



# FOIA FAQ's

## WHEN IS A FOIA REQUEST SENT BY E-MAIL "RECEIVED"?

*When it appears in the electronic mailbox or when it is opened by the recipient? If a FOIA request sent by e-mail appears in the recipient's mailbox during normal working hours (8:30 a.m. to 4:30 p.m.), it is received on that day. If it is e-mailed after business hours (after 4:30 p.m.), including on a weekend or legal holiday, it is "received" on the following business day.*

## HOW MANY DAYS DOES THE CLERK'S OFFICE HAVE TO RESPOND TO MY REQUEST?

*The Clerk's Office must respond to a FOIA request within 5 business days after the public body receives the request. Day 1 of the 5-day timeline is the first business day after the request is received by the public body. The date that the request was received by the public body does not count as "Day 1." That time period may be extended for an additional 5 business days from the date of the original due date if:*

- o The requested information is stored at a different location;*
- o The request requires the collection of a substantial number of documents;*
- o The request requires an extensive search;*
- o The requested records have not been located and require additional effort to find;*
- o The requested records need to be reviewed by staff who can determine whether they are exempt from FOIA;*
- o The requested records cannot be produced without unduly burdening the public body or interfering with its operations; or*
- o The request requires the public body to consult with another public body who has substantial interest in the subject matter of the request.*

*If additional time is needed, the Clerk's Office will notify the requester in writing within 5 business days after the receipt of the request of the statutory reasons for the extension and when the requested information will be produced.*

## WHAT IS A "BUSINESS DAY" OR "WORKING DAY"?

*A "business day" or "working day" is a regular day of the week (Monday through Friday) when public offices and most businesses are open. Saturdays, Sundays and state holidays are not business days and cannot be counted in the 5 business day time period.*

## **WHO CAN MAKE A FOIA REQUEST?**

*Any person can make a FOIA request.*

## **WHAT CAN I ASK FOR UNDER THE FOIA?**

*FOIA requests can be made for any public record. The request can also specify the format in which you wish to receive the records (ex. printed or electronic form). The FOIA does not require agencies to create new records or to conduct research, analyze data, or answer questions when responding to requests.*

## **WHO HANDLES FOIA REQUESTS?**

*Sisavanh Baker is currently acting as the Cook County Clerk's FOIA Officer and is responsible for the overall management of its FOIA program. There are additional employees of the Clerk's Office who work with the FOIA Officer to respond to FOIA requests.*

## **CAN I ASK THAT FEES BE WAIVED?**

*Yes. You may request a waiver of fees or reduced fees under 5 ILCS 140/6. Under FOIA, fee waivers are limited to situations in which a requester states the specific purpose for the request and indicates that a waiver or reduction of fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or the legal rights of the general public and is not for the principal purpose of person or commercial benefit.*

## **WHAT WILL I RECEIVE IN RESPONSE TO A FOIA REQUEST?**

*When the Clerk's Office has processed your request, it will send you a written response. This response will let you know whether records were located and will include all releasable documents. However, if any portions of the records are withheld, for example if the disclosure will invade personal privacy, the Clerk's Office will inform you of the specific FOIA exemption that is being applied.*