

BEST PRACTICES: Handling FOIA Requests

I. Before the Request

Adopt rules for administering FOIA requests and responses

- FOIA forms
- Schedule of fees
- Procedures for handling requests (e.g. will you accept oral requests?)
- Create an email for requests with a FOIA-specific address that will go to all FOIA officers

Appoint two or more FOIA officers

- Must take training within six months of start date, then annually
- One should be reachable any time the library is open

Train all staff on what to do when a request comes in

- How to recognize a request
- How to get it to the FOIA officer(s)

Post mandatory information to website

- Organizational chart
- Operating budget
- Locations of branch offices
- Number of full-time and part-time employees
- Board member information
- Name and contact information for FOIA officers
- Fee structure that complies with FOIA regulations

Create a FOIA folder

- List of where applicable records are kept
- Records Disposal Certificate for record destruction in compliance with Local Records Act
- Copies of frequently requested items to make responding easier

II. Receiving the Request

- Can require that request be made in writing, but cannot require a specific format (printed form, email, etc.). Even a handwritten Post-It Note counts!
- Can accept oral requests at organization's discretion
- Request can be delivered in person, by mail, fax, email, etc.
- Can be given to any staff member, who should immediately forward to FOIA officer

III. Processing the Request

- Provide information in the format requested (when feasible)
- May need to redact certain information (patron info, etc.)
- Fees, within limits, may be charged for voluminous requests (first 50 pages free, not to exceed 15¢ per page after that)
- Section 7 of IL FOIA covers exemptions (privacy, investigatory materials, unduly burdensome, etc.)
- Denials must be explained in writing. Applicant can appeal through the Public Access Counselor or the county circuit court

IV. FOIA Request Timetable

- FOIA officer required to note the date received and the date due
- Five business days to respond; 21 days for commercial requests
- “Day 1” is the next business day after the request is received
- May ask for five day extension; no approval from requester required
- Can ask for longer extension for voluminous requests, if both parties agree in writing

V. Helpful Online Resources

ILLINOIS

Illinois Attorney General: FOIA Information: foia.ilattorneygeneral.net

Includes the online FOIA officer training that is required of all members of public bodies dealing with FOIA. The training is also available for individuals that just wish to go through the training without becoming a certified FOIA officer.

Illinois Freedom of Information Act: www.ancelglink.com/Resource (under “Presentations”)

Guide to understanding and complying with FOIA requests for Illinois agencies, prepared by the law firm AnceL Glink.

Illinois Open Government Guide: www.rcfp.org/illinois-open-government-guide

Reporters Committee for Freedom of the Press

Detailed guide to submitting, receiving and processing requests (mainly written for submitters). Site includes info on and comparisons of FOIA regulations for all 50 states.

FEDERAL *For libraries working on federally-funded projects*

United States Department of Justice FOIA Information: www.foia.gov

Includes FOIA requests made of Federal Government agencies as well as resources to learn how to file FOIA requests.

Responding to Federal FOIA Requests: www.justice.gov/open/responding.html

Includes information on responding, time limits, exemptions, etc.

The National Security Archive: www2.gwu.edu/~nsarchiv/nsa/foia.html

Focus on information for the requester/researcher, including a link to their publication “Effective FOIA Requesting for Everyone.” Archive of significant historical documents, etc.