

Pleasantview Fire Protection District Freedom of Information Act Policy

Freedom of Information

It is the policy of the Board of Trustees of the Pleasantview Fire Protection District to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, balanced however, by the limited exceptions recognized in the Act to safeguard individual privacy and the efficient operation of the District. Chief Karl Argast, who is hereby appointed the District's Freedom of Information Officer, shall insure that the District complies with the Act through execution of the District's regulations adopted pursuant to this policy. A copy of this policy shall be posted on the District's website.

A. Introduction

1. Brief Description of the District

Pleasantview Fire Protection District, Cook and DuPage County, Illinois, is a fire protection district organized pursuant to the Illinois Fire Protection District Act (70 ILCS 705/1 et seq.) to provide fire protection and other emergency services to the residents of the District. The District's operating budget is comprised of tax collections for both fire and ambulance services along with grants, donations, and other miscellaneous forms of revenue. The District's administrative headquarters is at Station One and is located at 1970 Plainfield Road, LaGrange Highlands, IL 60525.

The District employs approximately 73 full-time employees.

The Board of Trustees consisting of the following members governs the District:

James Gay, President
Vernon Millsap, Secretary
Juan Giron, Treasurer
Edward Santen, Trustee
William Srejma, Trustee

The District's Board of Fire Commissioners consists of the following members:

Claude Sexton, President
Sharon Jakubka, Commissioners
Brad Tertell, Commissioners

The Board of Trustees of the Pleasantview Fire Protection District Firefighters' Pension Fund consists of the following members:

Dave Loehman, President
Jon Nepil, Secretary
Michael Herbert, Trustee
James Gay, Trustee
Karl Argast, Trustee

2. Brief Description of the Method to Request Information

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All public requests for information and/or records will be processed through the administrative offices of the district located at 1970 Plainfield Road, LaGrange Highlands, IL 60525. Chief Karl Argast serves as the Freedom of Information Officer for the District. Requests shall be directed to Chief Argast pursuant to the District's administrative regulations at the address noted above. The first 50 black and white copies are free. Thereafter, each page will be charged \$.15 per page. Electronic, color or oversized copies will be charged at the actual cost to the District of reproduction.

For any additional information, the administrative office is open Monday through Friday, 7:30 to 4:00 pm. The telephone number is 708-352-9229.

B. Public Access to Records

1. Generally

The District shall make available its public records to any person requesting access pursuant to the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.) (the "Act"), as well as other applicable law. The District shall not provide access to public records or portions thereof that are exempt from disclosure under the Act or as provided by the other applicable law. Denials of request for records will be accompanied by a detailed factual basis for the denial.

2. Nonexempt Materials Contained in Exempt Records

The District shall delete any information which is exempt from disclosure under the Act from a public document which contains nonexempt material, and make the remaining information available for inspections and copying.

3. Denial of Request for Public Records: Appeal

Any person denied access to inspect or copy any public record may appeal the denial to the Office of the Public Access Counselor, Illinois Attorney General, 500 South 2nd St, Springfield, Il 62706; telephone: 312-814-3000 fax:217-782-1396; email: publicaccess@atg.state.il.us.

C. General Materials Available

The following information will be made available to the public:

1. List of all types or categories of Records Under the District's Control
 - a. Financial records
 - Budget
 - Levy ordinance and certificate of tax levy
 - Audit

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- Bills
- Receipts for revenue
- Bills payable
- Revenue and Expense Reports
- Cancelled checks
- Labor agreements

b. General Records

- Board minutes
- Board resolutions and ordinances
- Bidding specifications
- Board policies and administrative procedures
- Administrative instructions to staff
- Personnel names, salaries, titles and dates for employment
- Office equipment
- Insurance
- Capital equipment
- Real Estate
- Legal notices
- Application for contracts, permits, grants or agreements
- Consulting contracts
- Contracts for capital equipment
- Contracts for office supplies
- Contracts for maintenance and repair
- Number of Employees

D. Request Procedures

1. Initiation of Request

Any person wishing to inspect or copy a District's public record shall submit a written request to the FOIA Officer. While the use of a specific form is not required, the District will provide a form upon request (See Form 1). Requests are accepted vial personal delivery, mail, and facsimile or email if directed to cmcnulty@plvw.org Requests must specify District records with reasonable particularity to avoid inefficient use of staff time in retrieving and preparing records for inspection.

2. Response to Request

- a. Upon receipt, the FOIA Officer shall mark the date received upon the request, along with the date a response is due.
- b. The District shall either comply with or deny the written request for public records within five (5) working days after its receipt (see Forms 2, 3, 4). Denial shall be by letter as provided below and contain a detailed factual basis for the

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denial. Failure to respond to a written request within five (5) working days after its receipt shall be considered a denial of request.

- c. The District's time for response may be extended for not more than five (5) additional working days for any of the following reasons (see form 5):
 - i) The requested records are stored in whole or in part at other locations than the office having charge of the requested records.
 - ii) The request requires the collections of a substantial number of specified records.
 - iii) The request requires an extensive search for the records responsive to it.
 - iv) The requested records have not been located in the course of the routine search and additional efforts are being made to locate them.
 - v) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the Act or should be revealed only with appropriate deletions.
 - vi) The request for records cannot be complied with by the District within five (5) working days without unduly burdening or interfering with the operations of the public body.
 - vii) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of the District having a substantial interest in the determination or in the subject matter of the request.

