



Illinois Department of Corrections

Administrative Directive

Number: 01.02.125	Title: Freedom of Information Requests	Effective: 4/1/2021
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Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Acting Director
Supersedes:	01.02.125 effective 2/1/2020

Authority: 5 ILCS 140/1 2 IAC 851	Related ACA Standards: 5-ACI-1A-21-22; 5-ACI-1C-20, 5-ACI-1E-05
Referenced Policies:	Referenced Forms:

I. POLICY

The Department shall provide the public with access to the Department's public records in compliance with the Illinois Freedom of Information Act.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish a written procedure governing the responsibilities of staff, in accordance with Department Rules, regarding the processing of requests under the Freedom of Information Act (FOIA).

B. Applicability

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. General Provisions

1. This directive is to be read in conjunction with the Department Rule on FOIA and all other applicable administrative directives and rules regarding release of Department records. Information determined to be exempt from disclosure to the public under FOIA may still be released to authorized persons or entities under applicable rules or directives, or as authorized by law.
2. All written requests for public records maintained by the Department shall be handled by and through the FOIA Office.
3. The Chief Administrative Officer of each facility shall:
 - a. Appoint a FOIA Liaison and a backup FOIA Liaison; and
 - b. Provide the FOIA Officer with the name and work site of each Liaison and backup

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Liaison.

F. Procedures for Responding to Requests

1. Any employee who receives what appears to be a written FOIA request shall immediately forward the communication to the FOIA Officer.
2. All requests will be deemed to have been received on the date of receipt by the FOIA Office.
3. The FOIA Officer may request assistance in processing FOIA requests from the FOIA Liaisons or the Transitional Security facility Supervisors.
4. Upon receipt of a written request, the FOIA Officer shall:
 - a. Record the date the Department received the request;
 - b. Compute the date on which the period for response will expire; and
 - c. Create a file for the retention of FOIA material, including, but not limited to:
 - (1) The original request;
 - (2) An electronic or paper copy of the request;
 - (3) A copy of the response;
 - (4) A record of written communications with the requestor; and
 - (5) A copy of the requestor's response.
5. If the requestor has failed to reasonably describe the record with enough specificity to allow it to be identified, the FOIA Officer shall submit to the requestor, in writing, a request for more specific information in order to identify the record.
6. The FOIA Officer shall determine which division or office maintains custody of the record and shall notify the appropriate Liaison or the Transitional Security facility Supervisor of the request.
7. The FOIA Officer and legal counsel shall confer as to whether the record requires a review for exemption from public disclosure. If the requested record requires a review for exemption from public disclosure, the FOIA Officer may notify the requestor that an extension of time is being sought.
8. If any requested record that is determined to be exempt from public disclosure contains any material that is not exempt, the FOIA Officer shall ensure that the non-exempt material is separated, copied and forwarded to the requestor. The FOIA Officer may contact legal counsel for assistance in separating non-exempt from exempt material.
9. If the requested record does not require a review for exemption, the FOIA Officer shall contact the requestor in accordance with Paragraph II.H.1. of this directive and upon notification that the requestor has paid all required fees, the Liaison shall ensure the requested record is photocopied and forwarded to the FOIA Officer for his or her action in accordance with Paragraph II.H.2. of this directive, or made available for inspection in accordance with Paragraph II.G.
10. The FOIA Officer may deny a request for records when the requestor submits a request that would make it unduly burdensome for the Department to comply. However, prior to the denial, the FOIA Officer shall confer with the requestor in an attempt to narrow the request to

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manageable proportions.

11. When a request is denied because the requested record is exempt or compliance with the request would be unduly burdensome, the FOIA Officer shall send to the requestor a letter of denial that shall contain instructions for appealing the denial to the Public Access Counselor at the Attorney General's Office.
 - a. Notices of denials shall be maintained in a central office file, cross filed and indexed according to the exemption asserted and, if possible, according to the categories of the records requested.
 - b. Copies of all notices of denials shall be made available for public review.

G. Inspection of Records

When the requestor asks to inspect, rather than copy public records, the FOIA Officer shall make the records available for inspection at the Department's Springfield, Chicago or Marion offices. Records may not be inspected outside the presence of a Department employee.

H. Determination and Handling of Fees

1. The FOIA Officer shall determine the appropriate costs for reproduction and shall notify the requestor of the costs pursuant to Section Six of FOIA.
 2. Upon receipt of a check or money order in payment for costs, the FOIA Officer shall then forward the requested photocopies of records to the requestor.
 3. Monies received pursuant to FOIA shall be processed in accordance with fiscal directives on cash receipts.
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