

DUPAGE WATER COMMISSION

RULES AND REGULATIONS IMPLEMENTING ILLINOIS FREEDOM OF INFORMATION ACT

These Rules and Regulations (the “Rules”) include the procedures, instructions, and forms for requesting public records from the DuPage Water Commission under the Illinois Freedom of Information Act (the “Act”).

The Commission will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, these Rules, and any other applicable law. Generally, under the Act, the Commission will provide public records for inspection or copying as requested except for records (1) that would, if disclosed, violate individual privacy, or (2) whose production would disrupt the duly undertaken work of the Commission, or (3) that are specifically exempted from disclosure by the Act or other applicable law.

Requests and other communications relating to public records must be sent to the Commission’s Freedom of Information Officer: Jenessa Rodriguez, DuPage Water Commission, Page Pumping Station, 600 East Butterfield Road, Elmhurst, Illinois 60126-4642, Phone: (630) 834-0100, Facsimile: (630) 834-0120, E-mail: FOIAofficer@dpwc.org.

I. INTERPRETATION

A. Conflicts

These Rules do not supersede the provisions of the Act. If a provision of these 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 Rules, the following definitions apply:

1. Business Hours: 8:30 a.m. to 4:30 p.m. on a Business Day.
2. Business Day: Any day on which general offices of the Commission at the Commission’s headquarters are open and staffed for regular public business. Business Days generally are Monday through Friday, except certain federal and state legal holidays.
3. Freedom of Information Officer: The Freedom of Information Officer of the Commission identified above and 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 Requestor: A Requestor that, in the 12 months immediately preceding the Request, has submitted to the Commission (i) a minimum of 50 Requests, (ii) a minimum of 15 Requests within a 30-day period, or (iii) a minimum of seven Requests within a seven-day period. However, Requests made by news media and non-profit, scientific, or academic organizations will not be considered in calculating the number of Requests made in the time periods for determining Recurrent Requestor status if the principal purpose of the requests 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.
6. Request: A request to inspect, copy, or certify public records.
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. Requestor: A person, firm, or corporation that files a Request with the Commission.
9. Response Time: The time for response by the Commission to a request for public records, as calculated pursuant to Subsection III.A of these Rules.

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 Commission under the Act and these Rules, the Commission will not include the day on which the request or notice requiring the response or decision was first received.
2. Supplemental Requests. Supplemental, amended, or additional Requests will not relate back to the time of receipt of the initial Request. Supplemental, amended, or additional Requests will be considered new Requests for purposes of determining the applicable Response Time and Recurrent Requestor status.
3. Response Date. All responses and decisions to be issued by the Commission under the Act and these Rules will be deemed to have been given on the date of personal delivery to the person or to the residence of the person entitled to the response or decision or, if mailed, on the date of

mailing, regardless of the date of actual receipt by that person. Each response and decision will 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 Freedom of Information Officer is the person administratively responsible for receiving and processing Requests.

The Freedom of Information Officer is the person with authority on behalf of the Commission to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters. The Freedom of Information Officer may consult with Commission staff, officials, and others as appropriate before responding to a Request.

The Commission may, from time to time, appoint Deputy Freedom of Information Officers to assist the Freedom of Information Officer in the performance of his or her duties under the Act and these Rules. In the absence of the Freedom of Information Officer, the Deputy Freedom of Information Officers are authorized to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters.

B. Form of Request

1. Required Information. A Request must be filed with the Commission in writing and in English. The Commission encourages Requestors to submit requests on the convenient form attached to these Rules ("Official Request Form") or in a similar form that contains, at a minimum, the following information:
 - a. The Requestor's name;
 - b. Either the Requestor's mailing address, e-mail address, or telephone number;
 - c. A description of the public records requested;
 - d. A statement of purpose, indicating whether the Requestor intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services;
 - e. A statement of whether the Requestor is, or represents, news media or a non-profit, scientific, or academic organization; and
 - f. A statement of whether the principal purpose of the Request is either (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) academic, scientific, or public research or education.

Use of the Official Request Form is the most effective way to obtain a prompt, full, and complete response by the Commission to a Request.

2. Supplemental Information. If a Requestor submits a Request on a form other than the Official Request Form, and the Request does not contain all of the information required pursuant to Paragraph II.B.1 of these Rules, then the Requestor must complete a Supplemental Information form or similar writing.
3. Requests Must Be Complete. No Request will be deemed complete unless it contains, at a minimum, all of the information required pursuant to Paragraph II.B.1 of these Rules.
4. Subpoenas. Except as provided in Section 9.5(c) of the Act, these Rules will not apply to any subpoena for records received by Commission and issued by, or in accordance with the rules of, a court or agency of competent jurisdiction.

C. Submittal of Request

Completed Requests must be filed with the Commission Freedom of Information Officer by mail, facsimile, overnight courier service, electronic mail, or in person, in accordance with the following:

1. In-Person Submissions. Requests submitted in person must be given to the Freedom of Information Officer or filed in the office of the Commission Clerk.
2. Electronic Mail Submissions. Requests submitted by electronic mail must be sent directly to the Freedom of Information Officer at FOIAofficer@dpwc.org and will be deemed received only upon actual receipt by the Freedom of Information 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 Freedom of Information Officer at the Commission headquarters and will be deemed received only upon actual receipt by the Commission on a Business Day, regardless of date of submission. Requests submitted in person must be given to the Freedom of Information Officer or filed in the office of the Commission Clerk. Requests submitted by mail or other means must be addressed to the Freedom of Information Officer at the Commission's headquarters and will be deemed received only upon actual receipt by the Commission on a Business Day, regardless of date of submission.

All Commission officials and employees who receive a Request must immediately forward that Request to the Freedom of Information Officer.

D. Processing of Request

1. The Freedom of Information Officer must complete the Checklist attached to these Rules immediately upon receipt of the Request. If the Freedom of Information Officer determines that the Request is not complete, as provided in Section II of the Checklist, the Freedom of Information Officer must mail a Notice of Incomplete Request form and a Supplemental Information form to the Requestor within five Business Days after receipt by the Commission of the Request. If the Freedom of Information Officer determines that the Request is complete, the Freedom of Information Officer must stamp or otherwise indicate on each completed Request, the date and time of receipt and, if known, the date on which the Commission must respond to the Request. In addition, the Freedom of Information Officer must send a copy of each completed Request to the Commission's Board of Commissioners within a reasonable period of time following receipt of each completed Request.
2. The Freedom of Information 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 Freedom of Information Officer must create an electronic or paper file for the retention of the original Request, a copy of the response by the Commission, a record of all written communications with the Requestor regarding the Request, and a copy of other communications related to the Request.
4. The Freedom of Information Officer must keep all Notices of Denial and all Notices of Intent to Deny issued under earlier versions of these Rules in a single central office file, indexed according to the type of exemption asserted, and, to the extent feasible, according to the types of records requested.