3. Procedure of Inspection or Copying

- a. Inspection of District public records not excluded from inspection under the Act shall be permitted between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, on days the District office is open for business.
- b. Inspection must be made at the District office, and records are not to be removed from the District office.
- c. The FOIA officer or his designee shall be present during the inspection of District records.

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- d. Inspection will not be allowed when records are in immediate use by persons exercising official duties which require use of the records.
- e. Copies of requested records will be provided by District employees within the limitations of District copying equipment.

4. Fees

- a. Letter-sized, black and white copies will have a charge of \$.15 per page after the first 50 copies. Each color copy will have a charge of \$.25 per page. Persons requesting electronic or oversized copies of the District public records shall reimburse the District for its actual cost for reproducing public records, as determined by the FOIA Officer or his designee. Each recorded certified will have a charge of \$1.00.
- b. Documents shall be furnished without charge or at a reduced charge, as determined by the Board of Trustees, if the person requesting the documents states the specific purpose for the request and indicates that a “waiver or reduction of the fee is in the public interest” pursuant to Section 6(b) of the Act (5 ILCS 140/6(b)). In setting the amount of the waiver or reduction, the District shall take into consideration the amount of materials requested and the cost of copying them.
- c. Records may be produced electronically, if requested. The District may email records where practicable. When requests are unable to be sent via email or the requestor does not desire email copies, the District shall purchase appropriate media (ie: compact disk) and copy the documents to the electronic media. The requestor will pay the actual cost of the media. In no event will the district accept electronic media from a requestor.

5. Unduly Burdensome Request Exemption

- a. Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the District and there is no way to narrow the request, and the burden on the District outweighs the public interest in the information.
- b. Before invoking this exemption, the District shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.
- c. The District shall invoke this exemption in writing to the person making the request specifying the reasons why it would unduly burden the

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District and the extent to which compliance would be so burden the operations of the District.

- d. Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision.

6. Documents Containing Personal Information

- a. When a requested document contains information of a highly personal nature or whose release would be objectionable to a reasonable person, the FOIA Officer must determine if the subject's right to privacy outweighs any legitimate public interest. If the FOIA Officer determines the legitimate public interest outweighs privacy interests, the FOIA Officer shall release the documents.
- b. If the FOIA Officer determines the right to privacy outweighs any legitimate public interest, the FOIA Officer shall seek an advisory opinion from the Public Access Counselor pursuant to the procedures adopted by that body.
- c. If the FOIA Officer believes the advisory opinion is in error, with the consent of the Board of Trustees, the FOIA Officer may seek judicial review of the decision.

7. Preliminary Drafts and Similar Documents

- a. When the FOIA Officer determines that a requested document is exempt under Section 7 (1)(f) of the Act as a preliminary draft or other document exempted under this section, he shall initiate the advisory opinion procedures of the Public Access Counselor.
- b. If the FOIA Officer believes the advisory opinion is in error, with the consent of the Board of Trustees, the FOIA Officer may seek judicial review of the decision.

8. Commercial Requests

- a. Prior to responding to a request for records, the FOIA Officer shall determine whether the requested records will be used in any sale, resale, solicitation or advertisements for sales or services. If the FOIA officer determines that the request is for one of the purposes, it shall be deemed a commercial request and response shall be governed by this section. Requests received from news media, non-profit, scientific or academic organizations shall not be considered commercial requests.

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D. Request Procedures (concluded)

- b. When a request is for a commercial purpose, the FOIA Officer shall respond to the requestor within five (5) business days, informing the requestor that the request is considered commercial.
 - c. Within twenty-one(21) business days after the receipt of the commercial purpose request, the FOIA Officer shall respond to the requestor. Such response shall either: 1) provide an estimate of the time required to provide the records, including a requirement that the requestor pay for the copies; 2) deny the request pursuant to one or more exemptions found in the Freedom of Information Act; 3) notify the requestor that the request is unduly burdensome and extend an opportunity to the requestor to reduce the request to manageable proportions, or 4) provide the requested records.
 - d. When estimating the time required for responding to a commercial records request, the FOIA should consider the size and complexity of the request. Priority shall be given to non-commercial requests.
9. Emergency Medical Service Records
- Records regarding performance of emergency medical services are not subject to disclosure under the Freedom of Information Act. Disclosure of such records is governed by the disclosure procedures found in 735 ILCS 5/8-802.

E. Policy for Emergency Medical Service Systems

Release of Ambulance Run Report by the Pre-Hospital Provider

Policy:

It has been determined by case law that the Ambulance Run Report (which is a record of the circumstances surrounding the care given to patients in the pre-hospital setting) is a medical record and therefore is confidential information. Access to these records shall be in accordance with laws and regulations that govern the right to either examine or copy and release confidential medical information.

It shall be the policy of the Pleasantview Fire Protection District to permit to release a copy of an Ambulance Run Report upon receipt of either of the following:

1. Appropriate authorization:
 - (a) Patient 18 years of age or older
 - (b) Parent or guardian of a minor
 - (c) Legal guardian of an adult

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(d) If a patient(s) is deceased, the authorization must be signed by the Administrator or Executor of the estate or next of kin (in order of spouse, adult children, parent or brother or sister.)

Appropriate authorization must be notarized when request is received from an Attorney and must be the original authorization.

2. Subpoenas must be court approved

3. Court Order

* If a patient is incapacitated, the person requesting records of the incapacitated patient must show some proof that they are the guardian of this patient.

If the patient is not incapacitated but cannot personally request their record, for whatever reason, the person requesting the records for the patient must have a written request signed by the patient and a copy of the patient signature (driver's license, state id etc.,)

\$25.00 fee for a copy of an Ambulance Report