

NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT

RESOLUTION NO. 2023-09

A RESOLUTION ADOPTING FOIA RULES AND FORMS

WHEREAS, the Northern Moraine Wastewater Reclamation District (the “*District*”) is a public body as defined by the Freedom of Information Act (“*FOIA*”); and

WHEREAS, the District desires to formally adopt rules, regulations, and forms to ensure its continued compliance with, and effective implementation of, FOIA; and

WHEREAS, the District President issued an Executive Order on August 18, 2023 implementing the District’s “Freedom of Information Act Rules and Regulations” as set forth in Exhibit A hereto (the “*District FOIA Rules*”); and

WHEREAS, the President and Board of Trustees of the District (the “*District Board*”) have determined that it is in the best interests of the District and its residents and customers to ratify the Executive Order, to adopt the District FOIA Rules, and to formally adopt the FOIA forms for the District as set forth in Exhibit B hereto (the “*District FOIA Forms*”) to implement the District FOIA Rules; and

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Northern Moraine Wastewater Reclamation District, as follows:

SECTION ONE. Incorporation of Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Resolution as if fully set forth.

SECTION TWO. Adoption of the District’s Freedom of Information Act Rules and Regulations. The District Board hereby ratifies the District President’s Executive Order of August 18, 2023 and adopts the “Freedom of Information Act Rules and Regulations” as set forth in Exhibit A attached hereto.

SECTION THREE. Adoption of the District’s Freedom of Information Act Forms.

(a) The District hereby adopts the FOIA forms as set forth in Exhibit B attached hereto.

(b) The District's FOIA forms as set forth in this Resolution are approved for the District's use in responding to FOIA requests and shall be effective contemporaneously with the effective date of this Resolution.

SECTION FOUR: Effective Date. This Resolution shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED THIS 12th day of Sept, 2023.

AYES: 5

NAYS: Ø

ABSENT: Ø

APPROVED THIS 12th day of Sept, 2023.


District President

ATTEST:



District Clerk



EXHIBIT A

**Northern Moraine Wastewater Reclamation District's
Freedom of Information Act Rules Regulations**

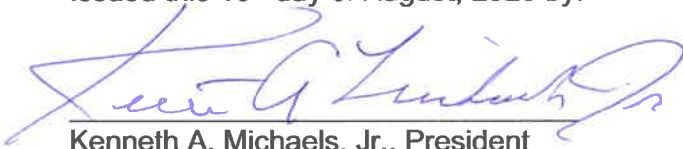
NORTHERN MORaine WASTEWATER RECLAMATION DISTRICT

Executive Order

I, Kenneth A. Michaels, Jr., as President of the Northern Moraine Wastewater Reclamation District (the "*District*"), hereby direct the District Manager as follows:

1. Implement and make available on the District's website and otherwise the attached "Policies Prohibiting Harassment and Sexual Harassment" of the District, which is an updated version of similar policies currently included in the District's Employee Manual;
2. Implement and make available on the District's website and otherwise the attached "Freedom of Information Act Rules and Regulations";
3. Direct the District's Attorney to (a) prepare a resolution for the District Board's consideration to adopt and ratify the "Policies Prohibiting Harassment and Sexual Harassment" and update the District's Employee Manual to incorporate such policies, and (b) prepare a resolution for the District Board's consideration to adopt and ratify the "Freedom of Information Act Rules and Regulations" with such additional modifications and with updated forms for the implementation of the District's FOIA compliance efforts.

Issued this 18th day of August, 2023 by:



Kenneth A. Michaels, Jr., President
Northern Moraine Wastewater Reclamation District

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

FREEDOM OF INFORMATION ACT RULES AND REGULATIONS

These Rules and Regulations (“**FOIA Rules**”) include the procedures and instructions for requesting public records from the Northern Moraine Wastewater Reclamation District (“**District**”) under the Illinois Freedom of Information Act (“**Act**”), 5 ILCS 140.

The District will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, these FOIA Rules, and any other applicable law. Generally, the District will provide public records for inspection or copying pursuant to proper requests, except for records that are specifically exempted from disclosure by the Act or other applicable law.

Requests and other communications relating to public records should be sent to the District’s FOIA Officer at the Northern Moraine Wastewater Reclamation District, 113 Timber Trail, PO Box 240, Island Lake, IL 60042 (the “**District Office**”), or via email at info@nmwr.org. The District telephone number is (847) 526-3300.

I. INTERPRETATION

A. Conflicts

These FOIA Rules do not supersede the provisions of the Act. If a provision of these FOIA Rules conflicts with the Act, then the provisions of the Act will govern.

B. Definitions

In addition to the definitions provided in the Act or elsewhere in these FOIA Rules, the following definitions apply:

1. **Business Hours:** 8:00 a.m. to 4:00 p.m. on a Business Day.
2. **Business Day:** Any day on which the District Office is open and staffed for regular public business. Business Days generally are Monday through Friday except federal and state holidays.
3. **FOIA Officer:** The FOIA Officer of the District designated under Section 3.5 of the Act.
4. **Public Access Counselor:** The Public Access Counselor of the Office of the Illinois Attorney General.
5. **Recurrent Requester:** A requester who, in the 12 months immediately preceding submission of a Request, has submitted to the District (a) a minimum of 50 Requests, (b) a minimum of 15 Requests within a 30-day period, or (c) a minimum of seven Requests within a seven-day period. For purposes of this definition, Requests made by news media and non-profit, scientific, or academic organizations are not

considered in calculating the number of Requests made in the time periods in this definition when the principal purpose of the Requests is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

6. Request: A written request to inspect, copy, or certify particular public records that is submitted to the District in accordance with the Act and these FOIA Rules.
7. Request Made for Commercial Purposes: A Request made with the intent to use the requested records (or the information derived from those records), in whole or in part, for sale, resale, or solicitation or advertisement for sales or services. However, a Request submitted by news media or by non-profit, scientific, or academic organizations will not be deemed to be made for commercial purposes if the principal purpose of the Request is (a) to access and disseminate information concerning news and current or passing events, (b) for articles of opinion or features of interest to the public, or (c) for the purpose of academic, scientific, or public research or education.
8. Requester: An individual, corporation, partnership, firm, organization or association that files a Request with the District.
9. Response Time: The time for response by the District to a request for public records, as calculated pursuant to Subsection III.A of these FOIA Rules.
10. Voluminous Request: A request that: (i) includes more than 5 individual requests for more than 5 different categories of records; or (ii) any two or more requests submitted to the District within a period of 20 business days that, in combination, seek more than 5 different categories of records; or (iii) requires compilation of more than 500 letter or legal-sized pages of public records (unless a single requested record exceeds 500 pages). "Voluminous request" **does not** include a request made by a news media or non-profit, scientific, or academic organization if the principal purpose of the request is: (a) to access and disseminate information concerning news and current or passing events; (b) for articles of opinion or features of interest to the public; or (c) for the purpose of academic, scientific, or public research or education.

C. Days; Measurement of Time

1. Days. In counting the number of days allowed for a response or a decision to be given by the District under the Act and these FOIA Rules, the District will not include the day on which the request or notice requiring the response or decision was first received.
2. Receipt Date. The Business Day on which the Request is physically received by the District. All Requests received after the close of business or on a non-Business Day will be deemed to have been received by the District on the next Business Day.
3. Supplemental Requests. Supplemental, amended, clarified, and additional Requests will not relate back to the time of receipt of the initial Request.

Supplemental, amended, clarified, or additional Requests will be considered new Requests for purposes of determining the applicable Response Time.

4. Response Date. All responses and decisions to be issued by the District under the Act and these FOIA Rules will be deemed to have been given on (a) the date of personal delivery to the person or to the residence of the person entitled to the response or decision or (b) if mailed, faxed, or sent by e-mail, on the date of mailing, faxing, or e-mailing regardless of the date of actual receipt by that person. Each response and decision may include proof of service evidencing the method by which, and time at which, the response or decision was delivered.

II. REQUESTS FOR INSPECTION, COPYING, OR CERTIFICATION OF PUBLIC RECORDS

A. Officials Responsible for Responding to Requests

The FOIA Officer is the person responsible for receiving, processing, granting, and denying Requests, extending a Response Time, and issuing appropriate notices with respect to all related matters. The FOIA Officer, or his or her designee, may consult with District staff, officials, and others as appropriate before responding to a Request.