III. RESPONSES TO REQUESTS

A. Time for Response

1. Requests Made for Commercial Purposes. The Commission will respond within 21 Business Days after a completed Request Made for Commercial Purposes is received by the Commission.
2. Requests from Recurrent Requestors. The Commission will respond within 21 Business Days after a completed Request from a Recurrent Requestor is received by the Commission. The Commission, within five Business Days after a completed Request is received by the Commission from a Recurrent Requestor and using a Notice to Recurrent Requestor

form attached to these Rules or a similar written form, will also notify the Recurrent Requestor of (a) the Commission's determination to treat the Request as a Request from a Recurrent Requestor, (b) the reasons supporting that determination, and (c) the Response Time and that the Commission's response may take any form specified in this Section III except only a Notice of Extension.

3. All Other Requests. For all Requests other than Requests Made for Commercial Purposes and Requests from Recurrent Requestors, the Commission will respond within five Business Days after a completed Request is received by the Commission, unless the Commission has extended the Response Time pursuant to Paragraph III.A.4 of these Rules.
4. Extension of Time
 - a. If the Freedom of Information Officer determines that additional time is needed and allowed under the Act to respond to a Request, then the Freedom of Information Officer, using a Notice of Extension form attached to these Rules or a similar written form, will notify the Requestor within the applicable Response Time of the determination, of the reasons requiring the extension, and of the length of the extension (which may not exceed five additional Business Days). The Freedom of Information Officer may not issue a Notice of Extension for Requests Made for Commercial Purposes or for Requests from Recurrent Requestors.
 - b. The Requestor and the Commission, using an Extension Agreement form attached to these Rules or a similar written form, may agree in writing to extend the time for compliance for a period to be mutually determined. In his or her discretion, the Freedom of Information Officer may deliver to the Requestor a Request for Extension Agreement form and an Extension Agreement form. The Freedom of Information Officer is authorized to execute, in his or her discretion, an Extension Agreement after it has been executed by the Requestor. The Freedom of Information Officer must respond to the Request within the applicable Response Time, unless and until the Requestor and the Commission have executed the Extension Agreement.

B. Disclosure of Public Records

1. Notice of Approval. If the Freedom of Information Officer determines that the Act requires disclosure of all or any part or portion of the requested public records, then the Freedom of Information Officer will notify the Requestor in writing of his or her determination, using the Notice of Approval form attached to these Rules or a similar written form.

2. Approval of Requests Made for Commercial Purposes. If the Request is a Request Made for Commercial Purposes, and the requested records are not immediately available for inspection or pick-up, then the Notice of Approval 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. Approval of Requests from Recurrent Requestors. If the Request is from a Recurrent Requestor, and the requested records are not immediately available for inspection or pick-up, then the Notice of Approval 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.
4. Search of Commission Files and Use of Commission Equipment. Except as otherwise specifically authorized by the Freedom of Information Officer, only Commission employees, the Commission attorney, and Commission contractors are permitted to search Commission files, records, or storage areas, or to use Commission equipment in connection with any Request.
5. Removal of Original Records. Original public records may not be removed from any Commission building at any time, except as authorized by the Commission's General Manager.
6. Inspection of Public Records. Public records approved by the Freedom of Information Officer for disclosure may be inspected, or copies of public records obtained, during Business Hours at the Commission's headquarters or another location designated by the Freedom of Information Officer. Requestors must make an appointment with the Freedom of Information Officer for a date and time to inspect public records at the Commission's headquarters (or another location designated by the Freedom of Information Officer) approved by the Freedom of Information Officer for disclosure.
7. Copies of Public Records. Copies of public records approved by the Freedom of Information Officer for disclosure may be obtained during Business Hours at the Commission's headquarters or another location designated by the Freedom of Information Officer, provided that the Requestor had requested copies in the Request and has paid any applicable fees.
8. Mailing of Requested Public Records. Copies of public records will be mailed to the Requestor only if the Freedom of Information Officer reasonably determines that it is unduly burdensome for the Requestor to arrange for inspection of the original public records, or for pick up of copies of the public records, at the Commission's headquarters.
9. 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 Rules.

10. Records Maintained in Electronic Format. If the requested public records are maintained by the Commission in an electronic format, then the Commission will reproduce copies of the requested public records in the electronic format specified by the Requestor, if feasible. The Commission may charge to the Requestor the actual cost of the medium necessary for that format.
11. Payment of Fees. The Requestor must pay all copying, certification, and postage fees and, in the case of Requests Made for Commercial Purposes, search and retrieval fees and costs in advance of receiving copies of any public records.
12. Acknowledgment of Inspection. When the copies of the requested public records have been delivered or inspected, the Freedom of Information Officer and the Requestor must acknowledge delivery or inspection by execution of the Acknowledgment of Inspection form attached to these Rules or a similar written form.

C. Categorical Requests

1. Notice to Meet and Confer. If the Freedom of Information Officer determines that a Request for all records falling within a category will unduly burden the Commission and that the burden to the Commission outweighs the public interest in production of the public records sought, then the Freedom of Information Officer, using a Notice for Meeting form attached to these Rules or a similar written form, will notify the Requestor in writing of the determination, of the reasons supporting the determination, and of the right of the Requestor to meet with the Freedom of Information Officer in an effort to narrow the Request.
2. Failure to Respond by Commission. The Freedom of Information Officer may neither determine that a Request is unduly burdensome, nor issue a Notice for Meeting, if the Commission has previously failed to respond to that Request within the applicable Response Time.
3. Agreement to Narrow Request. If the Requestor agrees to meet and confer with the Freedom of Information Officer regarding the Request, then the Freedom of Information Officer will respond to the Request, or to the Request as narrowed at the meeting, within the applicable Response Time, calculated from the date of adjournment of the meeting. That response may take any form specified in this Section III. If the Requestor agrees to narrow the scope of the Request, the Freedom of Information Officer will deliver an Acknowledgment of Narrowed Request to the Requestor at the conclusion of the meeting, using the form attached to these Rules or a similar written form.

