



## **FREEDOM OF INFORMATION ACT COMPLIANCE**

### **REQUESTS FOR PUBLIC RECORDS**

The Northeast DuPage Special Recreation Association (NEDSRA) maintains Rules and Regulations for implementing the Illinois Freedom of Information Act (the "FOIA Rules"), which provide procedures, instructions, and suggested forms for obtaining NEDSRA public records.

This document provides a summary of NEDSRA's FOIA Rules and Regulations.

All requests to inspect, copy, or certify public records must be submitted to NEDSRA in writing. NEDSRA may, at their discretion, provide a suggested form for submitting requests. NEDSRA will respond to each written request to inspect, copy, or certify public records in a manner consistent with the Illinois Freedom of Information Act. Generally, under the Act, NEDSRA will provide public records for inspection or copying as requested except for records (1) that would, if disclosed, violate individual privacy, or (2) whose production would disrupt the duly undertaken work of NEDSRA, or (3) that are specifically exempted from disclosure by the Act or other applicable law.

Copies of public records will be provided upon payment of a copying or other applicable fees, as provided in Section IV of the FOIA Rules. If requested, copies of public records will be mailed after NEDSRA receives payment of the actual cost of postage and copying.

Requests to inspect, copy, or certify public records, and other communications related to a request under FOIA Rules, must be directed to:

Freedom of Information Officer  
NEDSRA  
1770 W. Centennial Place  
Addison, IL 60101  
Phone: (630) 576-4023  
Facsimile: (630) 620-4598  
E-mail: smartellotta@nedsra.org

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The foregoing information is provided pursuant to Section 4(b)  
of the Illinois Freedom of Information Act, 5 ILCS 140/4(b).

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## I. INTERPRETATION

### A. Conflicts

These Rules do not supersede the provisions of the Act. If a provision of these Rules conflicts with the Act, then the provisions of the Act will govern.

### B. Definitions

In addition to the definitions provided in the Act or elsewhere in these Rules, the following definitions apply:

1. Business Hours: 8:30 a.m. to 5:00 p.m. on a Business Day.
2. Business Day: Any day on which general offices of NEDSRA at NEDSRA Administrative Offices are open and staffed for regular public business. Business Days generally are Monday through Friday, except federal and state legal holidays, and other holidays designated for closure by NEDSRA.
3. Freedom of Information Officer: The Freedom of Information Officer for NEDSRA is identified on page 1 and designated under Section 3.5 of the Act.
4. Public Access Counselor: The Public Access Counselor of the Office of the Illinois Attorney General.
5. Request: A request to inspect, copy, or certify public records.
6. Request Made for Commercial Purposes: A Request made with the intent to use the requested records (or the information derived from those records), in whole or in part, for sale, resale, or solicitation or advertisement for sales or services. However, a Request submitted by news media or by non-profit, scientific, or academic organizations will not be deemed to be made for commercial purposes if the principal purpose of the Request is (a) to access and disseminate information concerning news and current or passing events, (b) for articles of opinion or features of interest to the public, or (c) for the purpose of academic, scientific, or public research or education.
7. Requestor: A person, firm, or corporation that files a Request with NEDSRA.
8. Response Time: The time for response by NEDSRA to a request for public records, as calculated pursuant to Subsection III.A of these Rules.

### C. Days; Measurement of Time

1. Days. In counting the number of days allowed for a response or a decision to be given by NEDSRA under the Act and these Rules, NEDSRA will not include the day on which the request or notice requiring the response or decision was first received.

2. Supplemental Requests. Supplemental, amended, or additional Requests will not relate back to the time of receipt of the initial Request. Supplemental, amended, or additional Requests will be considered new Requests for purposes of determining the applicable Response Time.
3. Response Date. All responses and decisions to be issued by NEDSRA under the Act and these Rules will be deemed to have been given on the date of personal delivery to the person or to the residence of the person entitled to the response or decision or, if mailed, on the date of mailing, regardless of the date of actual receipt by that person. Each response and decision will include proof of service evidencing the method by which, and time at which, the response or decision was delivered.

## **II. REQUESTS FOR INSPECTION, COPYING, OR CERTIFICATION OF PUBLIC RECORDS**

### **A. Officials Responsible for Responding to Requests**

The Freedom of Information Officer is the person administratively responsible for receiving and processing Requests.

The Freedom of Information Officer is the person with authority on behalf of NEDSRA to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters. The Freedom of Information Officer may consult with NEDSRA staff, officials, and others as appropriate before responding to a Request.

NEDSRA may, from time to time, appoint Deputy Freedom of Information Officers to assist the Freedom of Information Officer in the performance of his or her duties under the Act and these Rules. In the absence of the Freedom of Information Officer, the Deputy Freedom of Information Officers are authorized to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters.