The District, from time to time, may appoint Deputy FOIA Officers to assist the FOIA Officer in the performance of his or her duties under the Act and these FOIA Rules or to act as the FOIA Officer in his or her absence.

B. Form of Request

1. Required Information. A Request must be filed with the District in writing and in English. The District encourages Requesters to submit requests on the District's convenient Request Form or a similar form that contains the following information:

- (a) the Requester's name;
- (b) either the Requester's mailing address, email address, or telephone number;
- (c) a description of the public records requested; and

A Request may also include a statement regarding the manner or form in which the Requester prefers to receive public records.

2. Supplemental Information. If a Request does not contain all of the information required pursuant to Paragraph II.B.1(a) through (c) of these FOIA Rules, then the FOIA Officer may require the Requester to complete a Supplemental Information Form or similar writing. In addition, the FOIA Officer may require the Requester to confirm whether the Requester intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services, and, if so, to provide information regarding the purpose or use of the records.

3. Requests Must Be Complete. No Request will be deemed complete, and the District will have no obligation to produce the requested records, unless and until the Request contains, at a minimum, all of the information required pursuant to Paragraph II.B.1(a) through (c) in conformity with these FOIA Rules.
4. Subpoenas. Except as provided in Section 9.5(c) of the Act, these FOIA Rules will not apply to any subpoena for records received by the District and issued by, or in accordance with the rules of, a court or agency of competent jurisdiction.
5. Harassment Policy. No FOIA Request shall be deemed proper or complete if the District determines that the Request violates the District's Policies Prohibiting Harassment and Sexual Harassment (the "**Harassment Policy**"). Requests that constitute violations of the District's Harassment Policy include, but are not limited to, Requests containing threats or language intended to interfere with a District employee's work performance, or Requests which create an intimidating, hostile, or offensive working environment for District employees or officials in violation of the Illinois Human Rights Act, 775 ILCS 5/1-101, *et seq.* If the District determines that a Request violates the District's Harassment Policy, the FOIA Officer shall notify the Requester in writing and within five Business Days after receipt of the Request that: (a) his or her Request is violative of the District's Harassment Policy and these FOIA Rules; (b) the Request is improper and incomplete and cannot be processed by the District; and (c) the Requester may submit a proper and complete Request that is compliant with the District's Harassment Policy and these FOIA Rules.

C. Submittal of Request

Completed Requests must be filed with the District FOIA Officer by United States mail, facsimile, overnight courier service, electronic mail, or in person, in accordance with the following:

1. In-Person Submissions. Requests submitted in person should be given to the FOIA Officer or filed in the office of the District Clerk on a Business Day during Business Hours. If a Request is submitted to a District officer or employee other than the FOIA Officer, that officer or employee must immediately provide the Request to the FOIA Officer.
2. Electronic Mail Submissions. Requests submitted by electronic mail must be sent directly to the FOIA Officer at info@nmwrd.org and will be deemed received only upon actual receipt by the FOIA Officer on a Business Day during Business Hours, regardless of date or time of submission.
3. All Other Submissions. Requests submitted by mail or other means must be addressed to the FOIA Officer at the District Office and will be deemed received only upon actual receipt by the District on a Business Day, regardless of date of mailing.

All District officials and employees who receive a Request must immediately forward that Request to the FOIA Officer.

D. Processing of Request

1. If the FOIA Officer determines that a Request is not complete, then the FOIA Officer must notify the Requester within five Business Days after receipt by the District of the Request or within 21 Business Days if the Request is a Request Made for Commercial Purposes. If the FOIA Officer determines that the Request is complete, then the FOIA Officer must stamp or otherwise indicate on each completed Request, the date and time of receipt and, if known, the date on which the District must respond to the Request.
2. The FOIA Officer must maintain an electronic or paper copy of the Request, including all documents submitted with the Request, until all matters related to the Request have been completed.
3. The FOIA Officer must create an electronic or paper file for the retention of the original Request, a copy of the response by the District, a record of all written communications with the Requester regarding the Request, and a copy of other communications related to the Request.
4. The FOIA Officer must keep all Responses to Request for Public Records that include a denial or partial denial of a Request in a single central office file.

III. RESPONSES TO REQUESTS

A. Time for Response

1. All Requests; Exceptions. For all Requests other than those set forth in Paragraphs III.A.2, III.A.3, and III.A.4 below, the District will respond within five Business Days after a completed Request is received by the District, unless the District has extended the Response Time under to Paragraph III.A.5 below.
2. Requests Made for Commercial Purposes. The District will respond within 21 Business Days after a complete Request Made for Commercial Purposes is received. The response must include one of the following: (a) an approval of the Request, (b) a partial approval and partial denial of the Request, (c) a denial of the Request, (d) a notice to the Requester providing an estimate of the time required by the District to provide the records requested and an estimate of the fees to be charged, (d) or a notice to the Requester that the Request is unduly burdensome and extending an opportunity to the Requester to reduce the Request to manageable proportions.
3. Requests by Recurrent Requesters.
 - a. The District will respond within five Business Days after a completed Request is received from a Recurrent Requester notifying the Requester that he or she has been deemed a Recurrent Requester, which notice must include (i) the reason for designating the Requester as a Recurrent Requester and (ii) a statement that the District will respond in substance to the Request within 21 Business Days after the Request was received.
 - b. The District then will respond to a Request by the Recurrent Requester within 21 Business Days after the completed Request is received. This response

must include one of the following: (i) an approval of the Request; (ii) a partial approval and partial denial of the Request; (iii) a denial of the Request; (iv) a notice to the Recurrent Requester providing an estimate of the time required by the District to provide the records requested and an estimate of the fees to be charged; (v) or a notice to the Recurrent Requester that the Request is unduly burdensome and extending an opportunity to the Recurrent Requester to reduce the Request to manageable proportions.

4. Voluminous Requests

- a. The District will respond within five Business Days after a completed Voluminous Request is received to notify the Requester that his or her Request has been deemed a Voluminous Request. Such notice shall include all information required by Section 3.6(a) of FOIA, including: (i) the reasons for designating the Request as a Voluminous Request; (ii) a statement that the Requester must respond to the District within 10 business days to specify whether the Requester would like to amend the Request; (iii) a statement that failure to respond or to amend the Request so that it no longer qualifies as a Voluminous Request will result in the District responding to the Request and assessing applicable fees, for which the Requester will be liable even if he or she fails to accept or collect the responsive records; and (iv) a statement that the Requester may seek review by the Public Access Counselor of the District's determination that the Request is a Voluminous Request. Such notice will also advise the Requester of the District's Response Time, including a statement that the District may further extend the Response Time in the manner provided by Section 3.6 of FOIA.
- b. The District will respond to a Voluminous Request within five Business Days after: (i) receipt of the Requester's response to the Notice of Voluminous Request; or (ii) the last day for the Requester to amend his or her request in accordance with the Notice of Voluminous Request (the "**Amendment Deadline**"), which is earlier. However, the District may extend Response Time by not more than 10 business days after the Amendment Deadline by sending the Requester a Notice of Extension in accordance with Paragraph III.A.5, below. In any circumstance, the District and the Requester may agree in writing to further extend the Response Time in accordance with Paragraph III.A.5(b), below.
- c. The District's response to a Voluminous Request must include one of the following: (i) an approval of the Voluminous Request and estimate of the fees to be charged, if any; (ii) a partial approval and partial denial of the Voluminous Request and estimate of the fees to be charged, if any; (iii) a denial of the Voluminous Request; or (iv) a notice to the Requester that the Voluminous Request is unduly burdensome and extending an opportunity to the Requester to attempt to reduce the Voluminous Request to manageable proportions. The District may require that the Requestor pay the estimated fees in full before copying the requested documents.
- d. If a Requester does not timely respond to a Notice of Voluminous Request or agree to modify the Request such that it ceases to be a Voluminous Request,

then the Requester will be responsible for paying all applicable fees associated with the District's response, even if the Requester ultimately fails to accept or collect the responsive records. In such circumstances, any failure of the Requester to pay all applicable fees shall be deemed a debt due and owing to the District, which the District may collect in any manner provided by applicable law.

