIC
RECORDS

I HEREBY APPEAL PURSUANT TO THE PROVISIONS OF THE ILLINOIS FREEDOM OF INFORMATION ACT TO THE CHAIRMAN OF THE DEWITT COUNTY BOARD, AS HEAD OF THE PUBLIC BODY KNOWN AS DEWITT COUNTY, ILLINOIS, FROM THE DENIAL TO ME, IN WHOLE OR IN PART, OF ACCESS TO PUBLIC RECORDS.

I made a written request for the following records (be specific)

and submitted the same to:

_____ (designated
employee)
of the

_____ (a public body subject to the Rules and Regulations of the State of Illinois)

on _____. My request was denied ____ in whole, or ____ in part (check one) on

_____, by _____

(name and title)

Address

Phone Number

COPIES OF MY WRITTEN REQUEST AND THE NOTICE OF DENIAL AND THE REASONS THEREFORE ARE ATTACHED HERETO.

Description OF RECORDS REQUESTED:

My appeal should be granted because:

Noted below is the action I have taken on your appeal from the denial of your request for the above-captioned records.

Dated: _____
/S/

_____ I hereby approved your appeal to the following extent and for the following reasons:

Appellant

_____ I affirm the denial of your request made by the Freedom of Information Officer.

§ 5. FOIA APPEAL DIRECTOR'S RESPONSE.

FOIA APPEAL
DIRECTOR'S RESPONSE

You are entitled to judicial review of any denial pursuant to Section II of the Freedom of Information Act.

TO: _____
FROM: _____

Name

Director – County Board

Chairman

Public Health Administrator
Date

Address

Department

§ 6. NOTICE OF PARTIAL DENIAL.

To:

From:

(Designated Employee)

(Agency – Department)

Phone Number

(Designated Address)

NOTICE OF PARTIAL DENIAL OF ACCESS TO PUBLIC RECORDS

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for access to the above-described public records has been partially approved. Those parts of your request which have been approved:

_____ are enclosed

_____ will be made available upon payment of reproduction costs in the sum of \$_____.

_____ may be inspected at _____ on _____ between _____ m. and _____ m.

The following portions of your request have been denied for the following reasons:

DESCRIPTION:

REASON DENIED:

The individuals who have reached the determination that the above records requested by you are to be denied are:

Name

Title

You have the right to appeal the partial denial of access to the records you have requested by submitting a written notice of appeal to:

Public Health Administrator, DeWitt/Piatt Bi-County Health Department, 910 Rte. 54 East, PO Box 518, Clinton, IL 61727

Copies of forms for your notice of appeal are available at the DeWitt/Piatt Bi-County Health Department office upon request. In submitting your notice of appeal, you should include copies of your original request and this partial denial.

(NOTICE OF PARTIAL DENIAL OF REQUEST FOR PUBLIC RECORDS)

§ 7. APPROVAL OF REQUEST FOR PUBLIC RECORDS.

APPROVAL OF REQUEST FOR PUBLIC RECORDS

To:

From:

FOI Officer (Designated Employee)

Address

Department

-

Address

-

Phone Number

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for the above-captioned records has been approved.

_____ The documents you requested are enclosed,

_____ The documents will be made available upon payment of copying costs in the amount of \$_____.

_____ You may inspect the records at _____ on _____

date.

-

FOI Officer

Date