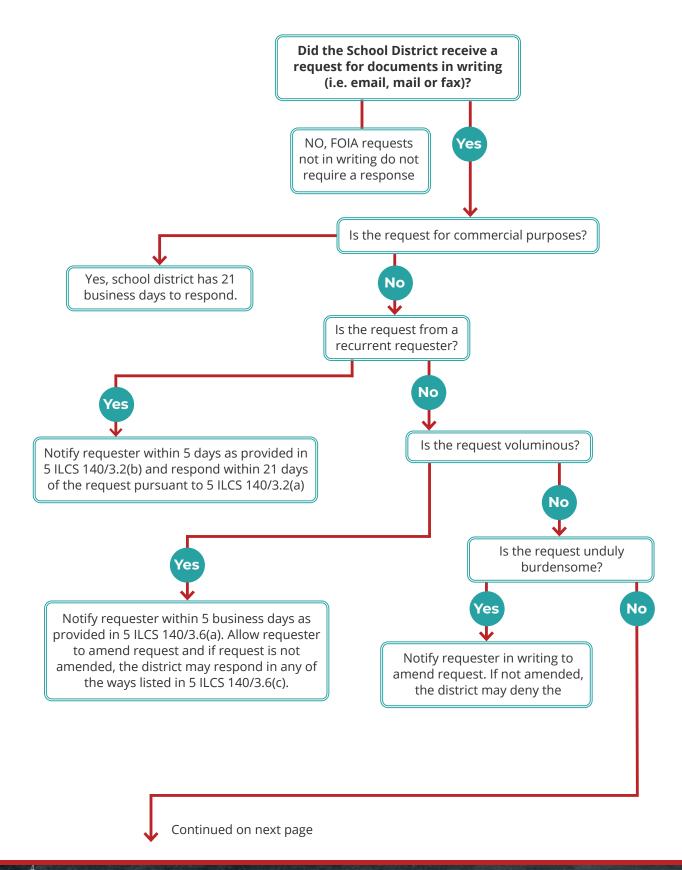
## Freedom of Information Act (FOIA) Decision Tree







School District has 5 business days from receipt of response to provide documents and respond to the request.

Does the District have responsive records, i.e. documents that respond to the specific requests made?

NO, District is not required to create records that it does not already possess.

No, provide responsive documents along with response letter.

YES, redact those parts of the records that fall within an exemption and then provide with a response letter citing exemptions used.

Are the records

exempt?

A school district may extend the initial deadline for an additional five business days for the reasons listed in 5 ILCS 140/3(e), which include:

- 1. Documentation stored at a different location
- 2. Request requires the collection of a substantial number of specified records
- 3. Request requires an extensive search
- 4. Requested records have not been located through routine search and additional efforts are being made to locate
- 5. Requested records must be reviewed by staff with necessary competence and discretion to determine if they are exempt
- 6. Request cannot be complied without unduly burdening the public body or interfering with its operations

The School District and Requester may also agree to another deadline in writing.

- Exempt information contained in public records may be redacted. A full list of exemptions can be found at 5 ILCS 140/7.
- Certain records are protected by specific provisions of state or federal law and are exempt from release under FOIA. For example, education records covered by the Family Educational Rights and Privacy Act (FERPA).
- Other exemptions include:
  - Private information, such as Social Security numbers, personal phone numbers and addresses, and other sensitive information:
  - Personal information—information that a reasonable person would find highly objectionable if released; \*Note that sometimes a legitimate public interest in a record may outweigh personal privacy concerns in a particular case.
  - Drafts and "deliberative process" information;
  - Attorney-client privileged information;
  - Trade secrets/proprietary information;
  - Contracts and bidding information while under negotiation.