### **B. Form of Request**

1. Required Information. A Request must be filed with NEDSRA in writing and in English. At a minimum, the request should contain the following information:
  - a. The Requestor's name;
  - b. Either the Requestor's mailing address, e-mail address, or telephone number;
  - c. A description of the public records requested;
  - d. A statement of purpose, indicating whether the Requestor intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services;

- e. A statement of whether the Requestor is, or represents, news media or a non-profit, scientific or academic organization; and
- f. A statement of whether the principal purpose of the Request is either (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) academic, scientific or public research or education.

NEDSRA will make a suggested request form available. Use of the form is optional, but it is the most effective way to obtain a prompt, full, and complete response by NEDSRA to a Request.

- 2. Supplemental Information. If a Requestor submits a Request and the Request does not contain all of the information required pursuant to Paragraph II.B.1 of these Rules, then the Requestor must submit the missing information in writing.
- 3. Requests Must Be Complete. No Request will be deemed complete unless it contains, at a minimum, all of the information required pursuant to Paragraph II.B.1 of these Rules.
- 4. Subpoenas. Except as provided in Section 9.5(c) of the Act, these Rules will not apply to any subpoena for records received by NEDSRA and issued by, or in accordance with the rules of, a court or agency of competent jurisdiction.

### **C. Submittal of Request**

Completed Requests must be filed with the NEDSRA Freedom of Information Officer by mail, facsimile, overnight courier service, electronic mail, or in person, in accordance with the following:

- 1. In-Person Submissions. Requests submitted in person must be given to the Freedom of Information Officer or filed in the NEDSRA administrative offices in Addison, Illinois.
- 2. Electronic Mail Submissions. Requests submitted by electronic mail must be sent directly to the Freedom of Information Officer at [jgreenwalt@nedra.org](mailto:jgreenwalt@nedra.org) and will be deemed received only upon actual receipt by the Freedom of Information Officer on a Business Day during Business Hours, regardless of date or time of submission.
- 3. All Other Submissions. Requests submitted by mail or other means must be addressed to the Freedom of Information Officer at the NEDSRA Administrative Offices and will be deemed received only upon actual receipt by NEDSRA on a Business Day, regardless of date of submission.

All NEDSRA officials and employees who receive a Request must immediately forward that Request to the Freedom of Information Officer.

#### **D. Processing of Request**

1. The Freedom of Information Officer must complete a thorough examination of the Request promptly after receipt of the Request. If the Freedom of Information Officer determines that the Request is not complete, as provided in Section II B. 1. of these rules, then the Freedom of Information Officer will mail a Notice of Incomplete Request form and a Supplemental Information form to the Requestor within five Business Days after receipt by NEDSRA of the Request. If the Freedom of Information Officer determines that the Request is complete, the Freedom of Information Officer must stamp or otherwise indicate on each completed Request, the date and time of receipt and, if known, the date on which NEDSRA must respond to the Request.
2. The Freedom of Information Officer must maintain an electronic or paper copy of the Request, including all documents submitted with the Request, until all matters related to the Request have been completed.
3. The Freedom of Information Officer must create an electronic or paper file for the retention of the original Request, a copy of the response by NEDSRA, a record of all written communications with the Requestor regarding the Request, and a copy of other communications related to the Request.
4. The Freedom of Information Officer must keep all Notices of Denial in a single central office file, indexed according to the type of exemption asserted, and, to the extent feasible, according to the types of records requested.

### **III. RESPONSES TO REQUESTS**

#### **A. Time for Response**

1. Requests Made for Commercial Purposes. NEDSRA will respond within 21 Business Days after a completed Request Made for Commercial Purposes is received by NEDSRA.
2. All Other Requests. For all Requests other than those set forth in Paragraph III.A.1 of these Rules, NEDSRA will respond within five Business Days after a completed Request is received by NEDSRA, unless NEDSRA has extended the Response Time pursuant to Paragraph III.A.3 of these Rules.
3. Extension of Time
  - a. If the Freedom of Information Officer determines that additional time is needed and allowed under the Act to respond to a Request, then the Freedom of Information Officer must notify the Requestor in writing within the applicable Response Time of the determination of the reasons requiring the extension, and of the length of the extension (which may not

exceed five additional Business Days). The Freedom of Information Officer may not issue a Notice of Extension for Requests Made for Commercial Purposes.

- b. The Requestor and NEDSRA, may agree in writing to extend the time for compliance for a period to be mutually determined. At his or her discretion, the Freedom of Information Officer may deliver to the Requestor a Request for Extension Agreement form and an Extension Agreement form. The Freedom of Information Officer is authorized to execute, at his or her discretion, an Extension Agreement after it has been executed by the Requestor. The Freedom of Information Officer must respond to the Request within the applicable Response Time, unless and until the Requestor and NEDSRA have executed the Extension Agreement.
- c. Response time may be extended as provided for in any current or future amendments to the Illinois Freedom of Information Act.

