

SUBTITLE E

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXI: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

PART 3100
PUBLIC INFORMATION

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AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 20(a) of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 325, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10183, effective June 26, 2000; amended at 30 Ill. Reg. 19615, effective DEC 12 2006.

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Section 3100.10 Introduction

This Part is established to implement the provisions of the Freedom of Information Act (5 ILCS 140). The purpose of this Part is to support the policy of providing public access to the public records in the possession of the Drycleaner Environmental Response Trust Fund Council of Illinois while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

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Section 3100.20 Definitions

Terms used in this Part shall have the same meaning as in the Freedom of Information Act.

"Administrator" means the Administrator of the Drycleaner Environmental Response Trust Fund Council of Illinois.

"Council" means the Drycleaner Environmental Response Trust Fund Council of Illinois.

"FOIA" means the Freedom of Information Act.

"Freedom of Information Officer" means the Administrator of the Drycleaner Environmental Response Trust Fund Council of Illinois.

"Requester" means a person who submits a request for inspection or copying of public records in accordance with this Part.

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Section 3100.30 Procedures for Requesting Public Records

- a) Person to Whom Requests are Submitted
Requests for inspection or copying of public records shall be submitted to the Freedom of Information Officer of the Council. Requests shall be submitted to the following address:

Administrator
Drycleaner Environmental Response Trust Fund Council of
Illinois
P.O. Box 480
Bensenville, Illinois 60106

- b) Form and Content of Requests
- 1) Requests must be made in accordance with FOIA. Requests may be submitted on FOIA request forms available from the Council.
 - 2) The requester shall provide the following information in a request for inspection or copying of public records:
 - A) The requester's full name, address and telephone number;
 - B) A brief description of the public records sought, being as specific as possible;
 - C) Whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 30 Ill. Reg. **19615**, effective **DEC 12 2006**)

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Section 3100.40 Procedures for Council Response to Requests for Public Records

- a) Timeline for Council Response
 - 1) The Council shall respond to a written request for inspection or copying of public records within 7 working days after receipt of the request.
 - 2) The Council may give notice of an extension of time to respond that does not exceed an additional 7 working days. An extension is allowable only if written notice is provided within the original 7 working day time limit and only for reasons provided in Section 3(d) of FOIA. Notice of extension shall state the reasons the extension is necessary.
- b) Types of Council Responses
 - 1) The Council shall respond to a request for inspection or copying of public records in one of three ways:
 - A) Approve the request;
 - B) Approve in part and deny in part;
 - C) Deny the request.
 - 2) Upon approval of a request for inspection or copying of public records, the Council may either make available the materials, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.
 - 3) A denial of a request shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester's right to appeal to the Chairperson of the Council.
 - 4) Categorical requests creating an undue burden upon the Council shall be denied only after extending to the requester an opportunity to confer with the Council in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of FOIA.
 - 5) Failure to respond to a written request within 7 working days may be considered by the requester as a denial of the request.

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Section 3100.50 Procedures for Appeal of a Denial

- a) Appeal of a Denial
- 1) A requester whose request has been denied by the Freedom of Information Officer may appeal the denial to the Chairperson of the Council. The notice of appeal shall be filed in writing within 14 working days after receipt of the denial and sent to:

Chairperson
Drycleaner Environmental Response Trust Fund Council of
Illinois
P.O. Box 480
Bensenville, Illinois 60106
 - 2) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requester, and a statement of the reasons why the appeal should be granted.
- b) Chairperson's Response to Appeal
The Chairperson shall respond to an appeal within 7 working days after receiving notice. The Chairperson shall either affirm the denial or provide access to the requested public records.

(Source: Amended at 30 Ill. Reg. **19615**, effective DEC 12 2006)

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Section 3100.60 Procedures for Providing Public Records to Requesters

- a) Inspection of Public Records
 - 1) Inspection of records shall take place in and during normal working hours of the Administrator.
 - 2) Documents the requester wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by the Administrator or his/her employees.
 - 3) An employee of the Administrator may be present throughout the inspection. A requester may be prohibited from bringing bags, brief cases, or other containers into the inspection room.
- b) Copies of Public Records
 - 1) Copies of public records shall be provided to the requester only upon payment of any charges due.
 - 2) Charges for copies of public records shall be assessed in accordance with the fee schedule in Appendix A of this Part.
 - 3) Charges shall be waived if the requester is a State Agency, a constitutional officer or a member of the General Assembly. Charges may be waived or reduced in any case where the Freedom of Information Officer determines that the waiver serves the public interest.
- c) General Materials Available from the Freedom of Information Officer
The Freedom of Information Officer shall make available to the public at no charge the following materials:
 - 1) A brief description of the organizational structure and budget of the Council;
 - 2) A brief description of the means for requesting information and public records;
 - 3) A list of the types and categories of public records maintained by the Council.

