

Chicago Public Schools Policy Manual

Title: COMPLIANCE WITH FREEDOM OF INFORMATION ACT REQUESTS

Section: 203.1

Board Report: 10-0825-PO1

Date Adopted: August 25, 2010

Policy:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board amend the Policy for Compliance with Freedom of Information Act Requests.

Policy Text:

The Board of Education of the City of Chicago hereby declares its concurrence with and adherence to the philosophy, tenets and intent of the Freedom of Information Act. Pursuant to the fundamental philosophy of the American constitutional form of government and the laws of the State of Illinois, it is the public policy of the Board of Education of the City of Chicago that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees, consistent with the terms of the Freedom of Information Act. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest.

The Board of Education will not, in responding to any requests under the Freedom of Information Act, violate personal privacy, nor will the Act be used for the purpose of furthering a commercial enterprise, or to disrupt the duly undertaken work of the Board of Education or any school or Local School Council, independent of the fulfillment of any of the afore mentioned rights of the people to access to information.

Requests pursuant to the Freedom of Information Act must be evaluated in light of any the exemptions contained in the Act, as well as any State or Federal statutes which create additional restrictions on disclosure of information.

The Freedom of Information Act does not obligate the Board of Education or any school or Local School Council to maintain or prepare any public record not ordinarily maintained or prepared by the Board of Education or school or Local School Council.

These restraints on information access are limited exceptions to the general rule that the people have a right to know the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of governance and administration of the Chicago Public Schools. The provisions of the Freedom of Information Act shall be construed to this end, in formulating responses to requests made pursuant to the Act.

This policy supersedes all previously adopted policies, and is effective immediately upon its adoption. The following "Procedures for Access to Information by the Public" is added to this Policy to identify procedures for obtaining materials under the Illinois Freedom of Information Act. Copies are available in the Freedom of Information Office.

PROCEDURES FOR ACCESS TO INFORMATION BY THE PUBLIC

Chicago Board of Education

Chicago Public Schools

I. Introduction

The Illinois Freedom of Information Act

These procedures have been established to provide the public with access to information retained by the Chicago Board of Education ("the Board") and the Chicago Public Schools ("CPS") in conformance with the Illinois Freedom of Information Act ("FOIA" or the "Act")(5 ILCS 140/1, et seq.). These procedures do not apply to the Illinois School Student Records Act (105 ILCS 10/1 et seq.) or the Illinois Personnel Record Review Act (820 ILCS 40/0.01 et seq.), the provisions of which are not changed or modified by FOIA.

II. Procedures

A. Public Records

In accordance with FOIA, any person, upon written request, may inspect and copy "public records" retained by the Board and CPS. A definition of "public records" available under FOIA is contained in §2(c) of Act. (5 ILCS 140/2(c)).

B. FOIA Office - Specific Location

All FOIA requests must be made in writing to the FOIA Office. The FOIA Office is located at 125 South Clark Street 7th Floor, and is open from 9:00a.m. to 5:00 p.m., Monday through Friday.

C. FOIA Officer - Responsibilities

It is the responsibility of the FOIA Officer to perform the following functions:

1. Assist all persons making requests for information.
2. Accept requests for information and respond to these requests.
3. Maintain a record of requests for information and their disposition, including copies of all notices of denial, which are open to the public and indexed according to the type of exemption asserted, and to the extent feasible, according to the types of records requested. (5 ILCS 140/9(b)).

D. Materials to Assist the Public

The following material is available for inspection and copying and sent through the mail if requested:

1. A brief description of itself, which will include, but not be limited to, a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures, or to which the public body is required to report and be answerable for its operations; and
2. A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officer or officers, the address where requests for public records should be directed, and any fees allowable under Section 6 of this Act.
3. A public body that maintains a website shall also post this information on its website. 5 ILCS 140/4.

E. Conditions for Examining and Copying Information

FOIA authorizes public bodies to charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the public body to copy records. (5 ILCS 140/6(a) and (b)). (See II (D)(4) above). However, no fee will be charged for the costs of the search for and review of documents. Fees for copying and certification may be reduced or waived, as determined by the FOIA Office, if the person requesting documents states the specific purpose for the request and indicates that a waiver for reduction of the fees is in the public interest. (5 ILCS 140/6(c)).

The FOIA Office may require that records be examined and copied under the supervision of staff to protect the materials from risk of damage, disorganization, loss, and to minimize the interference with essential operations of the Board or the Chicago Public Schools.

F. Information Exempt from Inspection and Copying

FOIA specifies that a public body must comply with all requests for public records unless (1) the request would be unduly burdensome, (2) there is no way to narrow the request, and (3) the burden on the public body outweighs the public's interest in the information. (5 ILCS 140/3(g)).

FOIA further specifies that certain information shall be exempt from inspection and copying. (5 ILCS 140/7). In the event that exempted information is requested, the request will be denied, in writing. The written denial will cite the applicable reason or exemption upon which the denial is based. When a record which is exempt from disclosure contains any material which is not exempt, the Board and CPS will separate the exempt material and make the non-exempt material available for inspection and copying. (5 ILCS 140/7).

G. Time Line for Requests for Information

The Board and CPS will either comply with or deny a written request for information within five working days after the receipt of a FOIA request. (5 ILCS 140/3(d)).

When additional time is required, the Board or CPS shall notify the person making the request in writing within five working days after the request was received, specifying the reasons for the delay and the date by which the records will be made available (5 ILCS 140/3(c)).

H. Denial of Request for Information

If a person is denied access to information, he or she will be given written notification of the denial, specifying the reasons for denial, and the names and titles of each person responsible for the denial. The person denied access to information will also be notified in the letter of his or her right to file a request for review with the Public Access Counselor established in the Office of the Attorney General (5 ILCS 140/9.5(a))

I. Judicial Review

If the request is denied, the person denied access to the public record shall be notified of his or her right to file suit for injunctive or declaratory relief (5 ILCS 140/11).

Amends/Rescinds:	Amends 00-0524-PO1
Cross References:	91-0731-PO1
Legal References:	105 ILCS 5/140 et.seq.