5. Extension of Time

- a. If the FOIA Officer determines that additional time is needed and allowed under the Act to respond to a Request, then the FOIA Officer will notify the Requester within the applicable Response Time of the determination, of the reasons requiring the extension, and of the length of the extension (which generally may not exceed five additional Business Days except as otherwise provided in Paragraphs III.A.2, III.A.3, and/or III.A.4 above). The FOIA Officer may not issue a Notice of Extension for Requests Made for Commercial Purposes.
- b. The Requester and the District may agree in writing to further extend the time for compliance for any period to be mutually determined. In his or her discretion, the FOIA Officer may deliver to the Requester a Request for Extension Agreement form and an Extension Agreement form. The FOIA Officer is authorized to execute, in his or her discretion, an Extension Agreement after it has been executed by the Requester. The FOIA Officer must respond to the Request within the applicable Response Time, unless and until the Requester and the District have executed the Extension Agreement.

B. Disclosure of Public Records

1. Notice of Approval. If the FOIA Officer determines that the Act requires disclosure of all or any part or portion of the requested public records, then the FOIA Officer will notify the Requester in writing of his or her determination, using the Response to Request for Public Records form attached to these FOIA Rules or a similar written form.
2. Approval of Requests Made for Commercial Purposes or by Recurrent Requesters. If the Request is a Request Made for Commercial Purposes or is made by a Recurrent Requester, and the requested records are not immediately available for inspection or pick-up, then the Response to Request for Public Records will specify a reasonable date on which the requested records will be available for inspection or pick-up, based on the size and complexity of the Request.
3. Search of Files and Use of Equipment. Except as otherwise specifically authorized by the FOIA Officer, only District employees, the District Attorney, and District contractors are permitted to search District files, records, or storage areas, or to use District equipment in connection with any Request.
4. Removal of Original Records. Original public records may not be removed from any District building at any time, except as authorized by the District Manager.

5. Inspection of Public Records. Public records approved by the FOIA Officer for disclosure may be inspected, or copies of public records obtained, during Business Hours at the District Office or another location designated by the FOIA Officer. Requesters must make an appointment with the FOIA Officer for a date and time to inspect public records.
6. Copies of Public Records. Copies of public records approved by the FOIA Officer for disclosure may be obtained during Business Hours at the District Office or another location designated by the FOIA Officer, so long as the Requester had requested copies and has paid all applicable fees.
7. Mailing of Requested Public Records. Copies of public records will be sent to the Requester via United States mail, facsimile or electronic mail only if the FOIA Officer reasonably determines that it is unduly burdensome for the Requester to arrange for inspection of the original public records, or for pick up of copies of the public records, at the District Office.
8. Audio and Video Recordings. Requests for reproduction of any public records that are audio or video recordings will be honored in accordance with the provisions of the Act, the Illinois Open Meetings Act, any other applicable State law, and these FOIA Rules.
9. Records Maintained in Electronic Format. If the requested public records are maintained by the District in an electronic format, then the District will reproduce copies of the requested public records in the electronic format specified by the Requester, if feasible. The District may charge the Requester the actual cost of the medium necessary for that format.
10. Payment of Fees.
 - a. The Requester must pay all copying, certification, and postage fees, calculated pursuant to Section IV of these FOIA Rules, in advance of receiving copies of any public records.
 - b. If a Requester is notified that his or her Request qualifies as a Voluminous Request, and the Requester thereafter fails to timely respond or modify the Request so that it ceases to be a Voluminous Request, then the Requester must pay all applicable copying, certification, and postage fees **even if** the Requester ultimately fails to accept or collect the responsive public records. In such circumstances, any unpaid fees shall be deemed a debt due and owing to the District and may be collected in any manner provided by applicable law.
11. Acknowledgment of Inspection. When the copies of the requested public records have been delivered or inspected, the FOIA Officer and the Requester must acknowledge delivery or inspection by execution of a written acknowledgement.

C. Categorical Requests

1. Notice to Meet and Confer. If the FOIA Officer determines that a Request for all records falling within a category will unduly burden the District, and that the burden

to the District outweighs the public interest in production of the public records sought, then the FOIA Officer, using a written form, will notify the Requester in writing of the determination, of the reasons supporting the determination, and of the right of the Requester to meet with the FOIA Officer in an effort to narrow the Request.

2. Failure to Respond by District. The FOIA Officer may not determine that a Request is unduly burdensome, nor issue a Notice to Meet and Confer, if the District has previously failed to respond to that Request within the applicable Response Time.
3. Agreement to Narrow Request. If the Requester agrees to meet and confer with the FOIA Officer regarding the Request, then the FOIA Officer will respond to the Request, or to the Request as narrowed at the meeting, within the applicable Response Time, calculated as beginning on the next Business Day after adjournment of the meeting. That response may take any form specified in this Section III. If the Requester agrees to narrow the scope of the Request, the FOIA Officer will deliver a written Acknowledgment of Narrowed Request to the Requester at the conclusion of the meeting.
4. Failure to Meet and Confer. If the Requester does not agree to meet and confer with the FOIA Officer regarding the Request, then the FOIA Officer will deny the Request on the fifth Business Day after the date of the Notice to Meet and Confer.

D. Denial

1. Procedure for Denials. If the FOIA Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under any other provision of the Act or under these FOIA Rules, then the FOIA Officer must deliver a written notice to the Requester, using the Response to Request for Public Records form attached to these FOIA Rules or a similar written form.
2. Contents of Denials. Each Response to Request for Public Records form must set forth all of the grounds and reasons for the denial, and must notify the Requester of his or her rights to seek review of the denial by the Public Access Counselor and to seek judicial review under Section 11 of the Act.
3. Denials in Writing. Except as otherwise provided by the Act, all denials of Requests will be in writing.
4. Cooperation with Public Access Counselor. If the Public Access Counselor determines that further inquiry into any denied Request is warranted, the FOIA Officer will comply with the requests and directives of the Public Access Counselor, or seek appropriate review of those requests or directives, in accordance with the Act.

E. No Obligation to Create New Records

Except as provided in Section V of these FOIA Rules, the Act and these FOIA Rules do not require the District, in the course of responding to Requests, to create records that the District does not already maintain in record form.

F. No Obligation to Interpret or Advise

Neither the Act nor these FOIA Rules require the District to interpret, or advise Requesters as to the meaning or significance of, any public records.

G. No Obligation to Answer Questions

The Act requires the District to produce certain documents, not answer Requesters' questions related to the documents.

H. Records Available Online

When appropriate, the District may notify the requester that the public records they seek are available online and, instead of producing the records, direct the requester to the website where the record can be reasonably accessed.

IV. FEES

A. Fees Established

1. Fees for Copying, Certifying, and Mailing of Records. Unless fees are waived or reduced pursuant to Subsection IV.C of these FOIA Rules, each Requester must pay fees for copying, certifying, and mailing of public records, as established by the Act or the District. No copying fees shall be charged for the first 50 pages of black and white, 8½ x 11 or 8½ x 14 copies. After the first 50 pages, the fee for black and white 8½ x 11 or 8½ x 14 copies will be 15 cents per page, or as otherwise provided by the Act. The fees for copies in color or in a size other than 8½ x 11 or 8½ x 14 will be as set by the District, but not exceeding the District's actual cost of reproducing the requested records. The District's actual costs of reproduction shall not include staff time or personnel costs except in the case of commercial requests, as provided in Paragraph IV.A.2 of these FOIA Rules.

Copies that are not 8½ x 11 or 8½ x 14, Black and White, or when the services of an outside vendor are required to copy any public record, then the fees charged for copying the records will be the actual charges incurred by the District, and the fees set by the District by ordinance from time to time. Fees set by District ordinance will not apply if the fee for the requested records is otherwise fixed by statute. If the requested records are produced on an electronic medium, then the Requester must pay the actual cost of the medium.

If the Requester requests that the District provide the responsive records by mail, then the Requester must pay the actual cost of postage.

If the District determines that the Request is a Voluminous Request (and the Requester does not agree to modify such Request so that it is no longer a Voluminous Request), then the Requester, must pay, in addition to the fees set forth above, the following fees for production of electronic records: (i) for PDF (portable document format) records: \$20 for up to 80 megabytes of data, \$40 for more than 80 and up to 160 megabytes of data, and \$100 for more than 160 megabytes of data; and (ii) for all non-PDF records: \$20 for up to 2 megabytes of data, \$40 for more than 2 and up to 4 megabytes of data, and \$100 for more than 4 megabytes of data.