## **B. Disclosure of Public Records**

1. Notice of Approval. If the Freedom of Information Officer determines that the Act requires disclosure of all or any part or portion of the requested public records, then the Freedom of Information Officer will notify the Requestor in writing of his or her determination.
2. Approval of Requests Made for Commercial Purposes. If the Request is a Request Made for Commercial Purposes, and the requested records are not immediately available for inspection or pick-up, then a written notice of approval will specify a reasonable date on which the requested records will be available for inspection or pick-up, based on the size and complexity of the Request.
3. Search of NEDSRA Files and Use of NEDSRA Equipment. Except as otherwise specifically authorized by the Freedom of Information Officer, only NEDSRA employees, NEDSRA Attorney, and authorized NEDSRA contractors are permitted to search NEDSRA files, records, or storage areas, or to use NEDSRA equipment in connection with any Request.
4. Removal of Original Records. Original public records may not be removed from any NEDSRA offices at any time, except as authorized by the Executive Director of NEDSRA.
5. Inspection of Public Records. Public records approved by the Freedom of Information Officer for disclosure, or copies of public records obtained, may be inspected during Business Hours at NEDSRA Offices, or another location designated by the Freedom of Information Officer. Requestors must make an appointment with the Freedom of Information Officer for a date and time to inspect approved public records at NEDSRA Administrative Offices.

6. Copies of Public Records. Copies of public records approved by the Freedom of Information Officer for disclosure, may be obtained during Business Hours at the NEDSRA Administrative Offices, provided that the Requestor had requested copies in the Request and has paid any applicable fees.
7. Mailing of Requested Public Records. Copies of public records will be mailed to the Requestor only if the Freedom of Information Officer reasonably determines that it is unduly burdensome for the Requestor to arrange for inspection of the original public records, or for pick up of copies of the public records, at the NEDSRA Administrative Offices.
8. Audio and Video Recordings. Requests for reproduction of any public records that are audio or video recordings will be honored in accordance with the provisions of the Illinois Freedom of Information Act, the Illinois Open Meetings Act, any other applicable State law, and these Rules.
9. Records Maintained in Electronic Format. If the requested public records are maintained by NEDSRA in an electronic format, then NEDSRA will reproduce copies of the requested public records in the electronic format specified by the Requestor, if feasible. NEDSRA may charge the Requestor the actual cost of the medium necessary for that format.
10. Payment of Fees. The Requestor must pay all copying, certification, and postage fees in advance of receiving copies of any public records.
11. Acknowledgment of Inspection. When the copies of the requested public records have been delivered or inspected, acknowledgement will be made in writing by both the Freedom of Information Officer and the Requestor.

### **C. Categorical Requests**

1. Notice to Meet and Confer. If the Freedom of Information Officer determines that a Request for all records falling within a category will unduly burden NEDSRA, and that the burden to NEDSRA outweighs the public interest in production of the public records sought, then the Freedom of Information Officer will notify the Requestor in writing of the determination of the reasons supporting the determination, and of the right of the Requestor to meet with the Freedom of Information Officer in an effort to narrow the Request.
2. Failure to Respond by NEDSRA. The Freedom of Information Officer may neither determine that a Request is unduly burdensome, nor issue a Notice for Meeting, if NEDSRA has previously failed to respond to that Request within the applicable Response Time.
3. Agreement to Narrow Request. If the Requestor agrees to meet and confer with the Freedom of Information Officer regarding the Request, then the Freedom of Information Officer will respond to the Request, or to the Request as narrowed at the meeting, within the applicable Response Time, calculated from the date of adjournment of the meeting. That response may take any form specified in this

Section III. If the Requestor agrees to narrow the scope of the Request, an acknowledgment therefore will be made in writing.

4. Failure to Meet and Confer. If the Requestor does not agree to meet and confer with the Freedom of Information Officer regarding the request, then the Freedom of Information Officer will issue a written notice of denial of the Request on the fifth Business Day after the date of the Notice for Meeting.

#### **D. Denial**

1. Denials - Section 9. If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under Section 7 (Exemptions), then the Freedom of Information Officer must send notice to the Public Access Counselor, of the Illinois Attorney General's Office, of NEDSRA's intent to deny the Request, using a Notice of Intent to Deny form or a similar written form unless preapproval is not required. The Notice of Intent to Deny must include a copy of the Request and the proposed Notice of Denial. A copy of the Notice of Intent to Deny must be sent to the Requestor. If the Public Access Counselor determines that further inquiry into the Request is not warranted, then the Freedom of Information Officer will deliver the Notice of Denial to the Requestor as provided in these Rules.
2. Other Denials. If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under any other provision of the Act or under these Rules, then, except as provided in this Subsection D, the Freedom of Information Officer must deliver a notice of denial to the Requestor, using a General Notice of Denial/Partial Denial of Request form or a similar written form. The Freedom of Information Officer may not deliver the General Notice of Denial/Partial Denial of Request to the Public Access Counselor, except upon receipt of a request therefore from the Public Access Counselor pursuant to Section 9.5(c) of the Act.
3. Contents of Denials. Each Section 9 Notice of Denial and General Notice of Denial/Partial Denial of Request must set forth the reason(s) for the denial, and must notify the Requestor of his or her rights to (a) seek review of the denial by the Public Access Counselor, and (b) seek judicial review under Section 11 of the Act.
4. Denials in Writing. Except as otherwise provided by the Act, all denials of Requests will be in writing.
5. Cooperation with Public Access Counselor. If the Public Access Counselor determines that further inquiry into any denied Request is warranted, the Freedom of Information Officer will comply with the directives of the Public Access Counselor, or seek appropriate review of those directives, in accordance with the Act.



**E. No Obligation to Create New Records**

Except as provided in Section V of these Rules, the Act and these Rules do not require NEDSRA, in the course of responding to Requests, to create records that NEDSRA does not already maintain in record form.

**F. No Obligation to Interpret or Advise**

Neither the Act nor these Rules require NEDSRA to interpret, or advise Requestors as to the meaning or significance of, any public records.

**IV. FEES**

**A. Fees Established**

Each Requestor must pay the following fees for copying, certification, and mailing of public records:

1. Copies: 8½ x 11 or 8½ x 14, black and white

First 50 pages	Free
Additional pages	\$0.15 per side
2. Other types of records with set fees Actual cost
3. Certification \$1.00 per record, plus copy cost
4. Mailing Actual postage cost
5. Commercial Records requests Actual cost to retrieve and transport offsite records and \$10/hr. spent searching for requested records after first 8 hours.
6. Other fees/costs as may be provided for under future amendments to the Illinois FOIA.

If the requested records are of a type not listed above, or when the services of an outside vendor are required to copy any public record that are not 8½ x 11 or 8½ x 14, black and white, then the fees charged for copying the records will be the actual charges incurred by NEDSRA, and the fees stated in items 1 through 3 above will not apply. The fees stated in items 1 through 4 will not apply if the fee for the requested records is otherwise fixed by statute. If the requested records are produced on an electronic medium, then the Requestor must pay the actual cost of the medium.

NEDSRA has determined that the fees in this Subsection A are no more than necessary to reimburse NEDSRA for the actual cost of preparing, reproducing, certifying, and mailing public records requested pursuant to the Act and these Rules.

**B. Method and Time of Payment**

Payment of all required fees must be made in cash, by cashier's or certified check, or by money order prior to the examination, copying, certification or mailing of any public record.

## **V. NEDSRA OBLIGATIONS**

### **A. Organizational Description**

The Freedom of Information Officer, at least once each fiscal year, will produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of NEDSRA. The description must identify and describe the membership of NEDSRA's Board of Trustees and of all of its standing and special committees and other advisory bodies and also must include:

- a short summary of NEDSRA's purpose,
- a block diagram of NEDSRA's functional subdivisions,
- the approximate number of NEDSRA's full and part-time employees,
- the total amount of NEDSRA's operating budget, and
- the number and location of each of NEDSRA's offices.

If NEDSRA maintains a website, the Freedom of Information Officer must post the description required pursuant to this Subsection V.A to the website.

### **B. Index of Public Records**

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a current index of all types or categories of public records prepared or received, and maintained, by NEDSRA after July 1, 1984. The index must be reasonably detailed in order to aid persons in obtaining access to the public records of NEDSRA.

### **C. Records Stored by Electronic Data Processing**

The Freedom of Information Officer must prepare and furnish, to any person requesting it, a description of the manner in which public records of NEDSRA stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

### **D. Summary of Procedures**

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, the procedures described in and established by these Rules. If NEDSRA maintains a website, the Freedom of Information Officer must post the summary required pursuant to this Subsection V.D to the website.

### **E. Posting and Mailing of Information**

The Freedom of Information Officer must keep posted at the NEDSRA Administrative Offices and will mail to any person making a request therefore, copies of the Organizational Description prepared pursuant to Subsection V.A of these Rules, the Index of Public Records prepared pursuant to Subsection V.B of these Rules, and the Summary of Procedures prepared pursuant to Subsection V.D of these Rules.

**F. Filing of Notices of Denial**

The Freedom of Information Officer must retain copies of all Notices of Denial and Notices of Intent to Deny in a single file at the NEDSRA Administrative Offices that is open to the public and indexed according to the type of exemption asserted and, to the extent that categorization is feasible, the type of records requested.