

House Bill 3796 allows townships to charge fee, extend time frame for voluminous requests

Public Act 98-1129 (HB 3796) became effective Dec. 3, 2014 and makes changes to the Illinois Freedom of Information Act as it applies to requesters of numerous, or “voluminous,” record copies from public bodies.

What is a “voluminous request”?

The Act defines “voluminous requests” as:

- 1) More than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or
- 2) Requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. “Single requested record” may include, but is not limited to, one report, for, e-mail, letter, memorandum, book, map, microfilm, tape, or recording.

“Voluminous requests” does not include requests from the news media and non-profit, scientific, or academic organizations in most instances.

Allowable charges for “voluminous requests”

If a “voluminous request” is for electronic records and those records are not in a portable document format (PDF), the public body may charge up to \$20 for not more than 2 megabytes of data, up to \$40 for more than 2 but not more than 4 megabytes of data, and up to \$100 for more than 4 megabytes of data.

If they are in PDF, the public body may charge up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data.

How to comply with a “voluminous request”

Once a public body determines that a request is “voluminous,” it must notify the requester as such, stating the reasons why and notifying the requester it must respond in 10 business days either accepting that fact or amending the request so that it no longer qualifies as “voluminous.” If the requester does not respond within 10 business days, the request is automatically treated as “voluminous.” If the requester responds to state its desire to amend the report, the public body shall grant an additional 10 business days for the requester to comply.

If the report remains “voluminous,” the public body shall have 5 business days to respond to the request following the requester’s response or the expiration of the 10 business days without a response; however, the public body may also request an additional 10 business days to do so. The public body shall provide the address and phone number for the Public Access Counselor if the requester wishes to have the public body’s determination reviewed.

Within 5 business days of the requester’s response or if and when the requester fails to respond, the public body shall deny the request under other exemptions elsewhere in the Act, notify the requester that the

request is unduly burdensome and request a change in the request to more manageable proportions, or provide the records requested. The public body must also provide an estimate of the fees to be charged, which may be required to be paid in full beforehand. An accounting of the fee structure shall be provided.

A public body is not required to copy a record that is published on the public body's website.