

1.06 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, Deputy Fire Chief and Administrative Assistant, who are hereby appointed the District's Freedom of Information Officers, shall insure that the District complies with the Act through execution of the District's regulations adopted pursuant to this policy. A copy of this policy shall be posted on the District's website.

A. Introduction

1. Brief Description of the District

Minooka Fire Protection District, Grundy, Kendall and Will Counties, 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 E. Minooka Rd., Minooka, Illinois 60447.

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. The Fire Chief, Deputy Fire Chief and Administrative Assistant serve as the Freedom of Information Officers for the District (5 ILCS 140/3.5). 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 first 50, letter or legal size, black and white copies of requested documents are provided free. Thereafter, each page will be charged \$.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 a.m. to 4 p.m. The telephone number is 815-467-5637. Email may be sent to info@minookafire.com.

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 Illinois Attorney General, 100 West Randolph Street, Chicago, Illinois; telephone 312-814-3000, not later than sixty (60) days after the date of final denial (5 ILCS 140/9.5).

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 ordinance and certificate of tax levy
- ☐ Audit
- ☐ Bills
- ☐ Receipts for revenue
- ☐ Bills payable and paid
- ☐ Revenue and Expense Reports
- ☐ Labor agreements (if any)

b. General Records

- ☐ Board minutes (after approval)
- ☐ Board resolutions and ordinances
- ☐ Bidding specifications
- ☐ Board policies and administrative procedures
- ☐ 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 agreements
- ☐ Consulting contracts
- ☐ Contracts for capital equipment
- ☐ Contracts for office supplies
- ☐ Contracts for maintenance and repair
- ☐ Number of employees

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 (or designee). 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 e-mail if directed to info@minookafire.com. Requests must specify District records with reasonable particularity to avoid confusion as to requested documentation and inefficient use of staff time in retrieving and preparing records for inspection.

2. Response to Request

- a. Upon receipt, the Fire Chief (or designee) receiving a request shall mark the date received upon the request, along with the date a response is due. A District employee or staff member, other than a designated District Freedom of Information Officer, shall immediately forward a FOIA request received by that employee or staff member to a District Freedom of Information Officer for action pursuant to this policy.
- b. The District shall either comply with or deny the written request for public records within five (5) working days after (not counting the date of) 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. Requests for a commercial purpose (5 ILCS 140/3.1) will be notified of intent to comply or denial within five (5) working days after receipt of the determination (see **Form 2**), with documents being available within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes after the date 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 extended with the written agreement of the requestor; and
 - f. The Fire Chief (or designee) shall maintain a copy of each request, response and written communications with the requestor and all documents submitted.

3. **Records Maintained Online**

- a. If a requested record is maintained on the district's website, the District shall notify the requester that the requested record is available online and direct the requestor to the website where the record can be accessed.
- b. In the event the requester cannot reasonably access the record, the requester may re-submit their request and the district shall make the requested record available for inspection or copying.

4. **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 a.m. and 4 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 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.

5. Fees

- a. Letter- or legal-sized, black and white document copies are charged at \$.15 per page after the first 50 copies. Each color copy will be charged at \$.25 per page. 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 designee). Each record certified shall cost an additional \$1.00.
- b. Documents shall be furnished without charge or at a reduced charge, as determined by the Board of Trustees, 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(c) of the Act (5 ILCS 140/6(c)). 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.

6. 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 District 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 the District and the extent to which compliance would 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.

7. 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 under Section 7(1) (c), 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.

- b. If the Fire Chief determines the right to privacy outweighs any legitimate public interest, the Fire Chief (or designee) shall notify the requestor (see **Form 3**) and seek an advisory opinion from the Public Access Counselor pursuant to the procedures adopted by that body.
- c. If the Fire Chief believes the Public Access Counselor's advisory opinion is in error, with the consent of the Board of Trustees, the Fire Chief may seek judicial review of that opinion.

8. Preliminary Drafts and Similar Documents

- a. When the Fire Chief determines that a requested document is exempt under Section 7(1)(f) as a preliminary draft or other document exempted under this section, the Fire Chief (or designee) shall notify the requestor (see **Form 3**) and seek an advisory opinion from the Public Access Counselor pursuant to the procedures adopted by that body.
- b. If the Fire Chief believes the Public Access Counselor's advisory opinion is in error, with the consent of the Board of Trustees, the Fire Chief may seek judicial review of the decision.

9. Commercial Requests

- a. Prior to responding to a request for records, the Fire Chief 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 shall respond to the requestor within five (5) business days, informing the requestor that the request is considered commercial (see **Form 2**).
- 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 should consider the size and complexity of the request. Priority shall be given to non-commercial requests.

10. Voluminous Requests

- a. Prior to responding to a request for records, the Fire Chief shall determine whether the requested records will constitute a voluminous request as

defined by Sections 2(h) and 3.6 of the Act. If the Fire Chief determines that the request is voluminous, it shall be governed by this section.

