

Board of Trustees of the Frankfort Firefighters' Pension Fund

1.19 Freedom of Information

It is the policy of the Fund 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 Fund. The Fund shall appoint a Freedom of Information Officer, who shall insure that the Fund complies with the Act through execution this policy.

A. Introduction

1. Brief Description of the Fund

The Frankfort Firefighters' Pension Fund is an Article 4 pension fund organized pursuant to the Illinois Pension Code (40 ILCS 4-101 *et seq.*) for the benefit of its members and of their surviving spouses, children and certain other dependents. The Fund's administrative office is located at 333 W. Nebraska, Frankfort, Illinois 60423.

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 Fund, located at 333 W. Nebraska, Frankfort, Illinois 60423. Requests shall be directed in writing to the Freedom of Information Officer 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 Fund of reproduction.

For any additional information, the administrative office's telephone number is (815) 469-1700.

B. Public Access to Records

1. Generally

The Fund shall make available its public records to any person requesting access pursuant to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) (the "Act"), as well as other applicable law. The Fund 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 Fund 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) 814-3000.

C. **General Materials Available**

The following information will be made available to the public:

1. **List of all Types or Categories of Records Under the Fund's Control**

a. **Financial records**

- Financial Statements
- Audits
- Warrant lists
- Investment reports

b. **General Records**

- Board meeting agendas and minutes
- Board resolutions
- Board policies, administrative procedures and forms
- Member names, benefits and dates of employment
- Insurance
- Legal notices
- Consulting contracts

D. **Request Procedures**

1. **Initiation of Request**

Any person wishing to inspect or copy a Fund's public record shall submit a written request to the Freedom of Information Officer. While the use of a specific form is not required, the Fund will provide a form upon request (see **Form 4**). Requests are accepted via personal delivery, mail, facsimile or email. Requests must specify Fund records with reasonable particularity to avoid inefficient use of staff time in retrieving and preparing records for inspection.

2. **Response to Request**

a. Upon receipt, the Freedom of Information Officer shall:

- 1) note the date the Fund received the written request;
- 2) compute the day on which the period for response will expire and make a notation of that date on the written request;
- 3) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- 4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

b. The Fund shall either comply with or deny the written request for public records within five (5) working days after its receipt. (see **Forms 5, 6 and 7**). Denial shall be by letter as provided below and contain a detailed factual basis for the denial. 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 Fund's time for response may be extended for not more than five (5) additional working days from the original due date for any of the following reasons (see **Form 8**):

- 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 Fund 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 Fund 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 Fund shall notify by letter the person making the written request within five (5) working days of receipt of request (see **Form 8**).
- e. The response times contained in this Section may be extended with the written agreement of the requestor.
- f. The Freedom of Information Officer shall:
- 1) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and

- 2) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

3. **Procedure for Inspection or Copying**

- a. Inspection of Fund public records not excluded from inspection under the Act shall be permitted on days the Fund's office is open for business.
- b. Inspection must be made at the Fund's office, and records are not to be removed from the Fund's office.
- c. The Freedom of Information Officer or his/her designee shall be present during inspection of Fund 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 the Fund within the limitations of Fund's copying equipment.
- f. When requested information is available online, the Freedom of Information Officer shall direct the requestor to the website where the records can be accessed. If the requestor cannot reasonably access the records on the website where the records are available, the Freedom of Information Officer shall allow the requestor to physically inspect the records or provide copies to the requestor. (5 ILCS 140/8.5)

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 \$.25 per page. Persons requesting electronic or oversized copies of Fund public records shall reimburse the Fund for its actual cost for reproducing public records, as determined by the Freedom of Information Officer 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 of the Fund, 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 Fund shall take into consideration the amount of materials requested and the cost of copying them.

- c. Records may be produced electronically, if requested. The Fund will email records where practicable. When requests are unable to be sent via email or the requestor does not desire emailed copies, the Fund 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 Fund accept electronic media from a requestor.

- d. For a voluminous request (as defined below) for electronic records that are not in a portable document format ("PDF"), the Fund may charge up to \$20 if the file is less than two megabytes; \$40 if the file is between two and four megabytes; and \$100 if the file is larger than four megabytes. If an electronic document is available as a PDF, the Fund may charge up to \$20 if the file is less than eighty megabytes; \$40 if the file is between eighty and 160 megabytes; and \$100 if the file is larger than 160 megabytes. (5 ILCS 140/3.6)

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 Fund and there is no way to narrow the request, and the burden on the Fund outweighs the public interest in the information.

- b. Before invoking this exemption, the Fund 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 Fund shall invoke this exemption in writing to the person making the request specifying the reasons why it would unduly burden the Fund and the extent to which compliance would so burden the operations of the Fund.

- d. Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision.

6. **Commercial Requests**

- a. Prior to responding to a request for records, the Freedom of Information Officer shall determine whether the requested records will be used in any sale, resale, solicitation or advertisements for sales or services. If the Freedom of Information Officer 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, non-profit, scientific or academic organizations shall not be considered commercial requests.
- b. When a request is for a commercial purpose, the Freedom of Information Officer 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 Freedom of Information Officer 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.
- d. When estimating the time required for responding to a commercial records request, the Freedom of Information Officer should consider the size and complexity of the request. Priority shall be given to non-commercial requests.

7. **Voluminous Requests**

- a. There are three types of voluminous requests:
 - i. Requests that require the compilation of more than 500 pages, unless the request only targets a single record that happens to be over 500 pages;
 - ii. Requests that contain more than five (5) individual sub-requests for more than five (5) different kinds of records; and
 - iii. Five (5) separate FOIA requests for five (5) different types of records made in a twenty (20) day period by a single requester.
- b. When a request is a voluminous request, the Freedom of Information Officer shall respond to the requestor within five (5) business days informing the requestor that the request is considered voluminous. The requestor shall have ten (10) business days to amend his or her request. If the requestor does not amend his or her request, the Freedom of

Information Officer must again respond within five (5) business days. The Freedom of Information Officer shall respond in one of three ways:

- i. Estimate the fees to be charged;
- ii. deny the request under an applicable FOIA exemption;
- iii. notify the requester that his or her request is unduly burdensome; or
- iv. provide the records as requested. (5 ILCS 140/3.6)