4. Failure to Meet and Confer. If the Requestor does not agree to meet and confer with the Freedom of Information Officer regarding the request, then the Freedom of Information Officer will deny the Request on the fifth Business Day after the date of the Notice for Meeting, using the Notice of Denial/Partial Denial of Request form attached to these Rules or a similar written form.

D. Denial

1. Denials. If the Freedom of Information 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 Rules, then the Freedom of Information Officer must deliver a notice of denial to the Requestor, using the Notice of Denial/Partial Denial of Request form attached to these Rules or a similar written form. The Freedom of Information Officer may not deliver the Notice of Denial/Partial Denial of Request to the Public Access Counselor, except upon receipt of a request therefor from the Public Access Counselor pursuant to Section 9.5(c) of the Act.
2. Contents of Denials. Each Notice of Denial/Partial Denial of Request must set forth the reason(s) for the denial, and must notify the Requestor of his or her rights to (a) seek review of the denial by the Public Access Counselor or, in the case of Requests Made for Commercial Purposes, for the limited purpose of seeking review of the determination that the Request was a Request Made for Commercial Purposes, and (b) 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 Freedom of Information Officer will comply with the directives of the Public Access Counselor, or seek appropriate review of those directives, in accordance with the Act.

E. No Obligation to Create New Records

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

F. No Obligation to Interpret or Advise

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

IV. FEES

A. Fees Established

Unless fees are waived or reduced under to Subsection IV.C of these Rules, each Requestor must pay the following fees for copying, certification, and mailing of public records:

- | | | |
|----|---|--------------------------------------|
| 1. | Copies – 8½”x 11” or 8½” x 14”, Black and White | |
| | First 50 pages | Free |
| | Additional pages | \$0.15 per side |
| 2. | Copies – 24” x 36”, Blueline | \$0.85 per side |
| 3. | Certification | \$1.00 per record,
plus copy cost |
| 4. | Mailing | Cost of postage |

If the requested records are of a type not listed above, or when the services of an outside vendor are required to copy any public record that are not 8 1/2 x 11 or 8 1/2 x 14, Black and White, then the fees charged for copying the records will be the actual charges incurred by the Commission, and the fees stated in items 1 through 4 above will not apply. The fees stated in items 1 through 4 above will also 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 Requestor must pay the actual cost of the medium.

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

In addition, each Requestor of a Request Made for Commercial Purposes must pay the following fees for each hour spent by personnel in searching for and retrieving a requested record:

First Eight Hours	Free
Each Additional Hour	\$10.00 per hour

If the requested record is maintained by a third-party storage company under contract with the Commission, then the Requestor of a Request Made for Commercial Purposes must also pay the actual cost of retrieving and transporting the requested record from the off-site storage facility. The Commission will provide each Requestor of a Request Made for Commercial Purposes with an accounting of all fees, costs, and personnel hours in connection with the Request.

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.

C. Waiver of Fees

The fees provided in Subsection IV.A of these Rules may be waived or reduced by the Freedom of Information Officer if the Requestor includes in the Request the specific purpose of the Request and establishes to the reasonable satisfaction of the Freedom of Information Officer that a fee waiver or reduction is in the public interest. Any 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 Requestor. The Freedom of Information 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 Freedom of Information Officer does not respond to a Request properly submitted pursuant to Section II of these Rules within the applicable Response Time, then the Commission will not require the payment of fees for any copies of records produced in response to that Request.

V. COMMISSION OBLIGATIONS

A. Organizational Description

The Freedom of Information Officer, at least once each fiscal year, will produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of the Commission. The description must identify and describe the membership of the Commission's Board of Commissioners and of all of its standing and special committees and other advisory bodies and also must include:

- a short summary of the Commission's purpose,
- a block diagram of the Commission's functional subdivisions,
- the approximate number of the Commission's full and part-time employees,

- the total amount of the Commission's operating budget, and
- the number and location of each of the Commission's offices.

If the Commission maintains a website, the Freedom of Information Officer must post the description required pursuant to this Subsection V.A to the website.

B. Index of Public Records

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a current index of all types or categories of public records prepared or received, and maintained, by the Commission after July 1, 1984. The index must be reasonably detailed in order to aid persons in obtaining access to the public records of the Commission.

C. Records Stored by Electronic Data Processing

The Freedom of Information Officer must prepare and furnish, to any person requesting it, a description of the manner in which public records of the Commission stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

D. Summary of Procedures

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a brief summary of the procedures established by these Rules. If the Commission maintains a website, the Freedom of Information Officer must post the summary required pursuant to this Subsection V.D to the website.

E. Posting and Mailing of Information

The Freedom of Information Officer must keep posted at the Commission's headquarters, and will mail to any person making a request therefor, copies of the Organizational Description prepared pursuant to Subsection V.A of these Rules, the Index of Public Records prepared pursuant to Subsection V.B of these Rules, and the Summary of Procedures prepared pursuant to Subsection V.D of these Rules.

F. Filing of Notices of Denial

The Freedom of Information Officer must retain copies of all Notices of Denial and copies of all Notices of Intent to Deny issued under earlier versions of these Rules in a single file at the Commission's headquarters that is open to the public and indexed according to the type of exemption asserted and, to the extent that categorization is feasible, the type of records requested.

DUPAGE WATER COMMISSION
FREEDOM OF INFORMATION ACT

LIST OF FORMS

1. Checklist
2. Request Form
3. Notice of Incomplete Request
4. Supplemental Information Form
5. Notice to Recurrent Requestor
6. Notice of Approval
7. Acknowledgment of Inspection
8. Notice of Extension of Time
9. Request for Extension Agreement
10. Extension Agreement
11. Notice for Meeting
12. Acknowledgment of Narrowed Request
13. Notice of Denial / Partial Denial of Request

DUPAGE WATER COMMISSION

REQUEST FOR PUBLIC RECORDS

CHECKLIST

FOR COMPLETION BY INITIAL COMMISSION RECIPIENT OF REQUEST

I. Initial Receipt of Request

Date of Receipt:

_____, 20____

Time of Receipt:

Method of Delivery:

___ Personal delivery during Business Hours

___ Personal delivery after Business Hours

___ Mail delivery during Business Hours

___ Mail delivery after Business Hours

___ Electronic delivery by _____

Commission employee receiving request (if not Freedom of Information Officer):

Name: _____ Title: _____

Forwarded to Freedom of Information Officer (if applicable):

Date: _____, 20____ Time: _____

Receipt by Freedom of Information Officer:

Date: _____, 20____ Time: _____

TO BE COMPLETED BY FREEDOM OF INFORMATION OFFICER ONLY

II. Determination of Completeness

Has the Requestor provided:

A. Basic Information:

Yes No

1. His/her/its name? _____

2. His/her/its mailing address, email address,
or telephone number? _____

3. A description of the public records requested? _____

- If you have checked "No" to any item in this Section II.A, send the Notice of Incomplete Request form and Supplemental Information form to the Requestor within five Business Days after receipt by the Commission of the Request.
- If you have checked "Yes" to all items in this Section II.A, proceed to Section II.B.

