

BENSENVILLE FIRE PROTECTION DISTRICT POLICY

It is the policy of the Board of Trustees of the Bensenville 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 Director of Administration, who is hereby appointed the District's Freedom of Information Officer, shall insure that the District complies with the Act through execution of the District's regulations adopted pursuant to this policy.

A. Introduction

1. Brief Description of the District

Bensenville Fire Protection District, DuPage and Cook Counties, Illinois, is a fire protection district organized pursuant to the Illinois Fire Protection District Act (70 ICS 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 500 S. York Rd., Bensenville, Illinois 60106.

The District employs approximately 30 full-time employees.

The Board of Trustees consisting of the following three members governs the District:

Robert Hjelmgren President
Robert Strandt Treasurer
George Freda Secretary

The Board of Fire Commissioners of the District consists of the following three members:

Robert Imielski Chair
Richard Davis Secretary
Francis Ramirez Member

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, located at 500 S York Road, Bensenville, Illinois 60106. The Director of Administration serves as the Freedom of information Officer for the District. Requests shall be directed to the FOIA OFFICER (or designee) pursuant to the District's administrative regulations at the address noted above. The first 50 black and white copies are 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, 9:00 a.m. to 4:30 p.m. The telephone number is (630) 350-3441.

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 ICS 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) 814-5526.

C. General Materials Available

The following categories of information are immediately available to the public:

1. Lists of all Types or Categories of Records Under the District's Control

a. Financial Records

- Budget
- levy Ordinance
- Audited Financial Statement
- Revenue and Expenses Reports
- labor Agreements

b. General Records

- Board minutes
- Board Resolutions and Ordinances
- Board Policies
- Personnel names, salaries, titles and dates of employment
- legal notices
- 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. While the use of a specific form is not required, the District will provide a form upon request. Requests are accepted via personal delivery, mail, and facsimile or email if directed to

2. Response to Request

- a. Upon receipt, the Director of Administration or her designee shall mark the date received upon the request, along with the date a response is due.
- b. The District shall either comply with or deny the written request for public records within five (5) working days after its receipt. Denial shall contain a detailed factual basis for the denial as provided below. Failure to respond to a written request within five (5) working days after its receipt shall be considered a denial 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:
 - 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.
- e. The response times contained in this Section may be extended with the written agreement of the requestor and the District.
- f. The Director of Administration shall maintain a copy of each request, response and written communications with the requestor and all documents submitted.

3. 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 10:00 a.m. and 3:30 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 Director of Administration or her 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.

4. Fees

- a. Letter-sized, black and white copies are charged at \$.15 per page after the first 50 copies. Each color copy will be charged at \$1.00 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 his designee. Each record certified shall cost \$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(b) of the Act (5 ILCS 140/6(b)). 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.

5. 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.

6. 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, the Director of Administration must determine if the subject's right to privacy outweighs and legitimate public interest. If the Director of Administration determines the legitimate public interests outweigh privacy interests, the Fire Chief shall release the documents.
- b. If the Director of Administration determines the right to privacy outweighs any legitimate public interest, the Director of Administration, after consultation with the Fire Chief, shall seek an advisory opinion from the Public Access Counselor pursuant to the procedures adopted by that body.

7. Preliminary Drafts and Similar Documents

- a. When the Director of Administration determines that a requested document is exempt under Section 7(1)(f) as a preliminary draft or other document exempted under this section, he shall initiate the advisory opinion procedures of the Public Access Counselor.
- b. If the Director of Administration believes the advisory opinion is in error, the consent of the Board of Trustees, the Director of Administration, after consultation with the Fire Chief, may seek judicial review of the decision.

8. Commercial Requests

- a. Prior to responding to a request for records, the Director of Administration shall determine whether the requested records will be used in any sale, resale, solicitation or advertisements for sales or services. If the Director of Administration 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, nonprofit, scientific or academic organizations shall not be considered commercial requests.

- b. When a request is for a commercial purpose, the Director of Administration shall respond to the requestor within five (5) business days, informing the requestor that the request is considered commercial.
- c. Within twenty-one (21) business days after the receipt of the commercial purpose request, the Director of Administration 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.
- b. When estimating the time required for responding to a commercial records request, the Director of Administration should consider the size and complexity of the request. Priority shall be given to non-commercial requests.

9. 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.

Board of Trustees Date:

