

**TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XX: HOUSING DEVELOPMENT AUTHORITY**

**PART 1976
ACCESS TO PUBLIC RECORDS OF THE
ILLINOIS HOUSING DEVELOPMENT AUTHORITY**

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SUBPART A: INTRODUCTION

Section 1976.10 Summary and Purpose

- a) The Rules in this Part are established to implement the provisions of the FOIA. The purpose of these Rules is to support the policy of providing public access to the public records in the possession of the Authority 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 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, par. 1004.01).

Section 1976.20 Definitions

- a) Terms not otherwise defined shall have the same meaning as in the FOIA and in 2 Ill. Adm. Code 1975.220.
- b) As used in this Part, the following terms shall mean:
 - "FOIA": the Freedom of Information Act, P.A. 83-1013, effective July 1, 1984, Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.
 - "Freedom of Information Officer": an individual responsible for receiving and responding to requests for public records.
 - "Requestor": a person who submits a request for public records in accordance with these Rules.

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1976.110 Person To Whom Requests Are Submitted

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

Freedom of Information Officer
Illinois Housing Development Authority
401 North Michigan Avenue, Suite 900
Chicago, IL 60611
Attn: FOIA Request

Section 1976.120 Form and Content of Requests

- a) Requests in accordance with the FOIA and these Rules shall be made in writing. Such requests may be submitted on FOIA request forms provided by the Authority.
- b) Oral requests will be handled as expeditiously as possible. However, the required response times and the appeal procedures contained in the FOIA and these Rules do not apply to oral requests.
- c) The Requestor shall provide the following information in a request for public records:

- 1) The Requestor's full name, address and phone number.
- 2) A brief description of the public records sought, being as specific as possible.
- 3) Whether the request is for inspection of public records, copies of public records, or both.

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

Section 1976.210 Timeline for Authority Responses

- a) The Authority shall respond to a written request for public records within 7 business days after the receipt of such request.
- b) The Authority may give notice of an extension of time to respond which does not exceed an additional 7 business days. Such an extension is allowable only if written notice is provided within the original 7 business day time limit and only for the reasons provided in Section 3(d) of the FOIA. Such notice of extension shall state the reasons why the extension is necessary.

Section 1976.220 Types of Authority Responses

- a) The Authority 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.
 - 3) Deny the request.
- b) Upon approval of a request for public records, the Authority will either 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 in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the Requestor's right to appeal to the Director of the Authority.
- d) Categorical requests creating an undue burden upon the Authority shall be denied only after extending to the Requestor an opportunity to confer in an attempt 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 business days may be considered by the Requestor a denial of the request.

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1976.310 Appeal of a Denial

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

Director
Illinois Housing Development Authority
401 North Michigan Avenue, Suite 900
Chicago, IL 60611
Attn: FOIA Appeal

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

Section 1976.320 Director's Response to Appeal

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

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1976.410 Inspection of Records at Authority Offices

- a) Generally, public records will be made available for inspection during normal business hours of the Authority at the office of the Freedom of Information Officer.
- b) Documents which the Requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Authority employees, except in cases of voluminous requests. Public records provided as a result of requests for a large number of documents may be sent off site to be copied.
- c) Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information Officer. For purposes of convenience, either the

Authority or the Requestor may request that inspection take place in another Authority office location.

- d) An employee of the Authority may be present throughout the inspection. A Requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Section 1976.420 Copies of Public Records

- a) Copies of public records shall be provided to the Requestor 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 available upon request from the Authority.
- c) Charges shall be waived if the Requestor is a State agency, a constitutional officer or a member of the Illinois General Assembly. Charges may be waived in any other case in which the Freedom of Information Officer determines that the waiver serves the public interest.

Section 1976.430 General Materials Available from the Freedom of Information Officer

The Freedom of Information Officer shall make available to the public at no charge the following materials:

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