- b. In no event shall requests made by news media, non-profit, scientific, or academic organizations be considered voluminous requests so long as the principal purpose of the request is:
 - i) To access and disseminate information concerning news and current events;
 - ii) For articles of opinion or features of interest to the public; or
 - iii) For the purpose of academic, scientific, or public research or education.
- c. If the Fire Chief determines that a request is voluminous, the requester may file a request for review with the Office of the Public Access Counselor at Illinois Attorney General, 100 West Randolph Street, Chicago, Illinois; telephone (312) 814-3000, email public.access@ilag.gov
- d. When a request is voluminous, a Fire Chief shall issue a response within five (5) business days (see Form). This response will notify the requester:
 - i) That the request is being treated as a voluminous request;
 - ii) Of the reasons why the request is being treated as voluminous;
 - iii) That the requester must respond within ten (10) business days after the Fire Chief's response was sent and specify whether the requester would like to amend the request such that it will no longer be treated as a voluminous request;
 - iv) That if the requester does not respond within ten (10) business days, or if the request continues to be a voluminous request following the requester's response, the Fire Chief will respond to the request and assess any fees chargeable pursuant to Section 6 of the Act;
 - v) That the District has five (5) business days after receipt of the requester's response or five (5) business days from the last day for the requester to amend his or her request, whichever is sooner, to respond to the request;
 - vi) That the District may request an additional ten (10) business days to comply with the request;
 - vii) Of the Public Access Counselor's address and phone number, as well as of the requester's right to seek review with the Public Access Counselor; and

- viii) That if the requester fails to accept or collect the responsive records, the requester may still be charged by the District for its response pursuant to Section 6 of the Act, and that the requester's failure to pay will be considered a debt due and owing to the District and may be collected in accordance with applicable law.
- e. After issuing a response pursuant to subsection (b) above, the District shall provide a voluminous requester ten (10) business days from the date of the District's response to amend their request such that the request will no longer be treated as voluminous.
- f. If a request continues to be voluminous following the requester's response, a Fire Chief shall issue a second response within five (5) business days after receipt of the requester's response or five (5) days after the final day for the requester to respond, whichever is sooner. This second response shall:
 - i) Provide an estimate of the fees to be charged;
 - ii) Deny the request pursuant to one or more of the exemptions found in the Freedom of Information Act;
 - iii) Notify the requester that the request is unduly burdensome and provide an opportunity to the requester to attempt to reduce the request to manageable proportions; or
 - iv) Provide the records as requested.
- g. The District may extend the deadline for the District's second response for up to ten (10) business days from the final day for the requester to reply to the District's second response for the reasons set forth in Section D.2.C. above. The District and the requester may also agree in writing to extend the time for compliance.
- h. If the request is voluminous, a special fee structure applies:
 - i) If the voluminous request is for electronic records and those records are not in a portable document format ("PDF"), the District may charge the following fees based upon the amount of megabytes ("MB") of data requested:

2 MB or less	Up to \$20
Between 2 MB and 4 MB	Up to \$40
More than 4 MB	Up to \$100
 - ii) If a voluminous request is for electronic records and those records are in a portable document format, the District may charge the following based upon the amount of megabytes of data ("MB") requested:

80 MB or less	Up to \$20
Between 80 MB and 160 MB	Up to \$40
More than 160 MB	Up to \$100

- i. If the District imposes a fee pursuant to the above fee structure, the District shall provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request.

11. **Recurrent Requesters**

- a. Prior to responding to a request for records, a Fire Chief shall determine whether the requester is a recurrent requester as defined by Sections 2(g) and 3.2 of the Act. If a Fire Chief determines that the requester is a recurrent requester, the request shall be governed by this section. In no event shall news media, non-profit, scientific, or academic organizations be considered recurrent requesters.
- b. When a requester is a recurrent requester, a Fire Chief shall issue a response within five (5) business days (see **Form 7**). This response will notify the requester:
 - i) That the District is treating the requester as a recurrent requester;
 - ii) Of the reasons why the District is treating the requester as a recurrent requester;
 - iii) That the District will send an initial response within twenty-one (21) business days after receipt of the request; and
 - iv) That in its initial response, the District may respond by:
 - Providing an estimate of the time required by the District to provide the requested records, as well as an estimate of the fees to be charged;
 - Denying the request pursuant to one or more of the exemptions found in the Freedom of Information Act;
 - Notifying the requester that the request is unduly burdensome and extend an opportunity to the requester to reduce the request to manageable proportions; or
 - Providing the requested records.
- c. When a requester is a recurrent requester, a Fire Chief shall respond to the request within twenty-one (21) business days after receipt. This response shall:

- i) Provide an estimate of the time required by the District to provide the requested records, as well as an estimate of the fees to be charged;
 - ii) Deny the request pursuant to one or more of the exemptions found in the Freedom of Information Act;
 - iii) Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to reduce the request to manageable proportions; or
 - iv) Provide the requested records.
- d. When a requester is a recurrent requester, the District shall comply with a request within a reasonable period considering the size and complexity of the request, unless the records are otherwise exempt from disclosure.

12. Emergency Medical Service Records

Records regarding performance of emergency medical services are not subject to disclosure under the Freedom of Information Act. Disclosure of such records is governed by the disclosure procedures found in 735 ILCS 5/8-802.

