

**Illinois Freedom of Information Act- FOIA**

**The FOIA officer for Kell Consolidated School District #2:**

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## **Frequently Asked Questions about FOIA:**

The Illinois Freedom of Information Act (FOIA) is designed to ensure that the public has access to information about their government and its decision-making process. As a public servant, we have a duty to ensure that Illinois residents can obtain information about their government.

In 2009, Attorney General Lisa Madigan worked with legislators and a group of individuals and organizations to strengthen FOIA and hold government more accountable. Beginning on January 1, 2010, key changes to the Freedom of Information Act and the Open Meetings Act took effect and in turn provide Illinois residents with a more open and accountable government.

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.

### **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.

### **Responding to FOIA Requests**

How many days does the public body have to respond to a FOIA request?

Five business days from the day that the public body receives the request. However, 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 that 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.

### **What is a “business day” or “working day”?**

A “business day” or “working day” is a regular day of the week (Monday through Friday) when public offices and most businesses are open. Saturdays, Sundays and legal holidays are not business days and cannot be counted in the 5 business day time period.