

**RULES AND REGULATIONS IN ACCORDANCE
WITH THE ILLINOIS FREEDOM OF INFORMATION ACT
5 ILCS 140/1 ET SEQ. FOR RESPONDING TO
REQUESTS FOR INSPECTION OR COPYING OF PUBLIC RECORDS**

Section 1: Introduction

The Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) (the “Act” or “FOIA”) requires all public bodies in the State of Illinois to make non-exempt public records available for inspection and copying. The Winnetka Park District “Park District” not only strives to comply with the Act, but also endorses the fundamental concept that members of the public are entitled to public records regarding the affairs of the Park District and the official acts and policies adopted by Park District officials and public employees. The Park District recognizes that its desire for active and informed participation of its residents in the public policy process necessitates full and free access to information, subject to the Park District’s responsibility to protect certain information and privacy interests entitled to protection under the Act and to maintain the efficiency of its administrative operations.

Section 3 of the Act authorizes the Winnetka Park District Board of Park Commissioners (“Park Board”) to promulgate rules and regulations addressing the availability of records and establishing procedures for requesting and responding to requests for public records, consistent with the Act. These rules and regulations are intended to serve as procedural guidelines for requesters and Park District officials engaged in the Act’s document request process. In any instance in which these procedures conflict with language contained in the Illinois Freedom of Information Act, as now existing or hereafter amended, the terms of the Act shall prevail.

Section 2: Procedures for Request for Inspection or Copying of Records

Requests for the inspection and copying of non-exempt public records pursuant to FOIA may be made in person at the Winnetka Park District Administrative Offices, 540 Hibbard Rd, Winnetka, Illinois 60093, Mondays through Fridays, between the hours of 8:30 am and 5:00 pm, except on holidays. The Winnetka Park District will also accept FOIA requests received by facsimile, electronic mail and through the United States mail. The Park District is only responsible for responding to requests that it actually receives and is not responsible for transmission or delivery errors. Any requests received by the Park District after 5:00 pm shall be considered received on the following business day.

Requests for inspection or copies of public records shall be made in writing. For the convenience of the requester, the Park District provides a form for use in submitting a written request. Use of this form is not required. All requests should state either a physical address or email address to which the Park District should send its response. The Park District will not accept or respond to oral requests for inspection or copies of public records. If the

requester is unable to submit a request in writing, the requester's authorized representative may submit a written FOIA request on their behalf.

Electronic requests for public records must appear in their entirety within the body of the electronic submission without requiring the Park District to open links or attachments. If an electronic request is received that would require the Park District to open a hyperlink or attachment, the requestor will be notified within 5 days of the requirement that the full request must appear in the body of the request.

To ensure that each FOIA request is acted upon in a complete and timely fashion, the requester should ensure that the public record being sought is clearly identified in their request. Requesters should provide as much known information about the requested record as possible (e.g., type of record, approximate date of record, department where record may be located, etc.). The request should indicate whether the records are to be inspected, copied and/or certified. Special rules apply to voluminous, recurrent, commercial and unduly burdensome requests, as defined in the Act. The Park District may redact exempt information contained in public records or withhold exempt records in their entirety, pursuant to any one or more exemptions specified in the Act. The Park District is not obligated to interpret or advise requesters as to the meaning or significance of public records that may be provided. Nor is the Park District required to answer questions concerning public records that may be provided.

If the request is being made for a commercial purpose, the Park District requires that the requester disclose that fact to the Park District at the time the request is made. It is a violation of the Act to knowingly obtain a public record for a commercial purpose without such disclosure.

Section 3: Fee Schedule

Pursuant to Section 6 of the Act, the Winnetka Park District has the authority to charge reasonable fees for the duplication and/or certification of public records produced in compliance with FOIA requests. The FOIA Officer is given the authority to grant a waiver or reduction of fees for copying records if the requester's stated purpose is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. In determining the amount of any such waiver or fee reduction the Park District will also consider the number of records requested and the actual costs of copying.