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Section 3100.APPENDIX A Fee Schedule for Duplication of Public Records

<u>Type of Duplication</u>	<u>Charge</u>
Paper copy from paper original	\$.50/page
Paper copy from computer original	.50/page
Certification of Public Records	.50/certification

Some records possessed by the Council are in book or pamphlet form. A charge may be assessed for copying those materials based upon the copying cost incurred by the Council.

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Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION A Request for Public Records

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 480
Bensenville, IL 60106

TO: Administrator
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box 480
Bensenville, Illinois 60106

FROM: _____
Name

Address

Telephone Number

DESCRIPTION OF REQUESTED RECORDS:

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

Inspection Copy Both

Do you wish to have copies certified? _____

FOR OFFICE USE ONLY

Date Received

Date Response Due

Notations re: Oral Communications or Other Items

(Source: Amended at 30 Ill. Reg. 19615, effective DEC 12 2006)

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Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION B Approval of Request for Public Records

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 480
Bensenville, Illinois 60106

APPROVAL OF REQUEST FOR PUBLIC RECORDS

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box 480
Bensenville, Illinois 60106

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for the above captioned records has been approved.

- The documents you requested are enclosed.
- The documents will be made available upon payment of the copying costs in the amount of _____.
- You may inspect the records at _____ on _____ Date.

FOIA Officer

Date

EFFECTIVE DATE

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Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION C Partial Approval of Request

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 480
Bensenville, Illinois 60106

PARTIAL APPROVAL OF REQUEST

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 480
Bensenville, Illinois 60106

Pursuant to your written request of _____, enclosed you will find copies of the records you have requested. Please note that pursuant to Section 8 of the Freedom of Information Act, certain material originally contained in these records has been deleted because the material is exempt material under Section 7 of the Act.

FOIA Officer

Date

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EFFECTIVE DATE
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Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION D Extension of Time for Disclosure

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 480
Bensenville, IL 60106

EXTENSION OF TIME FOR DISCLOSURE

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 480
Bensenville, Illinois 60106

We have been unable to fill you recent request for inspection or copying of public records
of _____ for the reasons checked below:
Date

- The requested records are stored in another location.
- The request requires the collection of a large number of records.
- The request is categorical in nature and requires an extensive search. We have failed to locate the requested records in our initial attempt and the search is continuing.
- The requested records require examination by a competent person in order to determine which, if any, are exempt under Section 7 of the Act.
- It would unduly burden or interfere with the operations of the Council to fill the request within the initial 7 working days.
- There is a need for consultation with another public body that has a substantial interest in the determination or in the subject matter of the request.

The records you have requested will be available to you by _____ (a date within 14 working days after receipt of the request) or we will make a decision denying your request by that date.

FOIA Officer

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Date

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Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION E Denial of Request

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 480
Bensenville, IL 60106

DENIAL OF REQUEST

TO: _____
Name

Address

Telephone Number

FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 480
Bensenville, Illinois 60106

You are hereby notified that your request for the disclosure of:

is hereby denied and the reason for the denial is as follows:

(reason for denial, stating the basis in FOIA)

The person or persons making this decision to deny and their title or titles are set forth below:

Name _____ Official Title _____

You are hereby further notified that you have the right to appeal this decision to the Chairperson of the Drycleaner Environmental Response Trust Fund Council of Illinois who, under the Illinois Freedom of Information Act, will make a decision either to affirm the denial of disclosure or to allow disclosure within 7 working days after you file a notice of appeal. Such letter or request should be filed within 14 days after your receipt of this letter. If the decision to deny your request for disclosure was made by the Chairperson of the Drycleaner Environmental Response Trust Fund Council of Illinois, you have the right to appeal the decision of the Chairperson to the Circuit Court for the county where the Council has its principal office or where you reside, under Section 11 of the Freedom of Information Act.

FOIA Officer

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Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION F Chairperson's Response to Appeal

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 480
Bensenville, IL 60106

CHAIRPERSON'S RESPONSE TO APPEAL

TO: _____
Name

Address

Telephone Number

FROM: Chairperson
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box 480
Bensenville, IL 60106

DESCRIPTION OF REQUESTED RECORDS:

Noted below is the action I have taken on your appeal from the denial of your request for the above-captioned records:

- I hereby approve your appeal to the following extent and for the following reasons:
- I affirm the denial of your request made by the Freedom of Information Officer.

You are entitled to judicial review of any denial pursuant to Section 11 of the Freedom of Information Act.

Chairperson

Date

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