

# FOIA INFORMATION

## Homer Township Road District: Road and Bridge Maintenance

Township Road Districts maintain over 71,000 miles of roads in Illinois - a full 53 percent of all thoroughfares in the state. The Homer Township Road District serves Unincorporated Homer Township and has an intergovernmental agreement to provide service to the Village of Homer Glen.

Full-time Elected Officials: 1

Full-time employees: 2

Part-time employees: 0

Seasonal part-time: 0

### **FOIA Officers:**

Brent Porfilio

## **General FOIA Information:**

### **What is FOIA?**

The Freedom of Information Act (FOIA) is a state statute that provides the public the right to access government documents and records. The premise behind FOIA is that the public has a right to know what the government is doing. The law provides that a person can ask a public body for a copy of its records on a specific subject and the public body must provide those records, unless there is an exemption in the statute that protects those records from disclosure (for example: records containing information concerning trade secrets or personal privacy).

### **Who is subject to FOIA?**

Public bodies are subject to FOIA. The judiciary is not subject to FOIA, but court records and proceedings generally are open to the public.

### **Who can file a FOIA request?**

Anyone, any person, group, association, corporation, firm, partnership or organization has the right to file a FOIA request to any state or local public body, including any city, township or county office.

### **HOW TO MAKE A FOIA REQUEST**

### **I need information from a public body but I am not quite sure where to start or what to request. What can I do?**

If you would like to obtain information from a public body, you should begin by writing down a list of the information you are seeking. Then prepare a letter to that public body's office. If you are not sure to whom to address the letter, contact the public body's main office and request the contact information for the FOIA officer.

Your letter should include your name, your address, the date and a daytime phone

number so that the public body can contact you if they have any questions. Describe the information you are seeking with sufficient detail so that the public body can find the requested records. Providing as much information as possible in your request on the subject matter may expedite the public body's search process. You do not need to describe the document specifically and accurately by the same name

the public body uses. As long as the public body understands what is being requested, they must release that information, even if the requestor does not call it by the same name the public body uses.

Public bodies cannot require that the public submit FOIA requests on a specific form or in a specific format. Public bodies, however, can require that FOIA requests be submitted in writing. Public bodies must accept requests by mail, personal delivery, fax, e-mail, or other means available to the public body. Public bodies may accept oral FOIA requests but are not required to do so.

Additionally, each public body must develop and make available upon request a list of documents that the public body will immediately provide to a requester. Each public body also must maintain a reasonably current list of all types or categories of records under its control, and the list should be reasonably detailed in order to aid persons in obtaining access to public records. This list must be available for inspection and copying.

#### **What should I include in the FOIA request?**

On your written request, include your name, address, the date and a daytime phone number so that the public body can contact you if they have any questions. Provide as much information as possible on the subject matter. This will help expedite the search process.

#### **How many days does the public body have to respond to my FOIA request?**

A public body must respond to a FOIA request within 5 business days *after* the public body receives the request. Day 1 of the 5-day timeline is the first business day *after* the request is received by the public body. The date that the request was received by the public body does *not* count as "Day 1." That time period may be extended for an additional 5 business days from the date of the original due date if:

- The requested information is stored at a different location;
- The request requires the collection of a substantial number of documents;
- The request requires an extensive search;
- The requested records have not been located and require additional effort to find;
- The requested records need to be reviewed by staff who can determine whether they are exempt from FOIA;
- The requested records cannot be produced without unduly burdening the public body or interfering with its operations; or
- The request requires the public body to consult with another public body who has substantial interest in the subject matter of the request.

If additional time is needed, the public body must notify the requestor in writing within 5 business days after the receipt of the request of the statutory reasons for the extension and when the requested information will be produced.

#### **When does the 5 business day time period start?**

On the first business day *after* the public body receives the request.

#### **FEES**

#### **Can the public body charge for copies?**

Yes, but the fees are limited. For black and white, letter or legal sized copies (8 ½ x 11 or 11 x 17), the first 50 pages are free, and any additional pages can cost no more than 15 cents a page. For color copies or abnormal size copies, the public body can charge the actual cost of copying.

#### **Can a public body charge for electronic copies?**

Yes, but only the actual cost of the recording medium. For example, if information is

Yes, but only the actual cost of the recording medium. For example, if information is produced on CDs, the public body may only charge the actual cost of purchasing the CDs.

**Is it possible for a public body to waive the copying fees?**

Yes. Public bodies may waive or reduce copying fees if disclosure is in the public interest. A waiver or reduction may be available if:

- The request is for information on the health, safety and welfare or the legal rights of the general public;
- There is an intent to disseminate the information; or
- No personal or commercial benefit will be received from document disclosure.

**What kind of information can I not get access to?**

The FOIA law has a presumption that all information is public, unless the public body proves otherwise. There are several exceptions to public disclosure that include but are not limited to:

- Private information – “Private information” is exempt from disclosure under FOIA. FOIA defines “private information” as “unique identifiers, including a person’s social security number, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses.” Under FOIA, “private information also includes home addresses and personal license plate numbers, except as otherwise provided by law or when compiled without possibility of attribution to any person.”
- Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the “unwarranted invasion of personal privacy” means the “disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” Disclosing information that relates to the public duties of public employees is not considered an invasion of personal privacy.
- Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding or that would disclose the identity of a confidential source.
- Information that, if disclosed, might endanger anyone’s life or physical safety.
- Preliminary drafts or notes in which opinions are expressed or policies are formulated, unless the record is publicly cited and identified by the head of the public body.
- Business trade secrets or commercial or financial information that is proprietary, privileged or confidential and disclosure would cause competitive harm to the person or business.
- Proposals and bids for any contract, until a final selection is made.
- Requests that are “unduly burdensome.”

# HOMER TOWNSHIP ROAD DISTRICT FREEDOM OF INFORMATION REQUEST

Date Requested: \_\_\_\_\_

Request submitted by: \_\_\_\_\_ Email \_\_\_\_\_ U.S. Mail \_\_\_\_\_ Fax \_\_\_\_\_ In Person

Name of Requestor: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number (optional): \_\_\_\_\_ Fax (optional): \_\_\_\_\_

E-mail address (optional): \_\_\_\_\_

Records Requested (please be specific):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please Indicate: \_\_\_\_\_ Inspect \_\_\_\_\_ Copy

Is this request for a Commercial Purpose? \_\_\_\_\_ Yes \_\_\_\_\_ No

Are you requesting a fee waiver? \_\_\_\_\_ Yes \_\_\_\_\_ No

Charge if more than 50 pages (.15 cent-per-page)

Signature of Requestor: \_\_\_\_\_

*This office will respond to a request for public records within 5 working days*

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## Completed FOIA

Person receiving completed request: \_\_\_\_\_

Date received: \_\_\_\_\_

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### FOR OFFICE USE ONLY

Response: \_\_\_\_\_  
\_\_\_\_\_

Request Denied/Reason: \_\_\_\_\_

Forwarded to: Public Access Counselor \_\_\_\_\_

Completed by: \_\_\_\_\_ Date: \_\_\_\_\_