In response to a FOIA request, the Park District will not charge any fees for the first fifty (50) pages of black and white, letter or legal sized copies requested by a FOIA requester. Fees will not be waived for the first fifty (50) pages of color copies or copies (either black and white or color) exceeding 8 ½ x 14" unless a waiver or fee reduction is granted by the

FOIA officer as a means of furthering the public interest. Records maintained in electronic format are to be furnished in that same electronic format to the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Park District will disclose the records in the format in which the records are maintained by the Park District, or in a paper format, at the option of the requester. The FOIA Officer may charge the requester for the actual cost of purchasing the recording medium if required by the requester.

Unless otherwise waived, copying fees must be paid in advance of the records being made available to the requester. Fees are as follows:

8.5" x 11 documents:	\$0.15/page
8.5" x 14" documents:	\$0.15/page
Certification:	\$1.00/document

If the FOIA request is not a request for a commercial purpose or a voluminous request, the Park District will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproduction of the records. Upon request, information regarding these fees will be provided to the requester before copying. Additional fees for accident records may apply as permitted by law.

Section 4: Park District Response to Request for Inspection or Copying of Records

Except as otherwise provided in the Act, the Winnetka Park District will respond to FOIA requests within five (5) business days of receipt, unless the Park District extends the time to respond to the request pursuant to FOIA section 3(e). The Park District will respond to commercial requests within twenty-one (21) business days of receipt, unless the Park District extends the time to respond, as authorized by law. The Park District will typically respond to a request in one of the following ways:

A. Approval of Request

If the requested records are available and determined to be non-exempt, the Park District will advise the requester which records are available and the cost to copy the records. For commercial requests, the Park District's response will include an estimate of the time required to locate and compile the records requested, as well as the estimated fees to be assessed to the requester.

If the requester has asked to inspect the documents, the Park District will provide the requester with notice of a time and location in which the inspection will be conducted during normal business hours at the Park District's administrative offices, unless another location is otherwise agreed upon in writing by the Park District and the requester. The Park District may require that an officer or employee of the Park

District be present during any inspection of public records. A requester may be prohibited from bringing bags, brief cases, or other containers into the room in which the inspection takes place. Documents made available for inspection will be held for fourteen (14) business days from the date of the Park District's response and thereafter will be re-filed.

Fees for copies of records, unless waived, must be paid prior to inspection and copying. All copying of documents shall be done by an officer or employee of the Park District or an outside service as designated by the Park District. Upon written request, the Park District will mail copies of public records to the requester. Upon written request, the Park District will email, fax, or provide through other electronic means, copies of public records to the requester. Emailing or faxing records may not be practical due to the size of documents being provided in response to the request.

B. Extensions of Time

i. Notice of Extension

Under certain circumstances, the Park District may extend the time to respond by an additional five (5) business days. Any notice of extension must cite the reason why the extension is necessary.

ii. Agreement by Requester and the Park District to an Extension of Time

The requester and the Park District may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Park District agree to extend the period for compliance, a failure by the Park District to comply with any previous deadlines shall not be treated as a denial of the request for records.

C. Denial of Request

Any denial of any part of a request shall be made in writing and shall state the reason(s) for the denial in accordance with Section 3(d) and Section 9 of the Act, or if the record is determined to be exempt, pursuant to Section 7 of the Act.

Section 3(g) of the Act allows the Park District to deny an unduly burdensome FOIA request. Before denying a request as unduly burdensome, the Park District will offer the requester an opportunity to confer with the Park District to reduce the scope of the request to a manageable proportion. If the requestor either fails or refuses to confer with the Park District, or the requestor's narrowed FOIA request remains unduly burdensome, then the Park District may deny the FOIA request as unduly burdensome. Any denial pursuant to Section 3(g) shall specify the reason(s) why the request as amended is unduly burdensome to the Park District, and the extent to which the burden upon the operation of the Park District outweighs the public interest in the requested information. Repeated requests for the same public records

by the same person shall be deemed unduly burdensome and shall be denied accordingly.

Section 7 and Section 7.5 of the Act contain exemptions describing records and information that is exempt from disclosure. The Park District may redact exempt information from public records, or withhold exempt records in their entirety based on applicable exemptions.