B. Purpose of Request:

Yes No Don't Know

4. A statement of whether the Requestor intends to use the records, or the information derived therein, for sale, resale, solicitation, or advertisement for sales or services?

___ ___ ___

5. A statement of whether the Requestor is, or represents, news media or a non-profit, scientific or academic organization?

___ ___ ___

6. A statement of whether the principal purpose of the Request is to access and disseminate information concerning news and current or passing events?

___ ___ ___

7. A statement of whether the principal purpose of the Request is for articles of opinion or features of interest to the public?

___ ___ ___

8. A statement of whether the principal purpose of the Request is academic, scientific, or public research or education?

___ ___ ___

- Send the Notice of Incomplete Request form and Supplemental Information form to the Requestor within five Business Days after receipt by the Commission of the Request, if:
 - You have checked "Don't Know" to Question #4;
 - You have checked "Yes" to Question #4, and "Don't Know" to Question #5; or
 - You have checked "Yes" to Questions #4 and #5, and "Don't Know" to Questions #6, #7, and #8.
- If you have checked "No" to any item in this Section II, send the Notice of Incomplete Request form and Supplemental Information form to the Requestor within five Business Days after receipt by the Commission of the Request.
- In all other circumstances, proceed to Section III.

III. Preparation of Response

Is this request from a Recurrent Requestor (circle one)? Yes / No

If yes, Date Notice to Recurrent Requestor Due: _____ (5
Business Days after day of receipt by Commission)

Is this request for a Commercial Purpose (circle one)? Yes / No

Date Response Due: _____ (either 5 or 21 Business Days after day of
receipt by Commission)

Commission employee responsible for compiling response:

Name: _____ Title: _____

Signature of Freedom of Information Officer: _____

DUPAGE WATER COMMISSION

REQUEST FOR PUBLIC RECORDS OFFICIAL REQUEST FORM

INSTRUCTIONS AND INFORMATION

- a. In Section 1, describe the public records that you wish to inspect or to have copied or certified. Please be precise about what records you seek. You may use a separate sheet if necessary.

Indicate whether you request only to inspect the public records at the Commission's headquarters or whether you also request to have the public records copied or certified by checking the appropriate spaces.

- b. By submitting this Request Form, you are agreeing to pay to the Commission, in advance of receiving copies of any public records, the copying and certification fees set forth in Section 2. In addition, if this is a request made for commercial purposes, then you are also agreeing to pay to the Commission, in advance of examining or receiving copies of any public records, the search and retrieval fees set forth in Section 2.

The fees set forth in Section 2 may be waived or reduced by the Freedom of Information Officer on determination and proof 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 set forth in Subsection 2.B.

- c. In Section 3, indicate the purposes for which you are requesting the public records identified in Section 1. You must provide the information in this Section.
- d. The Commission will not mail copies of public records except upon satisfactory proof that it would be unduly burdensome for you to inspect or pick up the copies at the Commission's headquarters and then only upon advance payment of the actual cost of postage. If you wish to request mailing of the requested records, you must complete and separately sign the statement set forth in Section 4.
- e. You must provide the information requested in Section 5.
- f. You must sign the statement set forth in Section 6.

The Commission will disclose the public records requested on this Request Form within 21 Business Days after the receipt of this Request Form for all requests made by recurrent requestors and all requests made for commercial purposes, 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. All extensions and denials will be in writing and will state the reasons therefor. The Requestor may seek review of a denial by the Public Access Counselor of the Office of the Illinois Attorney General unless the request was determined to have been made for commercial purposes. If the request was determined to have been made for commercial purposes, then the Requestor may seek review by the Public Access Counselor of the Office of the Illinois Attorney General only for the limited purpose of seeking review of the determination that the request was made for commercial purposes. Judicial review of a denial is available under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* For more detailed information, please consult the DuPage Water Commission Rules and Regulations for Implementation of the Illinois Freedom of Information Act, which are available from the Freedom of Information Officer.

To: Freedom of Information Officer
 DuPage Water Commission
 DuPage Pumping Station
 600 East Butterfield Road
 Elmhurst, Illinois 60126 4642
 Phone: (630) 834-0100
 Facsimile: (630) 834-0120
FOIAofficer@dpwc.org

1. Request for Records

I request the following public records of the Commission:

Records Requested	<u>inspect</u>	<u>copy</u>	<u>certify</u>
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---

2. Agreement to Pay Fees

A. Unless I have requested and received a waiver under Subsection B of this Section, I will pay the following fees for the public records copied or certified at my request:

1. Copies – 8½” x 11” or 8½” x 14”, Black and White

First 50 pages	Free
Additional pages	\$0.15 per side
2. Copies – 24” x 36”, Blueline \$ 0.85 per side
3. Certification \$1.00 per record, plus copy cost
4. Mailing Cost of postage

I agree that I will pay the actual charges that the Commission incurs in connection with the copying services, and that the fees stated in items 1 through 2 above will not apply, if: (i) the Commission must use an outside vendor to copy a public record that is not 8½ x 11 or 8½ x 14, Black and White; or (ii) the requested records are of a type not listed above. I further agree that the fees stated in items 1 through 4 above will not apply if the

3. Purpose of Request

Please check Yes or No for each of the following questions:

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| A. I am requesting the public records identified in Section 1 above to use the records, or the information derived therein, for sale, resale, solicitation, or advertisement for sales or services. | ___ | ___ |
| B. I am, or represent, news media or a non-profit, scientific or academic organization. | ___ | ___ |
| C. The principal purpose of this Request for Public Records is to access and disseminate information concerning news and current or passing events. | ___ | ___ |
| D. The principal purpose of this Request for Public Records is for articles of opinion or features of interest to the public. | ___ | ___ |
| E. The principal purpose of this Request for Public Records is academic, scientific, or public research or education. | ___ | ___ |

Pursuant to 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 Mail Delivery

___ I request that the Commission mail copies of the requested public records to me at the address set forth in Section 5 below. I hereby agree to pay the actual postage for mailing before the records will be mailed. It would be unduly burdensome for me to pick up the requested records at the Commission’s headquarters because:

___ I do not request mail delivery of any of the requested public records.

5. Requestor

A. Name of Requestor: _____

B. Name of person for whom records are being requested (if not Requestor):

C. Address for Responses, Decisions, and Communications:

D. Telephone Numbers of Requestor:

Day: _____

Evening: _____

E. E-mail: _____

6. Signature of Requestor

By signing this Request, I acknowledge and represent that I have reviewed, and that I understand, the DuPage Water Commission Rules and Regulations for Implementation of the Illinois Freedom of Information Act and that all of the information provided in support of this request is true and accurate.