13. Request for Review

A person whose request to inspect or copy a public record is denied by the District may file a request for review with the Public Access Counselor (PAC) established in the Office of the Attorney General not later than 60 days after the date of final denial (5 ILCS 140/9.5).

1.07 EMERGENCY MEDICAL SERVICES RECORDS POLICY

A. Generally

It is the intent of the Board of Trustees of the Minooka Fire Protection District to maintain the confidentiality of records while following the law with respect to disclosure of emergency medical services records. All records regarding emergency medical services ("EMS") will be kept in strict confidentiality, unless otherwise provided by law.

B. Requests for Medical Records

- 1. If a patient requests to inspect or copy his or her own EMS records, he or she must make a formal request under the Freedom of Information Act and the Health Insurance Portability and Accountability Act ("HIPAA").
- 2. If the records of a patient are requested by subpoena, the party requesting the records must either:
 - a. Submit a notarized release signed by the patient, or
 - b. Certify under oath that the subpoena is lawfully issued and that the

situation meets one of the exceptions for release of information set forth pursuant to HIPAA and Section 8-802 of the Illinois Code of Civil Procedure. (735 ILCS 5/8-802)

3. The district shall review the nature of the court action at issue and determine whether the subpoena meets one of the exceptions for release of medical records. If the District determines that the records may be released, it shall seal such records in an envelope and deliver them directly to the court for an *in camera* inspection.
4. If an individual or organization other than the patient wants to inspect or copy the records of the patient, the requester must make a formal request under the Act and follow all District policies and procedures regarding such a request.
5. If the record has any information regarding the medical condition or treatment of another person, the Fire Chief or his/her designee shall delete or mask this information before releasing the record. Statements by or information regarding District personnel, police officers or other public employees performing official duties shall be left in the record. Furthermore, the identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided.

C. **Administrative Regulations**

The Chief shall adopt administrative regulations to implement this policy.

AR1.21 DISCLOSURE OF EMERGENCY MEDICAL SERVICES RECORDS

A. **Receipt of Request**

Upon receipt of a request for the disclosure of emergency medical services ("EMS") records ("Records"), the district will notify the person requesting records ("Requestor") of the District's policy on such disclosure.

B. **Response to Request**

If an individual provides the District with a Freedom of Information Act ("FOIA") request form and a properly signed and notarized "Authorization to Release Individual Records" (See **Form 1**), by the person who is the subject of the records, the district may release the records in accordance with all applicable law.

C. **Requests by Person Other Than Subject of Record**

1. If the Requestor is not the subject of the records, the district will first confirm that the proper documentation has been submitted, i.e. HIPAA and FOIA request form, "Certification of Lawful Subpoena for Records," and/or Affidavit of Relationship.
2. The district will then determine if the Requestor has stated a lawful basis for receiving the records.
3. In the case that a Patient's Records are requested by a subpoena, an attorney or other representative must state on oath that the subpoena has been lawfully issued and that the situation meets one of the exceptions for release of information set forth under HIPAA and Section 8-802 of the Illinois Code of Civil Procedure (735 ILCS

5/8-802). The district shall review the nature of the court action at issue and determine whether the subpoena meets one of the exceptions for release of medical records. If the District determines that the records may be released, it shall seal such records in an envelope and deliver them directly to the court for an *in camera* inspection. (See **Form 2**)

4. If the Records are not requested by subpoena and are not requested by the Patient, the Requestor must submit an "Affidavit of Relationship" that sets forth a lawful basis for receiving the records. (See **Form 3**)
 - a. For purposes of this policy, the Affidavit of Relationship must establish that disclosure of the records would not be privileged under Section 8-802 of the Illinois Code of Civil Procedure on "Physician and Patient" (735 ILCS 5/8-802).
 - b. For purposes of this policy, the parent or guardian of a minor or incompetent adult is authorized to receive the Patient's records.
 - c. For purposes of this policy, the following are authorized to receive a Patient's records:
 - i) The party making treatment decisions if the patient is incapable of making decisions regarding the health services provided.
 - ii) Those parties directly involved with providing treatment to the patient or processing the payment for that treatment (for example, paramedics and EMTs).
 - iii) Those parties responsible for peer review, utilization review, and quality assurance (for example, the EMS coordinator).
 - iv) Those parties required to be notified under the Abused and Neglected Child Reporting Act, the Illinois Sexually Transmissible Disease Control Act or where otherwise authorized or required by law.

D. Complying With the Request

If the record has any information regarding the medical condition or treatment of the medical condition or treatment of another person, the district shall delete or mask this information before releasing the record. Statements by or information regarding District personnel, police officers or other public employees performing official duties should be left in the record. Furthermore, the identification of witnesses to traffic accidents, traffic accident reports and rescue reports may be provided.

(5 ILCS 140/1 et Seq. ; 210 ILCS 50/1 et Seq. ; 410 ILCS 50/0.01 et Seq.; 735 ILCS 5/8-802; 375 ILCS 5/8-2001, 2001.5)