All full or partial denials of a FOIA request shall include the itemized “Denial Information” set forth below in Section 6 of these Rules and Regulations in the written response to the requester. In accordance with the provisions of the Act, copies of all notices of denials shall be retained by the FOIA Officer and will be indexed according to the type of exemption asserted and, to the extent feasible, according to the type of records requested.

Section 5: Administrative and Judicial Review Procedures

Any requester whose request for information has been denied by the Park District, in whole or in part, may submit a request for review with the Public Access Counselor (“PAC”) in the office of the Illinois Attorney General. A request for review must be filed with the PAC not more than sixty (60) days after the date of the final denial. Any such request for review must be in writing, signed by the requester, and include copies of the original FOIA request and any responses received from the Park District.

Upon receipt of a binding opinion, concluding that a violation of the Act has occurred the FOIA Officer shall either take necessary action immediately to comply with the opinion’s mandate, or shall initiate administrative review under Section 11.5 of the Act. If the opinion concludes that no violation occurred, the requester may initiate administrative review under Section 11.5 of the Act.

Any person denied access to inspect or copy any public record shall also have the right to file suit for injunctive or declaratory relief in the Circuit Court of Cook County.

Section 6: Winnetka Park District FOIA Administrative Procedures

In accordance with Section 3.5 of the Act, the Park Board will designate one or more Park District employees or officers to serve as a FOIA Officer (or Officers, as the case may be). A designated FOIA Officer shall have the authority to assign to other employees of the Park District tasks that must be performed to assist the FOIA Officer in preparing a response to the request in a timely manner. Any employee assigned a task by a FOIA Officer shall give the task priority over the performance of all other tasks, except other tasks that relate to the Park District’s response to a public emergency. The FOIA Officer (or Officers) shall be

responsible for implementing these policies and procedures and processing all FOIA requests and requests for information in accordance with the terms of the Act. Each individual designated as a FOIA Officer shall successfully complete an annual training curriculum developed by the PAC, as provided in the Act.

All FOIA requests shall be date-stamped upon receipt. The FOIA Officer shall forward a copy of the request to the appropriate contact employee or official with potential knowledge and access to the requested records. Upon forwarding the request to the appropriate department, the FOIA Officer shall indicate the date by which the request must be approved or denied.

The individual responsible for providing the information shall promptly either provide the requested records or indicate that no such records exist. If the employee responsible for providing the information on behalf of their department believes that the request should be denied, they shall advise the FOIA Officer of their opinion and provide facts in support of their assertion. The employee shall endeavor to notify the FOIA Officer of their recommendation on the request no later than three (3) working days after its receipt. The FOIA Officer shall then respond in writing to the requester accordingly. If denying the request, the FOIA Officer or other individual responsible for the denial must include, in writing, the following information (the "Denial Information"):

1. The statutory exemption used as the basis for the denial and the specific reasons for the denial, including a detailed factual basis and citation to supporting legal authority;
2. The names/titles of each person responsible for the denial;
3. The notice of the requester's statutory right to petition the Public Access Counselor for review of the denial; and
4. The notice of the requester's statutory right to judicial review under Section 11 of the Act.

If any public record contains information that is both exempt and non-exempt, the Park District shall redact the exempt information and make the remaining non-exempt part of the responsive record available for inspection and copying.

If the responsible employee determines that there is not adequate time to gather the requested information, the Park District may extend the time to comply with the request, as provided in the Act.

When additional time is required for any of the reasons listed above, the responsible employee shall endeavor to notify the FOIA Officer as soon as possible, but no later than three (3) working days after receipt of the request. The FOIA Officer shall promptly send

written notice of extension to the requester, stating the reason(s) for the extension and the date by which the records will be available or that a denial will be forthcoming.

All requests for public records made under the Act shall be maintained by the FOIA Officer and preserved in accordance with the provisions of the Local Records Act or other applicable law. Documents maintained shall include, but not be limited to, the following: the original request, a copy of the written response, a record of written communications with the requester, and a copy of all other communications. To the extent practicable, these records should be further subdivided by type or category of record requested.

