

CHAPTER ONE - GENERAL PROVISIONS

1.05

FREEDOM OF INFORMATION

It is the policy of the Board of Trustees of the Minooka 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 shall insure that the District complies with the Act through execution of the District's regulations adopted pursuant to this policy.

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A. Introduction

1. Brief Description of the District

Minooka Fire Protection District, Grundy, Kendall, and 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 7901 Minooka Road, Minooka, Illinois, 60447.

The District employs approximately 12 full-time employees and 20 part-time employees.

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

Larry Nelson
Dan Roberts
Angie Robinson
Douglas Thompson
Ray Underhill

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

Al Skwarcinsky
Mike Smania
Lloyd Unland

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

Steve Bryce
Mark Hansen
Howard Hoffman
Gerald Nellesson
Al Yancey, Jr.

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 7901 Minooka Road, Minooka, Illinois, 60447. The Fire Chief 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. The current Fire Chief is Al Yancey. The first 50 black and white, letter (8½" x 11") or legal (8½" x 14") size copies shall be provided at no charge. 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, 8:00 a.m. to 4:00 p.m. The telephone number is (815) 467-5637.

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 or as provided by other applicable law. Denials of requests for records will contain a detailed factual basis for the denial.

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

The District shall delete any information which is exempt from disclosure under the Act 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 to the Office of the Public Access Counselor at _____; telephone _____.

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 resolution and certificate of tax levy

- Audit
- Bills
- Receipts for revenue
- Bills payable
- Cancelled checks
- Labor agreements

b. General Records

- Approved Board minutes
- Approved/Adopted Board resolutions and ordinances
- Bidding specifications
- Approved Board policies and administrative procedures
- Approved/Adopted 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 agreement
- Consulting contracts
- Contracts for capital equipment
- Contracts for office supplies
- Contracts for maintenance and repair
- Number of employees

c. Health care records

All documents classified as Health Care Records or other records as described in 735 ILCS 5/8-2001 are not subject to disclosure by the procedures described in this policy. Such documents will only be disclosed after compliance with the requirements found in 735 ILCS 5/8-2001.

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. 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, facsimile or email if directed to foia@fpd.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 Fire Chief, or designee in his/her absence, 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 expended with the written agreement of the requestor; and
 - f. The Fire Chief shall maintain a copy of each request, response and written communications with the inspector and all documents submitted.
3. **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 8:30 a.m. and 4:30 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.

4. Fees

- a. Letter or legal-sized, black and white copies are charged \$ 0.15 per page after the first 50 pages. 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 designee. Each record certified shall cost \$1.00.
- b. Documents shall be furnished without charge or at a reduced charge, as determined by the Fire Chief, 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(b) of the Act (5 ILCS 140/6(b)). 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.
- c. 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 requestor does not desire emailed copies, the District shall purchase appropriate electronic media and copy the documents to the electronic media. The requestor will pay the actual cost of the media. In no event may the District accept electronic media from a requestor.
- d. Health Care Records and other records as described in 735 ILCS 5/8-2001 will be charged handling and copying fees as authorized by 735 ILCS 5/2-8001(d)

5. 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 complying public body 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 and the extent to which compliance will 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.

6. 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 must determine if the subject's right to privacy outweighs and legitimate public interest. If the Fire Chief determines the legitimate public interests outweigh privacy interests, the Fire Chief shall release the documents. Private, personal information on such released records may be redacted.
- b. If the Fire Chief or his/her designee determines the right to privacy outweighs any legitimate public interest, the Fire Chief shall seek an advisory opinion from the Public Access Counselor pursuant to the procedures adopted by that body.
- c. If the Fire Chief believes the advisory opinion is in error, with the consent of the Board of Trustees, the Fire Chief may seek judicial review of the decision.

7. Preliminary Drafts and Similar Documents

- a. When the Fire Chief or his/her designee determines that a requested document is exempt under Section 7(i)(f), he shall initiate the advisory opinion procedures of the Public Access Counselor.
- b. If the Fire Chief believes the advisory opinion is in error, the consent of the Board of Trustees, the Fire Chief may seek judicial review of the decision.

8. Commercial Requests

- a. Prior to responding to a request for records, the Fire Chief or his/her designee shall determine whether the requested records will be used in any sale, resale, solicitation or advertisements for sales or services. If the Fire Chief 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 Fire Chief or his/her designee shall respond to the requestor within five (5) business days, informing the requestor that the request is considered commercial.
- c. Within twenty-one (21) business days after the receipt of the commercial purpose request, the Fire Chief shall respond to the requestor. Such response shall either: 1) provide an estimate of the time required to provide the records, including a requirement that the requestor pay for the copies; 2) deny the request pursuant to one or more exemptions found in the Freedom of Information Act; 3) notify the requestor that the request is unduly burdensome and extend an opportunity to the requestor to reduce the request to manageable proportions, or 4) provide the requested records.
- d. When estimating the time required for responding to a commercial records request, the Fire Chief or his/her designee should consider the size and complexity of the request. Priority shall be given to non-commercial requests.

FORM 1

**MINOOKA FIRE PROTECTION DISTRICT
FREEDOM OF INFORMATION ACT
WRITTEN REQUEST FOR RECORDS**

Dear Fire Chief (or designee):

(I), (We), are hereby requesting that (I) (We)

_____ inspect the following records at the Minooka Fire Protection District Administrative Office.

_____ receive copies of the following records from the Minooka Fire Protection District.

_____ the records received or requested or the information derived thereof may be used in any form of sale, resale, or solicitation or advertisement for sales or services

(Please be specific in listing records.)

I understand that if I request that the records be copied, I may be charged a fee due in full before the copies are made.

Signature(s) of Requester(s)

Date of Request

(For office use only)
Date Request Received _____

Signature: _____

Date Response Due _____