Signature of Requestor

Date

DUPAGE WATER COMMISSION

REQUEST FOR PUBLIC RECORDS

NOTICE OF INCOMPLETE REQUEST

To: _____

On _____, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records ("Your Request"). The Commission has determined that Your Request is not complete, as required by the Freedom of Information Act and the DuPage Water Commission Rules and Regulations for Implementation of the Illinois Freedom of Information Act. Specifically, the following information, circled below, was not provided in Your Request:

Requestor's Name	Description of Records Requested
Requestor's Mailing Address, E-Mail Address, or Telephone Number	Statement of Purpose

Please provide the required information to the Commission Freedom of Information Officer at the address below, either by completing the convenient Supplemental Information form enclosed, or by another written document. The Commission will then process Your Request in accordance with applicable law.

Dated: _____, 20____

DUPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

DUPAGE WATER COMMISSION

REQUEST FOR PUBLIC RECORDS

SUPPLEMENTAL INFORMATION FORM

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

1. Identification of Requestor

A. Name of Requestor: _____

B. Name of person for whom records are being requested (if not Requestor):

C. Address for Responses, Decisions, and Communications:

D. Telephone Numbers of Requestor:

Day: _____

Evening: _____

E. E-mail: _____

2. Purpose of Request

Please check Yes or No for each of the following questions:

Pursuant to 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.

	<u>Yes</u>	<u>No</u>
A. I am requesting the public records to use the records, or the information derived therein, for sale, resale, solicitation, or advertisement for sales or services.	___	___

B. I am, or represent, news media or a non-profit, scientific or academic organization.	___	___
---	-----	-----

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| C. The principal purpose of my request for public records is to access and disseminate information concerning news and current or passing events. | ___ | ___ |
| D. The principal purpose of my request for public records is for articles of opinion or features of interest to the public. | ___ | ___ |
| E. The principal purpose of my request for public records is academic, scientific, or public research or education. | ___ | ___ |

3. Agreement to Pay Fees

A. Unless I have requested and received a waiver under Subsection B of this Section, I will pay the following fees for the public records copied or certified at my request:

- | | | |
|----|--|--------------------------------------|
| 1. | Copies – 8½” x 11” or 8½” x 14”, Black and White | |
| | First 50 pages | Free |
| | Additional pages | \$0.15 per side |
| 2. | Copies – 24” x 36”, Blueline | \$ 0.85 per side |
| 3. | Certification | \$1.00 per record,
plus copy cost |
| 4. | Mailing | Cost of postage |

I agree that I will pay the actual charges that the Commission incurs in connection with the copying services, and that the fees stated in items 1 through 2 above will not apply, if: (i) the Commission must use an outside vendor to copy a public record that is not 8½ x 11 or 8½ x 14, Black and White; or (ii) the requested records are of a type not listed above. I further agree that the fees stated in items 1 through 4 above 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, I agree to pay the actual cost of purchasing the medium.

If my request is made for commercial purposes, then I also agree that I will pay the following fees for each hour spent by personnel in searching for and retrieving the public records I requested:

- | | |
|----------------------|------------------|
| First Eight Hours | Free |
| Each Additional Hour | \$10.00 per hour |

If my request is made for commercial purposes and the public records I requested are maintained by a third-party storage company under contract with the Commission, then I also agree that I will pay the actual cost of retrieving and transporting the requested records from the off-site storage facility.

B. I request a waiver of the fees set forth in Subsection A above, and in support of my request I hereby certify that I will gain no significant personal or commercial benefit from the public records herein requested 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:

4. Request for Mail Delivery

___ I request that the Commission mail copies of the requested public records to me at the address set forth below. I hereby agree to pay the actual postage for mailing before the records will be mailed. It would be unduly burdensome for me to pick up the requested records at the Commission’s headquarters because:

___ I do not request mail delivery of any of the requested public records.

5. Signature of Requestor

By signing this form, I represent that I have reviewed, and that I understand, the Commission’s Rules and Regulations for Implementing the Illinois Freedom of Information Act and that all of the information provided in this form and in support of my request for public records is true and accurate.

Signature of Requestor

_____, 20____
Date

DUPAGE WATER COMMISSION

NOTICE TO RECURRENT REQUESTOR

To: _____

On _____, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records (“Your Request”).

Pursuant to Sections 2(g) and 3.2 of the Illinois Freedom of Information Act, 5 ILCS 140/2(g) and 140/3.2, the Commission has determined that you are a Recurrent Requestor.

I. Justification for Recurrent Requestor Status

The Commission has determined that you are a Recurrent Requestor because:

_____ In the 12 months immediately preceding Your Request, you have submitted to the Commission a minimum of 50 requests to inspect, copy, or certify public records.

_____ In the 12 months immediately preceding Your Request, you have submitted to the Commission a minimum of 15 requests to inspect, copy, or certify public records within a 30-day period.

_____ In the 12 months immediately preceding Your Request, you have submitted to the Commission a minimum of seven requests to inspect, copy, or certify public records within a seven-day period.

Requests made by news media and non-profit, scientific, or academic organizations have not been considered in calculating the number of Requests made in the time periods set forth above if the principal purpose of the requests was (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.

II. Time to Respond

Pursuant to Section 3.2 of the Illinois Freedom of Information Act, 5 ILCS 140/3.2, the Commission hereby notifies you that the Commission will respond to Your Request on or before _____, a date that is not more than 21 Business Days after the date on which Your Request was originally received by the Commission.

III. Form of Response

The Commission will respond to Your Request by sending you one or more of the following Forms attached to the DuPage Water Commission Rules and Regulations for Implementation of the Illinois Freedom of Information Act or similar forms that contain, at a minimum, the same information:

- Notice of Approval of Your Request, in whole or in part, containing an estimate of the time required by the Commission to provide the records requested and an estimate of the fees to be charged.
- Notice of Denial of Your Request, in whole or in part, pursuant to one or more of the exemptions set out in the Illinois Freedom of Information Act.
- Notice to Meet and Confer to Narrow Categorical Request For Public Records To Manageable Proportions because all or a portion of Your Request is unduly burdensome.

