

## ILLINOIS STATE POLICE DIRECTIVE ADM-102, FREEDOM OF INFORMATION ACT

<b>RESCINDS:</b> ADM-102, 2014-015, revised 02-06-2014.	<b>REVISED:</b> 09-17-2018 <b>2018-008</b>
<b>RELATED DOCUMENTS:</b> ADM-137	<b>RELATED CALEA STANDARDS:</b> 32.1.6, 43.1.2, 55.1.3, 82.1.1

### I. POLICY

The Illinois State Police (ISP) will provide public records as defined in Section 2 of the Freedom of Information Act (FOIA) from files in its possession or under its control to persons requesting such information to the extent required by the FOIA.

### II. AUTHORITY

II.A. 5 ILCS 140/1, et seq., "Freedom of Information Act"

II.B. 5 ILCS 160/1, et seq., "State Records Act"

### III. DEFINITIONS

III.A. Private / Personally Identifying Information - unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person (5 ILCS 140/2(c-5)).

III.B. Public records - all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information, and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body (5 ILCS 140/2(c)).

III.C. Request - a written document that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied (5 ILCS 140/3(g)). The FOIA request need not specifically state that the request is being made pursuant to the provisions of the Illinois Freedom of Information Act, it may simply be a request by the public for records.

III.D. Undue Burden – a request made pursuant to the FOIA which, if fulfilled as requested, will create a burden on the work unit that outweighs the public interest in the documents requested and which the requester is either unable or unwilling to narrow the scope of their request. In general, the Illinois State Police Legal Office considers all requests that take over 20 hours to research, redact, review and prepare for dissemination to be an undue burden.

## IV. PROCEDURES

IV.A. Any employee who receives a FOIA request directly from a requestor shall:

IV.A.1. Immediately forward the request via ISP Email to the FOIA Officer Intake email address at FOIA\_Officer@isp.state.il.us. The employee will then forward the original request to:

Illinois State Police  
Freedom of Information Officer  
801 South 7th Street  
Suite 1000-S  
Springfield, Illinois 62703-2487

IV.A.2. If an ISP employee receives a request for records, other than crash and reconstruction reports, that does not specify it is being made pursuant to the Illinois Freedom of Information Act, the ISP employee will handle as outlined in Section IV.A.1 above.

IV.B. Each Division/Command will designate a FOIA Liaison to assist the FOIA Officer in coordinating the collection of the documents requested. Division/Command Liaisons shall:

IV.B.1. Begin collecting all relevant documents and advise the FOIA Officer if the request cannot be fulfilled within the statutorily required five working days, so that an extension may be sought.

IV.B.1.a. Employees from the Division or Command that are tasked with locating and providing the requested documents will complete the required redactions to remove Private / Personally Identifying Information.

IV.B.1.b. Questions regarding the redaction of any other sensitive or confidential information shall be directed to the ISP FOIA Officer.

IV.B.2. Immediately review all FOIA requests sent by the FOIA Officer to determine if the request can be fulfilled within the statutory time limits and advise the FOIA Officer if the request will cause an "undue burden" on the work unit.

IV.B.2.a. If an ISP employee tasked with collecting documents for a FOIA request believes the request will cause an undue burden as defined above, the employee will provide the total number of pages of responsive records, detail all actions involved in fulfilling the FOIA request, estimate the time it will take to complete each action, and provide detailed information about the other work which will be impacted by complying with the FOIA request.

IV.B.2.b. If documents requested do not exist or are not held by the ISP, ISP personnel shall not create documents in order to fulfill the request. In such cases, the employee shall report to the FOIA Officer that there are "no documents responsive to the request."

IV.B.3. All responses to FOIA requests will be returned to the FOIA Responses Lotus Notes email address (FOIA\_Responses@isp.state.il.us) unless they are so large that they must be put onto electronic media such as a CD or DVD or transferred via the State's file transfer utility located at <https://filet.illinois.gov/filet/pimupload.asp>.

IV.C. The ISP Chief Legal Counsel shall:

IV.C.1. Nominate one individual to act as the Freedom of Information Act Officer for the Illinois State Police pursuant to 5 ILCS 140/3.5 "Freedom of Information Act Officers."

IV.C.2. Designate an attorney or attorneys within the ISP Legal Office to handle FOIA Appeals.

IV.D. The ISP FOIA Officer shall:

- IV.D.1. Understand and remain knowledgeable through training as required by 5 ILCS 140/3.5(b) of the Illinois Freedom of Information Act, court cases regarding FOIA and both binding and advisory opinions rendered by the Public Access Counselor of the Office of the Illinois Attorney General.
- IV.D.2. The FOIA Officer will coordinate intake, referral to the appropriate entity for research, and response to requests made under the Act while ensuring due diligence is afforded with respect to established time frames and/or extensions.
- IV.D.3. The FOIA Officer will conduct annual training for ISP employees to ensure an understanding of their responsibilities in response to FOIA requests.
- IV.D.4. The FOIA Officer will maintain contact with, and follow the direction of, the Governor's FOIA Officer, keeping ISP command informed of changing issues.
- IV.D.5. The FOIA Officer will keep the ISP Public Information Office informed regarding any issues that may result in significant media attention.

| Indicates new or revised items.

**-End of Directive-**