The District has determined that the fees are no more than necessary to reimburse the District for the actual cost of reproducing, certifying, and mailing public records requested pursuant to the Act and these FOIA Rules.

2. Fees for Searching and Retrieving Records Requested for Commercial Purposes. Pursuant to Section 6(f) of the Act, in addition to any fees that must be paid pursuant to Section IV.A.1. of these FOIA Rules, a Requester who submits a Request for a Commercial Purpose must pay to the District \$10.00 for each hour over eight hours spent by District personnel to search for or retrieve requested public records. In addition, the Commercial Requester must pay the actual charges incurred by the District to retrieve and transport public records from any third-party, off-site storage facility that the District may use to store public records.

B. Method and Time of Payment

Payment of all required fees must be made in cash, by cashier's or certified check, or by money order prior to the examination, copying, certification or mailing of any public record. Any unpaid fees associated with the District's response to a Voluminous Request shall be a debt due and owing to the District and may be collected in accordance with applicable law.

C. Waiver of Fees

The fees provided in Subsection IV.A of these FOIA Rules may be waived or reduced by the FOIA Officer if the Requester includes in the Request the specific purpose of the Request and establishes to the reasonable satisfaction of the FOIA Officer that a fee waiver or reduction is in the public interest. A request for a fee waiver or reduction must be indicated in the Request at the time the Request is filed. A subsequent request will not be considered.

A fee waiver or reduction will be considered to be in the public interest only if the principal purpose of the Request is to disseminate information regarding the public health, safety, and welfare or the legal rights of the general public. No fee waiver will be granted if the Request is for the principal purpose of personal or commercial benefit to the Requester. The FOIA Officer may consider the number of requested public records and the cost and necessity of copying them in setting the fee waiver or reduction amount.

D. Waiver for Failure to Respond

If the FOIA Officer does not respond to a Request properly submitted pursuant to Section II of these FOIA Rules within the applicable Response Time, then the District will not require the payment of fees for any copies of records produced in response to that Request.

EXHIBIT B

**Northern Moraine Wastewater Reclamation District's
Freedom of Information Act Forms**

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT
FREEDOM OF INFORMATION ACT
FOIA FORMS

1. Staff Checklist

- Internal checklist. Use to document the receipt of all FOIA requests and keep track of response deadlines.

2. Request for Public Records—Instructions and Information

- Make publicly available. This form provides information to assist members of the public in filing FOIA requests.

3. Request For Public Records

- Make publicly available. Can be used by members of the public to make FOIA requests.

4. Notice of Incomplete Request for Public Records

5. FOIA Request Supplemental Information Form

- Send the Notice of Incomplete Request for Public Records to a requester in response to an incomplete FOIA request. Enclose a copy of the FOIA Request Supplemental Information Form.
 - The Notice of Incomplete Request identifies the particular information the requester needs to provide before the District can respond to the request.
 - The requester should complete the Supplemental Information Form and return it to the District.

6. Notice to Recurrent Requester

- Send to a requester who has been identified as a “recurrent requester.” A recurrent requester is one who has, within the last twelve months:
 - submitted 50 or more requests for records; or
 - submitted 15 or more requests for records within a 30-day period; or
 - submitted seven or more requests for records within a 7-day period.
- The District may take more time to respond to a FOIA request by a recurrent requester. To take advantage of the longer deadlines, the District must send this notice to the recurrent requester within 5 business days after receiving a request.

7. Notice of Voluminous Request

- Send to a requester who submits a “voluminous request.” A voluminous request is one that:
 - Includes more than 5 individual requests for more than 5 different categories of records; or
 - Is one of multiple requests submitted by the same requester during a 20-business-day period that, in combination, seek more than 5 different categories of records; or

- Requires the compilation of more than 500 pages of records (unless a single requested record exceeds 500 pages in length).
 - A request **does not** qualify as a “voluminous request” if it is submitted by or on behalf of a news media, non-profit, scientific, or academic organization for one or more of the following principal purposes: (i) to access and disseminate information about news or current events; (ii) for opinion articles or features about matters of public interest; or (iii) for academic, scientific, or public research or education.
 - The District may take more time to respond to a voluminous request. To take advantage of the longer deadlines, the District must send this notice to the requester within 5 business days after receiving the request. A follow-up extension notice may also be necessary (see #10 below).
- 8. Response to Request for Public Records**
- Use to respond to FOIA requests. If any responsive documents are redacted or withheld, include Attachment A (either short form or long form). The short form includes some of the more commonly used exemptions, and the long form includes a more comprehensive list of exemptions. If any fees are due for the request, include Attachment B.
- 9. Acknowledgment of Inspection or Receipt of Public Records**
- Use to document when a requester inspects or picks up records at the District Office, and as a receipt for a requester’s payment of fees.
- 10. Notice of Extension of Time to Respond to Request for Public Records**
- May be used to extend the time to respond to a FOIA request by up to 5 additional business days for any of the reasons stated on the form.
 - If a timely “Notice of Voluminous Request” was sent to a requester (see #7, above), then this form also may be used to extend the time to respond to the voluminous request by up to 10 additional business days after the “Amendment Deadline” identified in the “Notice of Voluminous Request.”
 - No response or agreement from the Requester is required.
- 11. Request for Agreement to Extend Response Time**
- May be used to request a further extension of time to respond to a FOIA request.
 - The requester must agree to the extension. If the requester does not agree, the District must respond by the applicable statutory deadline.
- 12. Extension of Time Agreement**
- Use to document an agreement between the District and a requester to extend the time to respond to a FOIA request.
- 13. Notice to Meet and Confer to Narrow Categorical Request for Public Records to Manageable Proportions**
- Before denying a request on the basis that it is too broad and unduly burdensome, the District must send this notice to the requester to offer an opportunity to meet and confer to reduce the scope of the request. If the requestor fails to respond to the notice within five business days, then the

request will be considered denied and providing an additional denial form is unnecessary.

14. Acknowledgment of Narrowed Request

- Use to document an agreement between the District and a requester to narrow the scope of a FOIA request.

15. FOIA Request Short Form

- Make publicly available. May be used by requesters to make requests for certain documents that can be provided simply and routinely.

16. Proof of Service

- Include with all notices and forms sent to a requester to document the time and method of delivery.

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

FOIA CHECKLIST FOR STAFF USE ONLY

Date Request Received: _____, 20__

Time of Receipt: _____

When Request was Delivered:

___ During business hours

___ After business hours

How Request was Delivered:

___ Personal delivery

___ Mail delivery

___ E-mail delivery

___ Other: _____

District employee receiving request: _____

TO BE COMPLETED BY FOIA OFFICER

Received by FOIA Officer: _____
date / time

Is this request complete: Yes / No

Is this request for a Commercial Purpose: Yes / No

Is the requester a Recurrent Requester: Yes / No

Is the request a Voluminous Request: Yes / No

Date Response Due: _____, 20__

(5 business days after receipt; 21 working days after receipt for requests made for commercial purposes or by Recurrent Requesters)

Signature of FOIA Officer: _____

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

**REQUEST FOR PUBLIC RECORDS
INSTRUCTIONS AND INFORMATION**

- A. In Section 1, describe the public records you wish to inspect or to have copied. Be precise about what records you seek. You may attach a separate sheet if necessary.

Indicate whether you want only to inspect the public records at District Office or whether you want copies of the public records.

- B. By submitting this Request Form, you are agreeing to pay, in advance of receiving copies of any public records, applicable copying and certification fees. Please review the FOIA Rules and Regulations for more information.

The fees in Section 2.A may be waived or reduced by the FOIA Officer if the FOIA Officer determines that the purpose of your request is primarily to benefit the general public and that you will receive no significant personal or commercial benefit from your request. If you wish to be considered for a fee waiver or reduction, you must complete and sign the statement in Subsection 2.B.

- C. In Section 3, you must state the purposes for which you are requesting the public records.
- D. You must provide the information requested in Section 5.
- E. You must sign the statement set forth in Section 6.