Generally, the Act does not require the Park District to create records – instead, it requires providing access to records the Park District has in its possession or under its control, subject to applicable exemptions. However, FOIA sections 3.5, 4 and 5 require the Park District to create, retain, and in some cases, post certain records. These requirements are listed below:

1. List of documents or categories of records immediately disclosable upon request.
2. Current list of all types or categories of records under the control of the public body.
3. A description of the manner in which electronic records will be provided to persons who do not have reasonable access to computers or printers.
4. A brief description of the public body.
5. A short summary of the public body's purpose.
6. A block diagram of its functional subdivisions.
7. Total amount of the operating budget.
8. Number and location of the public body's offices.
9. Approximate number of full and part time employees.
10. Membership of all advisory boards, commissions, committees, or councils.
11. Description of the method by which persons can file FOIA requests.
12. Directory of FOIA Officers.
13. Address where FOIA requests can be directed.
14. FOIA fees.

Section 7: Applicability

In the event of any conflict between this document and applicable law, applicable law shall apply and control. The Park District is not legally obligated to comply with these Rules and Regulations and may deviate from any of the terms hereof in any manner that is otherwise in compliance with applicable law. The Park District shall not be liable to any requester, group or organization for failure to strictly comply with these Rules and Regulations.

Section 8: Review and Revision

These Rules and Regulations shall be reviewed periodically to ensure effectiveness and compliance with any changes in laws, regulations. Revisions shall be made, as necessary, by the FOIA Officer or their designee and communicated to the Park Board as well as relevant

staff members.

Section 9: Implementation

These Rules and Regulations shall be implemented immediately upon approval by the Park Board and distributed to all relevant staff members.

**ATTACHMENT #1
WINNETKA PARK DISTRICT
CATEGORIES OF INFORMATION AVAILABLE
THROUGH THE FREEDOM OF INFORMATION ACT**

- I. ORDINANCES
 - a. Financial Ordinances
 - i. Tax Levy
 - ii. Budget & Appropriations
 - iii. Abatement
 - iv. Bond
 - b. Other General Information
- II. RESOLUTIONS
 - a. Financial
 - b. Other
- III. BOARD MINUTES
- IV. BOARD MEETING NOTICE
- V. COMMITTEE MINUTES
- VI. APPROVED AND EXECUTED CONTRACTS
 - a. Leases (as lessee)
 - b. Leases (as lessor)
 - c. Maintenance/Service Contracts
 - d. Intergovernmental Agreements
 - e. Real Estate Contracts
 - f. Employment Contracts
- VII. FINANCIAL RECORDS
 - a. Annual Audit Reports
 - b. Annual Treasurer's Reports
 - c. Voucher Lists
 - d. Receipt and Disbursement Ledgers
 - e. Bills (filed by vendor)
 - f. Other
- VIII. CORRESPONDENCE

- IX. ASSET RECORDS
 - a. Fixed Assets Inventory
 - b. Maps, Aerial Photographs, Surveys
 - c. Exempt Property Affidavits
 - d. Tax Divisions
- X. PLANNING DOCUMENTS
 - a. Long Range Plan
 - b. Master Plan
 - c. Strategic Plan
- XI. CAPITAL PROJECTS RECORDS
 - a. Contracts
 - i. Architect
 - ii. Contractor
 - iii. Engineer
- XII. LIST, NAME, SALARY, TITLE, DATE OF EMPLOYMENT OF EMPLOYEES
- XIII. BOARD POLICY MANUAL
- XIV. GRANTS
 - a. Agreements
- XV. REPORTS
 - a. Consultant Reports
- XVI. ELECTION INFORMATION
 - a. Oath of Office
- XVII. INSURANCE RECORDS

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**ATTACHMENT #2
WINNETKA PARK DISTRICT
COMPOSITION**

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**ATTACHMENT #3
WINNETKA PARK DISTRICT
BLOCK DIAGRAM WITH FUNCTIONAL SUBDIVISIONS
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