Dated: _____, 20____

DUPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

PROOF OF SERVICE

I, _____, being duly sworn on oath, state that on this _____ day of _____, _____, on or about the hour of _____ .m., I personally delivered or mailed the foregoing document entitled "**NOTICE TO RECURRENT REQUESTOR**" by:

- ___ Personally handing it to the person to whom it is addressed.
- ___ Delivering it to the property located at:

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

- ___ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

Signed: _____

Subscribed and sworn to before me this _____ day of _____, 20__.

NOTARY PUBLIC

DUPAGE WATER COMMISSION

NOTICE OF APPROVAL OF REQUEST FOR PUBLIC RECORDS

To: _____

On _____, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records (“Your Request”).

1. Decision on Request

___ Your Request is hereby approved in its entirety.

___ Your Request is approved in part and denied in part. Those records for which your Request is approved are identified in Section 2 below. Those records for which your Request is denied are identified in the enclosed Notice of Denial(s).

2. Availability of Records

Your Request is approved for the following public records (the “Specified Records”):

___ The following public records will be made available for your inspection at the Commission’s headquarters as indicated in Section 3 below:

___ Subject to payment of any required fees pursuant to Section 4 below, copies of the following public records will be made available for pick up by you at the Commission’s headquarters as indicated in Section 3 below:

____ Subject to payment of any required fees pursuant to Section 4 below, certified copies of the following public records will be made available for pick up by you at the Commission’s headquarters as indicated in Section 3 below:

____ Subject to payment of any required fees pursuant to Section 4 below, the following public records will be delivered to you, or will be made available for pick up by you at the Commission’s headquarters as indicated in Section 3 below, in the electronic format that you requested:

Electronic Format of Delivery: _____

3. Appointment for Inspection or Pick-up

The Specified Records will be made available for inspection or pick-up at the Commission’s headquarters, 600 East Butterfield Road, Elmhurst, Illinois 60126-4642. You must call the Freedom of Information Officer at the Commission’s headquarters at (630) 834-0100 to schedule an appointment for inspection or pick up of the Specified Records.

____ If, within five Business Days after the date of this Notice of Approval, you have not made an appointment to inspect or pick up the Specified Records, then the Specified Records will be re-filed and will be made available to you only upon the filing of a new Request for records.

____ Pursuant to Sections 2(c-10) and 3.1 of the Illinois Freedom of Information Act, 5 ILCS 140/2(c-10) and 140/3.1, the Commission has determined that Your Request is a request made for commercial purposes. The Specified Records will be available for inspection or pick-up on or after _____, 20__ (the “Availability Date”). If, within five Business Days after the Availability Date, you have not made an appointment to inspect or pick up the Specified Records on or before the fifth Business Day after the Availability Date, then the Specified Records will be re-filed and will be made available to you only upon the filing of a new Request for records. You have the right to file a request for review of the Commission’s determination that Your Request is a request made for commercial purposes by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contacted at 500 S. 2nd Street, Springfield, Illinois 62706, or by telephone at 1-877-

299-FOIA (1-877-299-3642), or by facsimile at (217) 782-1396, or by email at publicaccess@atg.state.il.us.

____ Pursuant to Sections 2(g) and 3.2 of the Illinois Freedom of Information Act, 5 ILCS 140/2(g) and 140/3.2, the Commission has determined that you are a Recurrent Requestor. The Specified Records will be available for inspection or pick-up on or after _____, 20____ (the "Availability Date"). If, within five Business Days after the Availability Date, you have not made an appointment to inspect or pick up the Specified Records on or before the fifth Business Day after the Availability Date, then the Specified Records will be re-filed and will be made available to you only upon the filing of a new Request for records.

4. Search, Retrieval, Copying, and Certification Fees

The Specified Records may not be examined by you, nor will copies or certified copies of the Specified Records 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: \$ _____ (____ sides at \$____ per side)

Certification Cost: \$ _____ (___ documents at \$1.00 each)

Reproduction of Electronic Medium Cost: \$ _____

Outside Vendor Copy Cost: \$ _____ (see attached invoice)

Other Actual Reproduction Cost: \$ _____ (see attached invoice)

Copy Cost as Fixed by Statute: \$ _____

Search and Retrieval Personnel Cost:
(requests for commercial purposes only)

First Eight Hours: Free
Each Additional Hour: \$ _____ (____ hours at \$10.00 per hour)

Third-Party Storage Company Cost: \$ _____ (see attached invoice)
(requests for commercial purposes only)

Total Fee: \$ _____

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

- ____ Your fees have been paid in full.
- ____ Your request for a fee waiver or reduction has been approved in the following amount: \$ _____
- ____ Your request for a fee waiver or reduction has been denied.
- ____ You have previously deposited the following amount: \$ _____

___ A balance is now due in the following amount: \$_____

5. Mailing of Records

___ Your request that the Commission mail the Specified Records to you has been denied on the basis that you have not shown that it would be unduly burdensome for you to arrange to pick up the Specified Records.

___ Your request that the Commission mail the Specified Records to you has been approved. However, before the Commission will mail the Specified Records, you must pay the balance, if any, indicated in Section IV above and the following additional amount to cover the cost of postage: \$_____.

Dated: _____, 20____

DUPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

PROOF OF SERVICE

I, _____, being duly sworn on oath, state that on this _____ day of _____, _____, on or about the hour of _____ .m., I personally delivered or mailed the foregoing document entitled "**NOTICE OF APPROVAL OF REQUEST FOR PUBLIC RECORDS**" by:

___ Personally handing it to the person to whom it is addressed.

___ Delivering it to the property located at:

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

___ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

Signed: _____

Subscribed and sworn to before me this _____ day of _____, 20__.

NOTARY PUBLIC

Acknowledgment of Inspection

DUPAGE WATER COMMISSION

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

To: _____

Pursuant to your request for the inspection, copying, or certification of certain Commission public records dated _____ ("Your Request"), you have been provided with the right to inspect, or copies of, the following public records in accordance with the Illinois Freedom of Information Act:

The Commission has received \$_____ from you in the form of cash, a cashier's or certified check, or a money order, in payment of all fees related to Your Request.

Dated: _____, 20____

DUPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

TO BE COMPLETED BY REQUESTOR

I, _____, hereby acknowledge that I have been provided with the public records listed above on _____. In the event that 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 Requestor

DuPAGE WATER COMMISSION

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

To: _____

On _____, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records ("Your Request").