The District will respond to requests for records on this Request Form within 21 Business Days after the receipt of this Request Form for all requests made for commercial purposes or by a Recurrent Requestor, and within five Business Days for all other requests, unless the applicable response period is extended as provided by law or the request is denied. The District will notify the requester within 5 business days if the request is a Voluminous Request and will respond to Voluminous Requests as provided by law. All extensions and denials will be in writing and will state the reasons therefor. The Requester may seek review by the Public Access Counselor of the Office of the Illinois Attorney General of a denial or a determination that a request is a Voluminous Request. A request made for a commercial purpose is only subject to review by the Public Access Counselor for the limited purpose of reviewing the District's determination that the request was made for a commercial purpose. Judicial review is available under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* For more detailed information, please see the FOIA Rules and Regulations, which are available from the FOIA Officer.

**REQUEST FOR PUBLIC RECORDS
TO NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT**

To: **FOIA Officer**

1. Request for Records

I request the following public records (attach separate sheets as necessary):

Records Requested	Inspect	Copy	Certified
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. Agreement to Pay Fees

Unless I have requested and received a waiver of fees, I will pay all fees for the public records copied or certified at my request, as set forth in the FOIA Rules and Regulations.

_____ I request a waiver of any applicable fees for copying public records. In support of my request, I hereby certify that I will gain no significant personal or commercial benefit from the public records described in this request and that my principal purpose in making this request is to benefit the general public by disseminating information concerning the health, safety, welfare, or legal rights of the general public in the following specific manner:

3. Purpose of Request

Is this request for a commercial purpose? (circle one) Yes / No

A request is for a commercial purpose if you intend to use the records, or the information derived from the records, for sale, resale, solicitation, or advertisement for sales or services. Requests by news media, or by non-profit, scientific or academic organizations are not considered to be for a commercial purpose under certain circumstances specified in Section 2(c-10) of the Illinois Freedom of Information Act.

Under Section 3.1(c) of the Freedom of Information Act, it is a violation of the Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.

4. Request for Delivery

_____ I request that copies of the requested public records be sent to me by e-mail at the e-mail address in Section 5 below.

_____ I request that copies of the requested public records be mailed to me at the address in Section 5 below. I will pay the actual postage for mailing before the records are mailed. It would be unduly burdensome for me to pick up the requested records at the District Office because:

___ I do not request delivery of any of the requested public records. I will pick up the records.

5. Requester

A. Name of Requester: _____

B. Address for Responses, Decisions, and Communications:

C. Telephone number: _____

E. E-mail address: _____

6. Signature of Requester

By signing this Request, I acknowledge and represent that I have been given the opportunity to review, and that I understand, the FOIA Rules and Regulations and that all of the information I have provided in support of this request is true and accurate.

Signature of Requester

Printed name of Requester

_____, 20____
Date

NORTHERN MORAIN E WASTEWATER RECLAMATION DISTRICT

NOTICE OF INCOMPLETE REQUEST FOR PUBLIC RECORDS

To: _____

On _____, **THE NORTHERN MORAIN E WASTEWATER RECLAMATION DISTRICT** received your written request for the inspection, copying, or certification of certain public records. Your request is not complete or otherwise inappropriate under the Freedom of Information Act and the District's FOIA Rules and Regulations. Specifically, you did not provide the following information in your request, or your request is otherwise deficient:

- ___ Your name
- ___ Your mailing address, e-mail address, or telephone number for responses, decisions, and communications
- ___ A complete description of the records requested
- ___ The purpose of your request
- ___ Other: _____

Please provide the required information to the FOIA Officer at the address below, either by completing the appropriate sections of the Supplemental Information form enclosed or by another written document. If your request has been determined by the District to violate the District's FOIA Rules and Regulations, you may re-submit your request to conform with the District's FOIA Rules and Regulations. Your request will then be processed in accordance with applicable law.

Dated: _____, 20__

NORTHERN MORAIN E WASTEWATER RECLAMATION DISTRICT

Signed: _____
FOIA Officer

Freedom of Information Officer
Northern Moraine Wastewater Reclamation District
113 Timber Trail
PO Box 240
Island Lake, IL 60042

**NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT
FOIA REQUEST SUPPLEMENTAL INFORMATION FORM**

With respect to my FOIA request dated _____, 20__ for public records of the District, I hereby state as follows:

1. Identification of Requester

A. Name of Requester: _____

B. Address or e-mail address for responses, decisions, and communications:

C. Telephone number: _____

2. Records Requested

I request the following public records (attach separate sheets as necessary):

Records Requested	Inspect	Copy	Certified
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Purpose of Request

Is this request for a commercial purpose? (circle one) Yes No

A request is for a commercial purpose if you intend to use the records, or the information derived from the records, for sale, resale, solicitation, or advertisement for sales or services. Requests by news media, or by non-profit, scientific or academic organizations are not considered to be for a commercial purpose under certain circumstances specified in Section 2(c-10) of the Illinois Freedom of Information Act. **Under Section 3.1(c) of the Freedom of Information Act, it is a violation of the Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.**

4. Signature of Requester

By signing this form, I acknowledge and represent that I have been given the opportunity to review, and that I understand, the FOIA Rules and Regulations and that all of the information I have provided in support of this request is true and accurate. Unless I have requested and received a waiver of fees, I will pay all fees for the public records copied or certified at my request, as set forth in the FOIA Rules and Regulations.

Signature of Requester

Printed Name of Requester

Date: _____, 20__

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

NOTICE TO RECURRENT REQUESTER

To: _____

On _____, **THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT** received your written request for the inspection, copying, or certification of certain District public records. The District has determined that you qualify as a "Recurrent Requester" under Section 2(g) of FOIA and the District's FOIA Rules and Regulations, because within the preceding 12 months you have:

- _____ submitted 50 or more requests for records; or
- _____ submitted 15 or more requests for records within a 30-day period; or
- _____ submitted seven or more requests for records within a 7-day period.

Pursuant to Section 3.2 of the Illinois Freedom of Information Act, 5 ILCS 140/3.2, the District will send you an initial response to your request within 21 business days after the receipt of your request. The initial response will:

- Provide an estimate of the additional time required by the District to provide you the records requested, and an estimate of the fees to be charged;
- Deny your request;
- Notify you that your request is unduly burdensome and offer to meet with you to reduce your request to manageable proportions; or
- Approve your request and provide the records requested, subject to payment of any applicable fees and costs.

Dated: _____, 20__

THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

Signed: _____
FOIA Officer

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT
NOTICE OF VOLUMINOUS REQUEST

To: _____

On _____, THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT received your written request for the inspection, copying, and/or certification of certain District public records. The District has determined that your request is a "Voluminous Request" under Section 2(h) of FOIA and the District's FOIA Rules and Regulations because your request does not appear to be made by a news media, non-profit, scientific, or academic organization for the principal purpose of accessing and disseminating information concerning news and events; for articles or opinions of public interest; or for academic, scientific, or public research or education, and:

- ___ you submitted individual requests for more than 5 different categories of records; or
___ you have submitted a combination of requests for more than 5 different categories of records within the last 20 business days; or
___ your request requires the compilation of more than 500 pages of records.

Pursuant to Section 3.6 of FOIA, 5 ILCS 140/3.6, you must respond to the District by _____, 20__ (10 business days after the date of this Notice) ("Amendment Deadline") and specify whether you would like to amend your request in such a way that it is no longer a Voluminous Request. Please respond either by completing the enclosed response form or by another written document submitted to: FOIA Officer, Northern Moraine Wastewater Reclamation District, 113 Timber Trail, PO Box 240, Island Lake, Illinois 60042.

The District will respond to your request within 5 business days after the sooner of: (i) receipt of your response to this Notice; or (ii) the Amendment Deadline. The District will assess applicable fees and costs in accordance with the District's FOIA Rules and Regulations

If you do not respond by the Amendment Deadline, or if your request is still a Voluminous Request after your response, then the District may extend the time for its response until _____, 20__ (10 business days after the Amendment Deadline). Additionally, you will be responsible for paying applicable fees and costs for the District's response even if you fail to accept or collect the responsive records. Any unpaid fees and costs will be a debt due and owing to the District, which the District may collect from you in accordance with applicable law.

You have a right to seek review of the District's determination that your request is a Voluminous Request by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contacted at 500 South 2nd Street, Springfield, Illinois 62701, or by telephone at (877) 299-3642.

Signed: _____
FOIA Officer

Dated: _____, 20__

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT
RESPONSE TO NOTICE OF VOLUMINOUS REQUEST

With respect to my FOIA request dated _____, 20__ for public records of the District, which the District has determined to be a Voluminous Request under Section 2(h) of FOIA and the District's FOIA Rules and Regulations, I hereby state as follows:

_____ I wish to amend my request as follows:

Table with 4 columns: Records Requested, Inspect, Copy, Certified. It contains four rows of horizontal lines for input.

