

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 5376
INFORMATION REQUESTS

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AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15(a) of the Administrative Procedure Act [5 ILCS 100/5-15(a)], and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 8 Ill. Reg. 19069, effective September 26, 1984; transferred from Chapter XII, 2 Ill. Adm. Code 5276 (State Scholarship Commission) to Chapter XIV, 2 Ill. Adm. Code 5376 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17859; amended at 19 Ill. Reg. 11375, effective August 1, 1995; amended at 24 Ill. Reg. 9171, effective July 1, 2000.

SUBPART A: INTRODUCTION

Section 5376.10 Summary and Purpose

- a) These rules are established to implement the provisions of The Freedom of Information Act [5 ILCS 140]. The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Illinois Student Assistance

Commission (ISAC) while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

- b) These rules create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 4 of the Illinois Administrative Procedure Act [5 ILCS 140/4]. Further, the terms used in these rules shall have the same meanings as those contained in the Freedom of Information Act.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995).

Section 5376.20 Definitions

“FOIA” means The Freedom of Information Act [5 ILCS 140].

“Freedom of Information Officer” means an individual responsible for receiving and responding to requests for public records.

“Requester” means a person who submits a request for public records under the FOIA.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 5376.110 Person to Whom Requests are Submitted

Requests for public records shall be submitted to the ISAC Freedom of Information Officer at the following address:

Freedom of Information Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
ATTN: FOIA Request

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

Section 5376.120 Form and Content of Requests

- a) Requests may be made in writing or orally.
- b) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in the FOIA and these rules shall not apply to oral requests.
- c) A request for public records shall contain the following information:
 - 1) the full name, address and telephone number of the requester;
 - 2) a specific description of the public records sought; and

- 3) whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

**SUBPART C: PROCEDURES FOR RESPONSE TO REQUESTS
FOR PUBLIC RECORDS**

Section 5376.210 Time Lie for Response

- a) ISAC shall respond to a written request for public records within 7 working days after the receipt of such request.
- b) ISAC may notify the requestor that an extension of time is necessary to respond to the request. ISAC shall provide written notice within 7 working days of receiving the request and shall state the reasons why an extension of time is necessary. The extension shall not exceed an additional 7 working days and can only be used for the reasons outlined in the FOIA. [5 ILCS 140/3(d)]

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

Section 5376.220 Types of Response

- a) ISAC shall respond to a request for public records in one of three ways:
 - 1) approve the request;
 - 2) approve in part and deny in part; or
 - 3) deny the request.
- b) Upon the approval of a request for public records, ISAC may either provide the materials immediately, 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.
- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial and shall disclose the names and titles of individuals responsible for the decision. It shall also give notice of the right to appeal to the Executive Director of ISAC.
- d) Categorical requests creating an undue burden upon ISAC shall be denied only after extending to the requester an opportunity to reduce the request to manageable proportions, in accordance with Section 3(f) of the FOIA.
- e) Failure to respond to a written request within 7 working days shall be considered a denial of the request.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

SUBPART D: APPEAL PROCEDURES

Section 5376.310 Appeal of Denial

- a) A person whose request has been denied by the Freedom of Information Officer may appeal the denial to the Executive Director of ISAC. The notice of appeal shall be made in writing and sent to:

Executive Director
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield, Illinois 62704-1876

ATTN: FOIA Appeal.

- b) The notice of appeal shall include a copy of the original request, a copy of the denial, and a statement of the reasons why the appeal should be granted.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

Section 5376.320 Executive Director's Response to Appeal

The Executive Director shall respond to an appeal within 7 working days after receiving notice thereof. The Executive Director shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days shall be considered an affirmation of the denial.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS

Section 5376.410 Inspection of Records

- a) Generally, public records will be made available for inspection during the normal working hours of ISAC.
- b) Documents which the person wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by ISAC employees.
- c) An employee of ISAC shall be present during the inspection. The person requesting records may be prohibited from bringing bags, briefcases, or other containers into the inspection room.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

Section 5376.420 Copies of Public Records

- a) Copies of public records shall be provided only upon payment of any charges which are due.

- b) Charges for copies of public records shall be assessed in accordance with the “Fee Schedule for Duplication of Public Records” which is contained in Exhibit A of this Part.
- c) Charges shall be waived if the request is from a state agency, a constitutional officer or a member of the General Assembly. Charges may be waived in any other case where the Freedom of Information Officer determine that the waiver serves the public interest and in all cases where the total of material requested does not exceed ten pages.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

Section 5376.430 General Materials Available from ISAC

ISAC shall make the following materials available to the public at no charge:

- a) A brief description of the organizational structure and budget of ISAC;
- b) A brief description of the means for requesting information and public records; and
- c) A list of types and categories of public records maintained by ISAC.

(Source: Amended at 19 Ill. Reg. 11375, effective August 1, 1995)

Section 5376.APPENDIX A Fee Schedule

- a) Duplication

Paper copy from paper original (per copy) (possibly different charges for different sizes)	\$.25
Paper copy from microimaged original (per copy) (possibly different charges for different sizes)	.25
Paper copy from microfilm or microfiche original (per copy) (possibly different charges for different sizes)	.50
- b) Data Retrieval from Computer Systems

Computer programming time (per hour)	\$150.00
Computer processing time (per actual CPU minute)	\$20.00
- c) Data Production Media Cost

CD-ROM (each)	\$100.00
Diskette (each)	\$15.00
Electronic	No Charge

(Source: Amended at 24 Ill. Reg. 9171, effective July 1, 2000)