



Housing Authority of the County of DeKalb

310 North Sixth Street • DeKalb, Illinois 60115

Phone 815.758.2692 • Fax 815.758.4190

www.dekcohousing.com

FOIA Frequently Asked Questions

Q: How do I submit a FOIA request?

A: Your request must be in writing and clearly describe the information being sought. Use of the FOIA request form is not required, but recommended, to assure accurate contact information [i.e., name, address, telephone, email, etc.], for certification purposes if needed, and to help direct your request promptly. You can fax your request to 815-758-4190 or transmit your request by electronic mailing to requests@dekcohousing.com. Requests by US Mail, or special carrier, should be addressed to:

Housing Authority of the County of DeKalb
Attn: FOIA Officer
310 N 6th Street
DeKalb, IL 60115

Q: What happens after I submit my FOIA request?

A: All requests are processed as received. Pursuant to the 2010 Freedom of Information Act, as amended, (5 ILCS 140/3), the Department will respond within 5 business days after receipt of request, or within 21 business days for “commercial” requests, as defined by the FOIA. If the requested information is not readily available, a deferral will be issued. If the FOIA response contains more than 4 inches of paper documents or multi-media format items, the requestor may be notified and advised of options for viewing or copying the files.

Those options include:

- scheduling an on-site review of the records at the central office in DeKalb, IL;
- notification of the copy fees that will be incurred by the requestor. Once payment is received, the requested information will be sent out.

Q: What is the response time for a FOIA request?

A: The response time for a FOIA request is 5 or 21 business days. Most FOIA responses are provided within 5 business days after receipt of the request. The response time can be extended automatically for 5 additional business days, and/or by mutual agreement between the requestor and HACD.

For “commercial” request, the response time for a FOIA request is 21 business days after receipt of the FOIA request. The 2010 FOIA defines a FOIA request for “commercial purposes” [5 ILCS 140/1 et seq.] in those instances where “use of any part of the public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sale or services.” Request by news media, non-profit, scientific or academic organizations are generally not considered to be for “commercial purposes.”



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Q: Is there a charge for records? And, if so, do I send payment with my request?

A: The basic charge for copying black/white paper documents is \$0.15 per page if more than 50 pages. The first 50 pages are provided at no cost. Color copy or oversize copy [i.e. larger than standard 8x11 or 8x14 paper] may involve a greater fee equivalent to the actual commercial cost for reproduction. The basic fee for records on compact disc is \$5.00 per disc.

For commercial requests, there is a charge of \$10 per hour if more than 8 hours are expended by HACD staff for searching/retrieving records. HACD will charge actual costs for retrieval/transporting public records from any off-site storage facility. For records search that require a search design to access HACD database records, you should discuss the scope of the search with HACD to assess the cost-effectiveness of a search design and/or a manual records search.

Do not send any pre-payment checks with your FOIA request. If a fee is charged, the Housing Authority will notify the requestor of the charge. Once payment is received, the requested information will be sent out. **Payment by credit card or debit card is not allowed.** Payment is required by check or money order payable to "HACD." **No documents will be sent until receipt of payment.**

Q: Can I obtain a waiver or reduction of the FOIA fees if I need the documents to represent myself pro se in a legal proceeding or as a citizen interest group appeal?

A: The guidelines for waiver or reduction of fees regarding pro se legal proceedings, for indigent person[s], or for civil legal service provider[s] are governed by the Illinois Code of Civil Procedure (735 ILCS 5 *et seq.*). HACD may waive or reduce fees if the specific purpose of the FOIA request and the fee waiver or reduction is in the public interest, and are not for the principal purpose of "personal or commercial benefit." The criteria for fee reduction or waiver are further discussed under Section 6 [c] of the amended FOIA, 5 ILCS 140/6 [c]. Such requests for fee waiver or reduction should be detailed in the FOIA request when submitted.

Q: What do I do if I disagree with the denial of my FOIA request?

A: Pursuant to Section 9.5 of the amended FOIA, 5 ILCS 140/3.5, you can file a **Request for Review** in writing to the Public Access Coordinator in the Illinois Attorney General. You must file no later than 60 days after the denial. The Request for Review must be signed and include a summary of the facts supporting your allegation of error. These review procedures are further described in Section 9.5[b] through [g], and also in Section 11.5 of the amended FOIA, 5 ILCS 140/9.5 and 11.5 *et seq.* Any person denied access to inspect or copy any HACD record may also file for injunctive or declaratory relief before the circuit court for DeKalb County, Illinois, or before the circuit court for the residence of the requestor, as provided in Section 11 of the amended FOIA, 5 ILCS 140/11.

Q: Can I request that my name and address be withheld from FOIA disclosures?

A: Personal identity information, such as addresses, date of birth, social security number, driver license, etc. are redacted and withheld from disclosure pursuant to the FOIA provisions concerning non-disclosure of „personal information“ and „private information“, as defined, 5 ILCS 140/1 *et seq.*



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Q: Can I receive the requested information by electronic data transfer or by express overnight mailing?

A: Requested records can be provided by express overnight mailing, if so requested and if a prepaid mailing envelope or express delivery account number is provided with the FOIA request. In certain instances, the Housing Authority can arrange for electronic data transfer.

Q: How do I request that my FOIA documents be certified for use in court proceedings?

A: If you wish for your FOIA documents to be certified, include your request for certification, or send an Affidavit with your request for signature. The Housing Authority cannot certify your FOIA documents after the materials have been sent to you.



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