_____ I do not wish to amend my request.

_____ I object to the determination that my request is a "Voluminous Request" because:

Four horizontal lines for providing reasons for objecting to the determination.

By signing this form, I acknowledge and represent that I have been given the opportunity to review, and that I understand, the FOIA Rules and Regulations and that all of the information I have provided in support of this request is true and accurate. Unless I have requested and received a waiver of fees, I will pay all fees and costs for the public records compiled, copied, or certified at my request, as set forth in the FOIA Rules and Regulations.

Signature of Requester

Printed Name of Requester

Date: _____, 20__

**NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT
RESPONSE TO REQUEST FOR PUBLIC RECORDS**

To: _____

On _____, 20____, THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT received your written request for inspection, copying, or certification of the following District public records:

1. Decision on Request

- ___ Your request is approved in its entirety.
- ___ Your request is approved in part and denied in part. Those records for which your request is denied, the reasons for denial, and notification of your rights of review are set forth in Attachment A – Reasons for Denial, attached hereto.
- ___ Your request is hereby denied in its entirety. Those records for which your request is denied, the reasons for denial, and notification of your rights of review are set forth in Attachment A – Reasons for Denial, attached hereto.

2. Availability of Records

Subject to payment of any required fees or postage pursuant to Section 4, all of the public records for which your request is approved will be made available as follows:

- ___ For your inspection at the District Office as indicated in Section 3 below.
- ___ For pick up by you at the District Office as indicated in Section 3 below.
- ___ Mailed to you at the address you provided in your request.
- ___ Sent to you via email at the email address you provided in your request.
- ___ The Records are published online on the District’s website and may be accessed at the following web address: _____.

3. Appointment for Inspection or Pick-up

___ The Records are available for inspection or pick-up at: _____. You must call the FOIA Officer at _____ to schedule an appointment for inspection or pick up of the records.

If you have not made an appointment to inspect or pick up the specified records within five Business Days after the date of this Notice, then the records will be re-filed.

___ Pursuant to Sections 2(c-10) and 3.1 of the Illinois Freedom of Information Act, the District has determined that your request is made for commercial purposes, or the District has determined that you are a recurrent requester pursuant to Sections 2(g) and 3.2 of the

Act. The records therefore will be available for inspection or pick-up on or after _____, 20__ (the "Availability Date"). If you do not make an appointment to inspect or pick up the records on or before the fifth Business Day after the Availability Date, then the records will be re-filed.

4. Copying, Certification, and Postage Fees

No copies or certified copies of the specified records will be provided to you, and no records will be mailed to you, until all applicable fees have been paid. The following applies to your request:

___ No fees are due for your request.

___ Fees are due for your request in the total amount of \$_____. A detailed accounting of the fees and costs due and payment instructions is provided in Attachment B – Calculation of Fees, attached hereto.

Dated: _____, 20__

THE NORTHERN MORaine WASTEWATER RECLAMATION DISTRICT

Signed: _____
FOIA Officer

**NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT
RESPONSE TO REQUEST FOR PUBLIC RECORDS**

**ATTACHMENT A
REASONS FOR DENIAL – SHORT FORM**

Your request is denied as to the following records or redacted information contained in those records:

Your request is being denied in whole or in part because the records and/or redacted information described above are exempt from disclosure pursuant to the Illinois Freedom of Information Act for the reason or reasons specified in Part D: Justification for Denial, below.

- A. Responsible Official. The District's FOIA Officer is the official responsible for this denial.
- B. Notice of Right to Review by Illinois Attorney General. You have the right to file a request for review of your request and this Notice of Denial by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contacted at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (877) 299-3642.
- C. Notice of Right to Judicial Review. Under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/11, you have the right to seek judicial review of this denial. The District cannot advise or represent you in this matter. You should consult your own legal counsel.
- D. Justification for Denial. Your request is being denied with respect to the specified records for the following reason or reasons:

___ The District does not have any public records in its possession or control, or in the possession of a party with whom the District has contracted to perform a government function and that directly relate to the government function, that are responsive to your request. §1, §2(c), § 7(2)

Applies to: _____

___ The records do not pertain to the transaction of public business. §1, §2(c)

Applies to: _____

___ Your request, couched in categorical terms, is unduly burdensome because the burden on the District of complying with your request outweighs the public interest in providing the records, and efforts to reduce your request to manageable proportions have not sufficiently reduced the burden of your request. §1, §3(g)

Applies to: _____

___ Your request is unduly burdensome because you have repeatedly requested the records or similar public records, which records are unchanged or identical to records previously provided or properly denied pursuant to the Act. §3(g)

Applies to: _____

___ Disclosure of the records is specifically prohibited by the following federal or state law, rule, or regulation: _____. §7(1)(a)

Applies to: _____

___ The records are private information. § 2(c-5), §7(1)(b)

Applies to: _____

___ Disclosure of the records would constitute a clearly unwarranted invasion of personal privacy. §1, §7(1)(c)

Applies to: _____

___ The records are preliminary drafts, notes, recommendations, memoranda, or other records in which opinions are expressed or policies or actions are formulated. §7(1)(f)

Applies to: _____

___ The records contain trade secrets or commercial or financial information furnished to the District under a claim that they are proprietary, privileged, or confidential, and disclosure would cause competitive harm to the furnisher of the information. §7(1)(g)

Applies to: _____

___ The records constitute proposals or bids for a contract, grant, or agreement that has not been awarded or for which a final selection has not been made, and disclosure would either frustrate the District's procurement procedures, or give an advantage to any person who may submit a proposal or bid. §7(1)(h)

Applies to: _____

___ The records constitute information prepared by or for the District in preparation of a bid solicitation for which no award or final selection has been made. §7(1)(h)

Applies to: _____

___ Disclosure of the records would compromise the security of a project constructed or developed with public funds. §7(1)(k)

Applies to: _____

___ The records are plans, technical submissions, or other construction related technical documents for projects not constructed or developed in whole or in part with public funds. §7(1)(k)

Applies to: _____

___ The records are minutes of closed meetings and are not subject to public inspection pursuant to the Open Meetings Act. §7(1)(l)

Applies to: _____

___ The records constitute or reflect communications between the District and an attorney or auditor that are not subject to discovery in litigation. §7(1)(m)

Applies to: _____

___ The records were prepared or compiled at the request of an attorney advising the District in anticipation of criminal, civil, or administrative proceedings. §7(1)(m)

Applies to: _____

_____ The records were prepared or compiled with respect to an internal audit of the District. §7(1)(m)

Applies to: _____

_____ The records relate to adjudication of an employee grievance or disciplinary case, and do not constitute the final outcome of a case in which discipline was imposed. §7(1)(n)

Applies to: _____

_____ The records relate to pending negotiations for the purchase or sale of real estate. §7(1)(r)

Applies to: _____

_____ The records are insurance or self-insurance records. §7(1)(s)

Applies to: _____

_____ The records are maps or other records regarding the location or security of utility or power generation, transmission, distribution, storage, gathering, treatment, or switching facilities. §7(1)(x)

Applies to: _____

_____ The records concern an enforcement proceeding under the District's ethics regulations. §7.5(h)

Applies to: _____

**NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT
RESPONSE TO REQUEST FOR PUBLIC RECORDS**

**ATTACHMENT A
REASONS FOR DENIAL – LONG FORM**

Your request is denied as to the following records or redacted information contained in those records:

Your request is being denied in whole or in part because the records and/or redacted information described above are exempt from disclosure pursuant to the Illinois Freedom of Information Act for the reason or reasons specified in Part D: Justification for Denial, below.