Pursuant to the Illinois Freedom of Information Act, the original due date for a response by the Commission 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 Commission hereby notifies you that the time to respond to Your Request is extended for _____ Business Days as to all records identified in Section II below (the "Specified Records").

Accordingly, the Commission will respond to Your Request as it relates to the Specified Records on or before _____, a date that is not more than 10 Business Days after the date on which Your Request was originally received by the Commission.

II. Specified Records

This extension applies to the following public records included in Your Request:

You will receive a separate response from the Commission regarding Your Request as it relates to any public records that are not listed above.

III. Justification for Extension

This extension is necessary because:

- _____ The Specified Records are stored in whole or in part at a location other than the office in charge of the Specified 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.
- _____ 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 Commission 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 Commission because: _____

Dated: _____, 20____

DUPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

PROOF OF SERVICE

I, _____, being duly sworn on oath, state that on this _____ day of _____, _____, on or about the hour of _____ .m., I personally delivered or mailed the foregoing document entitled "**NOTICE OF EXTENSION OF TIME TO RESPOND TO REQUEST FOR PUBLIC RECORDS**" by:

___ Personally handing it to the person to whom it is addressed.

___ Delivering it to the property located at:

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

___ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

Signed: _____

Subscribed and sworn to before me this _____ day of _____, 20__.

NOTARY PUBLIC

Request for Extension Agreement

DuPAGE WATER COMMISSION

REQUEST FOR PUBLIC RECORDS

REQUEST FOR EXTENSION AGREEMENT

To: _____

On _____, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records ("Your Request").

The Commission hereby requests an extension of the deadline for a response by the Commission to Your Request until _____, 20___. If you consent to this extension, please sign the enclosed Extension Agreement and return it to the Commission Freedom of Information Officer as soon as possible. The Freedom of Information Officer will then execute the Extension Agreement and return a fully executed copy to you.

If you have any questions regarding the Extension Agreement, please contact the Freedom of Information Officer at (630) 834-0100.

Dated: _____, 20_____

DuPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

DUPAGE WATER COMMISSION

REQUEST FOR PUBLIC RECORDS

EXTENSION AGREEMENT

Pursuant to Section 3(e) of the Illinois Freedom of Information Act, 5 ILCS 140/3(e), the DuPage Water Commission ("Commission") and _____ ("Requestor") hereby agree as follows:

- A. The Requestor has submitted a request for the inspection, copying, or certification of certain Commission public records, dated _____, 20__ ("Request").
- B. The original due date for a Response by the Commission to the Request is _____, 20__.
- C. The Commission requires additional time to respond to the Request.
- D. The Requestor agrees to extend the deadline for a response by the Commission to the Request until _____, 20__.
- E. The Requestor acknowledges and agrees that any failure by the Commission to comply with any deadlines set forth in the Illinois Freedom of Information Act, or with any previous deadlines mutually agreed between the Commission and the Requestor, will not be treated as a denial of the Request.

REQUESTOR:

DUPAGE WATER COMMISSION:

By: _____
Print: _____

By: _____
Freedom of Information Officer

Date: _____, 20__

Date: _____, 20__

DUPAGE WATER COMMISSION

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

To: _____

On _____, the DuPage Water Commission received your written request for inspection, copying, or certification of the following categories of Commission public records (the "Specified 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 Commission 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 Commission in that there is no way for the Commission to narrow Your Request based on the information provided by you and:

I hereby extend to you an opportunity to meet and confer with _____ in an attempt to narrow your request to manageable proportions. Please call _____ at (630) 834-0100 between 8:30 a.m. and noon or 1:00 p.m. and 4:30 p.m., Monday through Friday, in order to schedule a conference.

If you do not take advantage of this opportunity to meet and confer, your request will be denied on the fifth Business Day after the date of this notice.

Dated: _____.

DUPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

PROOF OF SERVICE

I, _____, being duly sworn on oath, state that on this _____ day of _____, _____, on or about the hour of _____ .m., I personally delivered or mailed the foregoing document entitled "**NOTICE TO MEET AND CONFER TO NARROW CATEGORICAL REQUEST FOR PUBLIC RECORDS TO MANAGEABLE PROPORTIONS**" by:

- ___ Personally handing it to the person to whom it is addressed.
- ___ Delivering it to the property located at:

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

- ___ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

Signed: _____

Subscribed and sworn to before me this _____ day of _____, 20__.

NOTARY PUBLIC

Acknowledgment of Narrowed Request

DUPAGE WATER COMMISSION

ACKNOWLEDGMENT OF NARROWED REQUEST

To: _____

A. You have submitted a request for the inspection, copying, or certification of certain Commission public records, dated _____, 20__ ("Initial Request").

B. On _____, 20__, the Commission 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 indicated that the Commission deemed your Initial Request to be unduly burdensome because the burden on the Commission 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 undersigned Commission Freedom of Information Officer in an attempt to narrow the Initial Request to manageable proportions.

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

E. The Commission 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 Commission Freedom of Information Officer.

Dated: _____.

DUPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

Acknowledged and agreed this
____ day of _____, 20__.

Requestor

Notice of Denial / Partial Denial of Request

DUPAGE WATER COMMISSION

DENIAL OF REQUEST FOR PUBLIC RECORDS

To: _____

On _____, the DuPage Water Commission received your written request for inspection, copying, or certification of certain Commission public records ("Your Request").

1. Denial of Request

____ Your Request is hereby denied in its entirety. The reason(s) for denial are stated in Paragraph 5 below.

____ Your Request has been denied in part. The records for which Your Request is denied are identified below. (The records for which Your Request is approved are identified in the enclosed Notice of Approval.)

Your Request is denied as to the following records (the "Specified Records"):

2. Responsible Official

The Commission's Freedom of Information Officer is the official responsible for this denial.

3. Notice of the Right to Review by Illinois Attorney General

Unless Your Request is made for commercial purposes, 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. If Your Request is made for commercial purposes, then you have the right to file a request for review of the Commission's determination that Your Request is a request made for commercial purposes. In either case, the Public Access Counselor may be contacted at 500 S. 2nd Street, Springfield, Illinois 62706, or by telephone at 1-877-299-FOIA (1-877-299-3642), or by facsimile at (217) 782-1396, or by email at publicaccess@atg.state.il.us.

4. 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 Commission cannot advise or represent you in this matter. You should consult your own legal counsel.