- A. Responsible Official. The District's FOIA Officer is the official responsible for this denial.
- B. Notice of Right to Review by Illinois Attorney General. You have the right to file a request for review of your request and this Notice of Denial by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contacted at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (877) 299-3642.
- C. Notice of Right to Judicial Review. Under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/11, you have the right to seek judicial review of this denial. The District cannot advise or represent you in this matter. You should consult your own legal counsel.
- D. Justification for Denial. Your request is being denied with respect to the specified records for the following reason or reasons:

___ The District does not have any public records in its possession or control, or in the possession of a party with whom the District has contracted to perform a government function and that directly relate to the government function, that are responsive to your request. §1, §2(c), § 7(2)

Applies to: _____

___ The records do not pertain to the transaction of public business. §1, §2(c)

Applies to: _____

___ The records are chronologically maintained arrest or criminal history information, the disclosure of which would interfere with pending or actually and reasonably contemplated law enforcement proceedings. §2.15(c)

Applies to: _____

___ The records are chronologically maintained arrest or criminal history information, the disclosure of which would endanger the life or physical safety of any person. §2.15(c)

Applies to: _____

___ The records are chronologically maintained arrest or criminal history information, the disclosure of which would compromise the security of a correctional facility. §2.15(c)

Applies to: _____

___ Your request, couched in categorical terms, is unduly burdensome because the burden on the District of complying with your request outweighs the public interest in providing the records, and efforts to reduce your request to manageable proportions have not sufficiently reduced the burden of your request. §1, §3(g)

Applies to: _____

___ Your request is unduly burdensome because you have repeatedly requested the records or similar public records, which records are unchanged or identical to records previously provided or properly denied pursuant to the Act. §3(g)

Applies to: _____

___ Disclosure of the records is specifically prohibited by the following federal or state law, rule, or regulation: _____. §7(1)(a)

Applies to: _____

___ The records are private information. § 2(c-5), §7(1)(b)

Applies to: _____

___ The records are maintained by one or more law enforcement agencies and are specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects. §7(1)(b-5)

Applies to: _____

___ Disclosure of the records would constitute a clearly unwarranted invasion of personal privacy. §1, §7(1)(c)

Applies to: _____

___ Records were requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility. §7(1)(e-8)

Applies to: _____

___ Records were requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim. §7(1)(e-9)

Applies to: _____

___ Records are law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claims. §7(1)(e-10)

Applies to: _____

___ The records are preliminary drafts, notes, recommendations, memoranda, or other records in which opinions are expressed or policies or actions are formulated. §7(1)(f)

Applies to: _____

___ The records contain trade secrets or commercial or financial information furnished to the District under a claim that they are proprietary, privileged, or confidential, and disclosure would cause competitive harm to the furnisher of the information. §7(1)(g)

Applies to: _____

___ The records constitute proposals or bids for a contract, grant, or agreement that has not been awarded or for which a final selection has not been made, and disclosure would either frustrate the District's procurement procedures, or give an advantage to any person who may submit a proposal or bid. §7(1)(h)

Applies to: _____

___ The records constitute information prepared by or for the District in preparation of a bid solicitation for which no award or final selection has been made. §7(1)(h)

Applies to: _____

___ The records are valuable formulae, computer geographic systems, designs, drawings, or research data obtained or produced by the District, and disclosure could reasonably be expected to produce private gain or public loss. §7(1)(i)

Applies to: _____

___ Disclosure of the records would compromise the security of a project constructed or developed with public funds. §7(1)(k)

Applies to: _____

___ The records are plans, technical submissions, or other construction related technical documents for projects not constructed or developed in whole or in part with public funds. §7(1)(k)

Applies to: _____

___ The records are minutes of closed meetings and are not subject to public inspection pursuant to the Open Meetings Act. §7(1)(l)

Applies to: _____

___ The records constitute or reflect communications between the District and an attorney or auditor that are not subject to discovery in litigation. §7(1)(m)

Applies to: _____

___ The records were prepared or compiled at the request of an attorney advising the District in anticipation of criminal, civil, or administrative proceedings. §7(1)(m)

Applies to: _____

___ The records were prepared or compiled with respect to an internal audit of the District. §7(1)(m)

Applies to: _____

___ The records relate to adjudication of an employee grievance or disciplinary case, and do not constitute the final outcome of a case in which discipline was imposed. §7(1)(n)

Applies to: _____

___ Disclosure of the records would jeopardize the security of a data processing system, of the data contained therein, or of other related data processing information or materials. §7(1)(o)

Applies to: _____

___ The records relate to employee collective bargaining matters and do not constitute a final collective bargaining agreement. §7(1)(p)

Applies to: _____

___ The records are test questions, scoring keys, or other examination data used to determine employment or license qualifications. §7(1)(q)

Applies to: _____

___ The records relate to pending negotiations for the purchase or sale of real estate. §7(1)(r)

Applies to: _____

___ The records relate to pending or actually and reasonably contemplated eminent domain proceedings and are not subject to discovery pursuant to the rules of the Illinois Supreme Court. §7(1)(r)

Applies to: _____

___ The records are proprietary information related to the operation of an intergovernmental risk management association, self-insurance pool, or jointly self-administered health and accident cooperative or pool. §7(1)(s)

Applies to: _____

___ The records are insurance or self-insurance records. §7(1)(s)

Applies to: _____

_____ The records are information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures. §7(1)(u)

Applies to: _____

_____ The records concern vulnerability assessments, security measures, or response policies or plans designed to identify, protect, or respond to potential attacks on a community's population or systems, facilities, or installations, and disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of any person. §7(1)(v)

Applies to: _____

_____ The records are maps or other records regarding the location or security of utility or power generation, transmission, distribution, storage, gathering, treatment, or switching facilities. §7(1)(x)

Applies to: _____

_____ The records are records of proposals, bids, or negotiations related to the procurement of electric power that have been determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission. §7(1)(y)

Applies to: _____

_____ The records contain information regarding interments, entombments or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act. §7(1)(cc)

Applies to: _____

_____ The records are correspondence or records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code. §7(1)(dd)

Applies to: _____

_____ The records contain the District's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impersonation or defrauding of a governmental entity or a person. §7(1)(kk)

Applies to: _____

_____ The records include information that is exempted under the State Officials and Employees Ethics Act. §7.5(h)

Applies to: _____

_____ The records concern the distribution of surcharge monies collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act. §7.5(j)

Applies to: _____

_____ The records are law enforcement identification information or driver identification information compiled pursuant to Section 11-212 of the Illinois Vehicle Code. §7.5(k)

Applies to: _____

_____ The records relate to security portions of system safety program plans, reports, and other information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act. §7.5(p)

Applies to: _____

_____ Disclosure of the records is prohibited by the Personnel Records Review Act. §7.5(q)

Applies to: _____

_____ The records contain information that is exempt from disclosure under Section 2.37 of the Wildlife Code. § 7.5(aa)

Applies to: _____

_____ The records contain information that is prohibited from disclosure by the Juvenile Court Act of 1987. § 7.5(bb)

Applies to: _____

_____ The records are exempt from disclosure under Section 1A-16.7 of the Election Code. § 7.5(hh)

Applies to: _____

_____ The records contain information that is prohibited from disclosure under the Seizure and Forfeiture Reporting Act. § 7.5(kk)

Applies to: _____

_____ The records contain exempt data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act. § 7.5(ss)

Applies to: _____

_____ The records contain information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act. § 7.5(uu)

Applies to: _____

____ Other: _____

Applies to: _____

**NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT
 RESPONSE TO REQUEST FOR PUBLIC RECORDS**

**ATTACHMENT B
 CALCULATION OF FEES**

No copies or certified copies of the records specified in the attached Response to Request for Public Records will be provided to you until the following applicable fees have been paid. Fees must be paid in cash, by cashier's or certified check, or by money order.

8½ x 11 or 8½ x 14 Black and White Copy Cost:

First 50 Pages Free	
Additional Pages:	\$_____ (____ pages at \$0.15 per page)
Color Copy Actual Cost:	\$_____ (____ pages at \$0.____ per page)
Certification Cost:	\$_____ (____ documents at \$1.00 each)
Reproduction of Electronic Medium Cost:	\$_____
Electronic Data Costs (for voluminous request only):	
PDF Records	\$_____ (\$20 for up 80 MB; \$40 for 80-160 MB; \$100 for more than 160 MB)
Non-PDF Records	\$_____ (\$20 for up to 2 MB; \$40 for 2-4 MB; \$100 for more than 4 MB)
Outside Vendor Cost:	\$_____ (see attached invoice)
Other Actual Reproduction Cost:	\$_____ (see attached invoice)
Cost as Fixed by Statute:	\$_____
Personnel Costs for Searching, Retrieving and/or Redacting Records (for commercial requests only):	\$_____ (Based on \$10/hour; no charge for first 8 hours; includes actual cost of retrieving and transporting records from off-site storage facility of third-party storage company under contract with the public body)
Off-site Retrieval and Transportation Costs (for commercial requests only):	\$_____
Postage Costs (for mailed responses only):	\$_____
Total Fees and Costs:	\$_____

The following provisions marked with an “x” apply to your request:

- You made a request for a fee waiver or reduction and your request:
 - has been approved in the following amount: \$_____.
 - has been denied.
- Your fees have been paid in full.
- You have previously deposited the following amount: \$_____.
- A balance is due in the following amount: \$_____.

NORTHERN MORaine WASTEWATER RECLAMATION DISTRICT

**ACKNOWLEDGMENT OF INSPECTION
OR RECEIPT OF PUBLIC RECORDS**

To: _____

As you requested on _____, 20____, you have been provided the opportunity to inspect or receive copies of the following District public records:

The District has received \$_____ from you in payment of all fees related to your request.

Dated: _____, 20____

THE NORTHERN MORaine WASTEWATER RECLAMATION DISTRICT

By: _____
FOIA Officer

TO BE COMPLETED BY REQUESTER

I, _____, hereby acknowledge that I have been provided with the public records listed above on _____, 20____. If I have been denied the right to inspect or copy other public records, this acknowledgment will not in any way affect my right to appeal the denial.

Signature of Requester

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

**NOTICE OF EXTENSION OF TIME TO RESPOND
TO REQUEST FOR PUBLIC RECORDS**

To: _____

On _____ 20____, **THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT** received your written request for the inspection, copying, or certification of certain District public records. Pursuant to the Illinois Freedom of Information Act, the original due date for a response by the District to your request is _____, 20____.

I. Extension of Time to Respond.

Pursuant to Section 3(e) of the Illinois Freedom of Information Act, 5 ILCS 140/3(e), the District hereby notifies you that the time to respond to your request is extended until _____, a date that is:

- not more than 10 Business Days after the date on which your request was originally received by the District; or
- not more than 10 Business Days after the “Amendment Deadline” identified in the “Notice of Voluminous Request” that the District previously sent to you on _____. [see 5 ILCS 140/3(e) and 140/3.6(d)].

This extension applies to the records identified in Section II below.

II. Applicable Records.

This extension applies to the following requested public records:

You will receive a separate response from the District regarding your request as it relates to any public records that are not listed above.

III. Justification for Extension. This extension is necessary for the following reason(s):

- _____ All or part of the records are stored at a location other than the office in charge of the records.
- _____ Your request requires the collection of a substantial number of specified records.
- _____ Your request is couched in categorical terms and requires an extensive search for responsive records.

**Notice of Extension of Time to Respond
to Request for Public Records—Page 2**

_____ The specified records have not been located in the course of routine search and additional efforts are being made to locate them.

_____ The specified records require examination and evaluation by personnel having the necessary expertise and discretion to determine if they are exempt from disclosure under Sections 7 or 7.5 of the Illinois Freedom of Information Act, 5 ILCS 140/7 and 5 ILCS 140/7.5, or should be disclosed only with appropriate deletions.

_____ Your request requires consultation with another public body or among two or more bodies of the District that have a substantial interest in the response to, or the subject matter of, your request.

_____ The specified records cannot be produced within the time prescribed by the Act without unduly burdening or interfering with the operations of the District because:

Dated: _____, 20__

THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

By: _____
FOIA Officer

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

REQUEST FOR AGREEMENT TO EXTEND RESPONSE TIME

To: _____

THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT received your written request for the inspection, copying, or certification of certain District public records on _____, 20__.

The District hereby requests an extension of the deadline for a response by the District to your request until _____, 20__. If you consent to this extension, please sign the enclosed Extension of Time Agreement and return it to the District FOIA Officer as soon as possible. The FOIA Officer will then sign the Extension of Time Agreement and return a fully signed copy to you.

If you have any questions regarding the Extension of Time Agreement, please contact the FOIA Officer at (____) ____-_____.

Dated: _____, 20__

THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

By: _____
FOIA Officer

NORTHERN MORAIN E WASTEWATER RECLAMATION DISTRICT

EXTENSION OF TIME AGREEMENT

Pursuant to Section 3(e) of the Illinois Freedom of Information Act, 5 ILCS 140/3(e), THE NORTHERN MORAIN E WASTEWATER RECLAMATION DISTRICT and the Requester _____ hereby agree as follows:

A. The Requester submitted a request for the inspection, copying, or certification of certain District public records, received on _____, 20__.

B. The original due date for a response by the District to the request is _____, 20__.

C. The District requires additional time to respond to the Request.

D. The Requester agrees to extend the deadline for a response by the District to the Request until _____, 20__.

E. The Requester agrees that, as a result of the extension of the deadline, it will not be deemed a denial of the Requester's request if the District does not respond to the request by the original due date.

REQUESTER:

THE NORTHERN MORAIN E WASTEWATER RECLAMATION DISTRICT

By: _____

By: _____
FOIA Officer

Print: _____

Date: _____, 20__

Date: _____, 20__

NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT

**NOTICE TO MEET AND CONFER
TO NARROW CATEGORICAL REQUEST FOR PUBLIC RECORDS
TO MANAGEABLE PROPORTIONS**

To: _____

On _____, 20____, **THE NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT** received your written request for inspection, copying, or certification of the following categories of District public records:

You are hereby notified that your request for the specified records has been determined to be unduly burdensome pursuant to Section 3(g) of the Illinois Freedom of Information Act, 5 ILCS 140/3(g), because the burden on the District of providing the specified records outweighs the public interest in disclosure of the information contained in the specified records. Specifically, but without limitation, providing the specified records would be unduly burdensome to the District in that there is no way for the District to narrow your request based on the information provided by you and:

I hereby extend to you an opportunity to meet and confer with me in an attempt to narrow your request to manageable proportions. Please call me at (____) _____ between ____ a.m. and ____ p.m., Monday through Friday, to schedule an in-person or telephone conference.

If you do not take advantage of this opportunity to meet and confer, your request shall be considered denied on the fifth Business Day after the date of this notice pursuant to Section 3(g) of the Illinois Freedom of Information Act, 5 ILCS 140/3(g), without any further notice from the District. The following information applies to denied requests:

- A. Responsible Official. The District's FOIA Officer is the official responsible for this denial.
- B. Notice of Right to Review by Illinois Attorney General. You have the right to file a request for review of your request and this notice by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contacted at 500 South 2nd Street, Springfield, Illinois 62706, or by telephone at (877) 299-3642.

**Notice to Meet and Confer
to Narrow Categorical Request**

- C. Notice of Right to Judicial Review. Under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/11, you have the right to seek judicial review of this denial. The District cannot advise or represent you in this matter. You should consult your own legal counsel.

Dated: _____, 20____
THE NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT

By: _____
FOIA Officer

NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

ACKNOWLEDGMENT OF NARROWED REQUEST

To: _____

A. You submitted a request for the inspection, copying, or certification of certain District public records dated _____, 20__.

B. On _____, 20__, the District delivered a Notice to Meet and Confer to you pursuant to Section 3(g) of the Illinois Freedom of Information Act, 5 ILCS 140/3(g). The Notice to Meet and Confer stated that the District deemed your request to be unduly burdensome because the burden on the District of providing the requested records outweighs the public interest in disclosure of the information contained in the requested records.

C. On _____, 20__, you met with the District FOIA Officer in person or by telephone in an attempt to narrow your request to manageable proportions.

D. You and the District have agreed to narrow your request to include only the following District public records ("Narrowed Request"):

E. The District will respond to the Narrowed Request within the applicable time set forth in the Illinois Freedom of Information Act, measured from the date of your meeting with the District FOIA Officer.

Dated: _____, 20__

THE NORTHERN MORAIN WASTEWATER RECLAMATION DISTRICT

By: _____
FOIA Officer

Acknowledged and agreed:

Requester

Dated: _____, 20__

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

PROOF OF SERVICE

I, _____, being duly sworn on oath, state that on _____, 20__, at about _____ .m., I personally delivered or mailed the foregoing document titled “_____” by:

- ___ Personally handing it to the person to whom it is addressed.
- ___ Placing it in an envelope properly addressed with the name and address stated on the foregoing document and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

- ___ Sending it by e-mail to the e-mail address _____, which was provided by the Requester.

Signed: _____