5. Justification for Denial

Your Request is being denied with respect to the Specified Records because the Specified Records are exempt from disclosure pursuant to the Illinois Freedom of Information Act for the following reason or reasons (references are to sections of the Act):

___ The Specified Records are neither prepared by or for the Commission, nor have the Specified Records been or are being used by, or received by, the Commission. § 1, § 2(c)

___ The Specified Records are not within the Commission's possession or control, nor are the Specified Records related to a governmental function and in the possession of a party with whom the Commission has contracted to perform that governmental function on behalf of the Commission. § 1, § 2(c), § 7(2)

___ The Specified 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)

___ The Specified 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)

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

___ Your Request, couched in categorical terms, is unduly burdensome because the burden on the Commission of complying with Your Request outweighs the public interest in providing the Specified Records, and efforts to reduce Your Request to manageable proportions have been unsuccessful. § 1, § 3(g)

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

Notice of Denial / Partial Denial of Request – Page 3

- ___ Disclosure of the Specified Records is specifically prohibited by the following Federal or State law, rule, or regulation: _____ . § 7(1)(a)
- ___ The Specified Records are private information. § 2(c-5), § 7(1)(b)
- ___ The Specified 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)
- ___ Disclosure of the Specified Records would constitute a clearly unwarranted invasion of personal privacy. § 1, § 7(1)(c)
- ___ The Specified Records were created in the course of administrative enforcement proceedings, or for law enforcement purposes, and disclosure would:
 - ___ interfere with a pending or actually and reasonably contemplated law enforcement proceeding by the Commission. § 7(1)(d)(i)
 - ___ interfere with active administrative enforcement proceedings by the Commission. § 7(1)(d)(ii)
 - ___ unavoidably disclose the identity of a confidential source or confidential information provided by the confidential source, or the identity of persons who file complaints with or provide information to administrative, investigative, law enforcements or penal agencies. § 7(1)(d)(iv)
 - ___ disclose unique or specialized investigative techniques other than those generally used and known, and disclosure would result in demonstrable harm to the Commission. § 7(1)(d)(v)
 - ___ endanger the life or physical safety of any person. § 7(1)(d)(vi)
 - ___ obstruct or interfere with an active or ongoing criminal investigation by the Commission. § 7(1)(d)(iv), § 7 (1)(d)(vii)
- ___ The Specified Records relate to the security of correctional institutions or detention facilities. § 7(1)(e)
- ___ The Specified Records are preliminary drafts, notes, recommendations, memoranda, or other records in which opinions are expressed or policies or actions are formulated. § 7(1)(f)
- ___ The Specified Records contain trade secrets or commercial or financial information furnished to the Commission under a claim that they are

Notice of Denial / Partial Denial of Request – Page 4

proprietary, privileged, or confidential, and that disclosure would cause competitive harm to the furnisher of the information. § 7(1)(g)

___ The Specified 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 or would either frustrate the Commission's procurement procedures, or give an advantage to any person who may submit a proposal or bid. § 7(1)(h)

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

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

___ The Specified Records contain the following types of information pertaining to specified educational matters that are exempt from disclosure:

___ test questions, scoring keys and other examination data used to administer an academic examination. § 7(1)(j)(i)

___ information concerning a school or university's adjudication of student disciplinary cases, and disclosure would unavoidably reveal the identity of the student. § 7(1)(j)(iii)

___ course materials or research materials used by faculty members. § 7(1)(j)(iv)

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

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

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

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

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- ___ The Specified Records were prepared or compiled at the request of an attorney advising the Commission in anticipation of criminal, civil, or administrative proceedings. § 7(1)(m)
- ___ The Specified Records were prepared or compiled with respect to an internal audit of the Commission. § 7(1)(m)
- ___ The Specified 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)
- ___ Disclosure of the Specified Records would jeopardize the security of a data processing system, of the data contained therein, or of other related data processing materials. § 7(1)(o)
- ___ The Specified Records relate to employee collective bargaining matters and do not constitute a final collective bargaining agreement. § 7(1)(p)
- ___ The Specified Records are test questions, scoring keys, or other examination data used to determine employment or license qualifications. § 7(1)(q)
- ___ The Specified Records relate to pending negotiations for the purchase or sale of real estate. § 7(1)(r)
- ___ The Specified 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)
- ___ The Specified 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)
- ___ The Specified Records are insurance or self-insurance records. § 7(1)(s)
- ___ The Specified 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)
- ___ The Specified 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)

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- ___ The Specified Records are maps or other records regarding the location or security of utility or power generator facilities. § 7(1)(x)
- ___ The Specified 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)
- ___ The Specified Records are library circulation or order records identifying library users with specific materials, as provided in the Library Records Confidentiality Act. § 7.5(b)
- ___ The Specified Records are held by an authorized representative of the Illinois Department of Public Health and relate to known or suspected cases of sexually transmissible disease, or other information the disclosure of which is prohibited under the Illinois Sexually Transmissible Disease Control Act. § 7.5(d)
- ___ The Specified Records concern an enforcement proceeding under the Commission's ethics regulations. § 7.5(h)
- ___ The Specified Records are information contained in a local emergency energy plan submitted to the Commission pursuant to an ordinance adopted under Section 11-21.5-5 of the Illinois Municipal Code. § 7.5(i)
- ___ The Specified Records concern the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act. § 7.5(j)
- ___ The Specified Records are law enforcement identification information or driver identification information compiled pursuant to Section 11-212 of the Illinois Vehicle Code. § 7.5(k)
- ___ The Specified Records are records or information provided to a residential health care facility resident sexual assault and death review team under the Abuse Prevention Review Act. § 7.5(l)
- ___ The Specified Records constitute defense budget and petitions for certifications of compensation and expenses for court-appointed trial counsel under Sections 10 and 15 of the Capital Crimes Litigation Act. § 7.5(n)
- ___ The Specified 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)
- ___ Disclosure of the Specified Records is prohibited by the Personnel Records Review Act. § 7.5(q)

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____ Disclosure of the Specified Records is prohibited by the Illinois School Student Records Act. § 7.5(r)

____ Other: _____

Dated: _____.

DUPAGE WATER COMMISSION

By: _____
Freedom of Information Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

PROOF OF SERVICE

I, _____, being duly sworn on oath, state that on this _____ day of _____, _____, on or about the hour of _____ .m., I personally delivered or mailed the foregoing document entitled "**DENIAL OF REQUEST FOR PUBLIC RECORDS**" by:

___ Personally handing it to the person to whom it is addressed.

___ Delivering it to the property located at:

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

___ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

Signed: _____

Subscribed and sworn to before me this _____ day of _____, 20__.

NOTARY PUBLIC