

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 IDNR 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 217/785-2438 or transmit your request by electronic mailing to dnr.foia@illinois.gov. Requests by US Mail, or special carrier, should be addressed to:

Illinois Department of Natural Resources
Attn: FOIA Officer
One Natural Resources Way
Springfield, IL 62702.

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 DNR Headquarters in Springfield;
- ◆ hiring of a local service by the requestor to copy the files; or
- ◆ 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 IDNR.

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.”

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 IDNR staff for searching/retrieving records. IDNR 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 IDNR database records, you should discuss the scope of the search with IDNR/FOIA 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 Department 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 “IDNR - FOIA.” **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.*).

IDNR 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: Can I request copies of individual hunting and fishing permits/licenses, as well as harvest records?

A: Yes. Please include in your FOIA request the name of the individual or entity, the calendar year(s) you are inquiring about, as well as the individual's date of birth, if known. Effective January 1, 2006, all licenses are on record with the Department. Prior to this date, only permit information is available.

Q: Can I request watercraft registration/title information through the FOIA process?

A: No. This request is available directly through the IDNR Registration/Title Section without submitting a FOIA request. You must complete a watercraft registration/title application and fee of \$7.00 payable to the Department of Natural Resources. This request and fee should be sent directly to the IDNR Watercraft/Snowmobile Registration/Title Section at One Natural Resources Way, Springfield, IL 62702. This application form is on the IDNR web site under its ["Parks/Recreation - Boating"](#) link.

Q: Are Law Enforcement (hunting and/or watercraft) accident reports available to the public?

A: Yes. When requesting a copy of an accident report, please include date of incident, parties involved (if known), location, and the Field Report number (if known). If IDNR Law Enforcement has not closed the investigation, a completed final report with supplemental report information **will not** be released. However, IDNR FOIA can issue a preliminary report with the basic statistical facts concerning the incident.

If more information is needed, you may submit another FOIA request for the completed final report information. We recommend that you resubmit 6 month after the receipt of the initial response in order to allow adequate time for IDNR Law Enforcement to review and release the completed final report.

In some instances, the completed final report with supplemental investigation information will not be released until a later date [i.e. pending administrative enforcement proceedings]. These delayed disclosures are discussed in further detail under Section 7(1) (d) of the 2010 FOIA Amendments, 5 ILCS 140/7(1)(d).

Q: Can I request copies of photographs included in law enforcement reports?

A: Yes. However, there may be a charge per photograph. If the photographs are on file electronically, a compact disc can be provided at a fee of \$5 per disc. The Department can produce a color copy of photograph[s], but does not have the resources to make photographic reproduction. The Department can facilitate a request for actual photographs by working a local (Springfield area) vendor. It will be your responsibility to arrange for payment directly to the vendor.

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 IDNR record may also file for injunctive or declaratory relief before the circuit court for Sangamon 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 obtain a listing of names and addresses of individuals holding IDNR recreational boating, harvesting, hunting and fishing licenses, permits and stamps?

A: A listing of name/address for commercial license or permit holders can be obtained.

When requesting listing information, indicate the year and specific category of license/permitting information (e.g., resident archery, non-resident archery, resident deer firearm, non-resident deer firearm, migratory waterfowl, Spring Turkey, Fall Turkey, Fishing, Lifetime Hunting/Fishing/Sportsmen, HIP, Upland Birds, Cross Bow, Watercraft, Snowmobile, etc.). This information is needed for the database search.

A listing of name/addresses for individual license/permit holders is not available for distribution. Address information is defined under the amended FOIA as “private information”. Private information is exempt from FOIA disclosure.

The standard cost for record listing is \$350 for a current monthly listing. You may request one or more listings in each FOIA request. You may submit the \$350 fee with your request to expedite processing the record listing request, or the Department can bill you once the FOIA request is completed.

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.

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 Department 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, as marked on the FOIA request form, or send an Affidavit with your request for signature by the Department's Custodian of Records. The Department cannot certify your FOIA documents after the materials have been sent to you. The Department does not keep a copy of the FOIA response documents.

Q: Do I need a FOIA request to obtain a copy of an oversized file document, such as an aerial photo, survey map, plan sheet, or display poster?

A: Certain IDNR photographs, posters and prints are available without charge. Check the IDNR home page for additional information. For oversized documents such as survey map or plan sheets, special reproduction arrangements and fees for commercial copy vendor service may be necessary. For aerial maps and photos, check IDNR home page links, or website for links to other state/federal agencies, such as the state highway department, or federal agencies, such as National Oceanic Atmospheric Administrations [NOAA] or the U.S. Geological Survey [USGS], which often provide free public access to this type of information.

Q: If I need information from a regional IDNR office, should I send a FOIA request to that regional IDNR office or to the Springfield IDNR office?

A: Yes. FOIA requests for information that may be on file at a regional IDNR office are managed through the Springfield IDNR FOIA office. You may reference information maintained at a regional IDNR office to expedite the FOIA response.

Q: If I need information from a scientific survey group, such as the Illinois State Geological Survey, the Illinois Natural History Survey, or Illinois State Water Survey, should I send a FOIA request to the IDNR offices in Springfield?

A: No. FOIA requests for information from the Illinois State Geological Survey, the Illinois State Water Survey, the Illinois State Historic Survey, etc. can be sent directly to those organizations. In some instances, the IDNR/FOIA response may direct you to contact a scientific survey group or another state agency for additional information.

Q: Why is the IDNR FOIA program different from other state agencies and their FOIA programs?

A: Each State agency is authorized to administer regulatory programs as mandated by different state and/or federal laws. Each state or federal statutes involve different statutory obligations. These separate obligations caused the delegated state agency, such as the IDNR, the EPA, the Department of Transportation, Secretary of State's Office, etc., to operate and function differently.

These statutory mandates cause each agency to implement its own FOIA program in keeping with the specific goals of that agency. Certain agencies, such as the scientific surveys, are intended to assist research and education; whereas other agencies, such as the Illinois EPA, regulate and enforce federal and state environmental laws. As examples for FOIA nondisclosure of confidential information, the Illinois State Police FOIA confidentiality concerns include inadvertent disclosure of witness identity. The Illinois State Board of Education confidentiality concerns might be protection of student test scores or family financial issues. The Illinois EPA confidentiality issues may be protecting disclosure of "proprietary trade secrets" that could apply to permitted uses of innovative pollution control technology.

The IDNR is authorized to administer the regulatory programs of 5 separate state agencies which were consolidated in 1995 into the Illinois Department of Natural Resources. The statutory mandates for these IDNR programs are therefore broad and diverse. These programs are a combination of education, research, data gathering, permitting/licensing, regulatory enforcement, as well as criminal prosecutions. As examples of IDNR FOIA confidentiality issues, the IDNR FOIA process will not disclose information concerning threatened and endangered species/habitat location[s], ongoing state Conservation Police accident or criminal investigations, coal/oil/gas drilling reports or logs, ongoing applications for state grants, or pending capital development/contracts bids.

Q: How do I get documentation from DNR on Boating under the Influence (BUI) under the Boat Registration and Safety Act [625 ILCS 45/5-1 through 5-21] and Snowmobiling Under the Influence (SUI) [625 ILCS 40/5-1 through 5-7, 6]?

A: All requests for such documentation need to be submitted on the IDNR FOIA request form along with appropriate release documents signed by the named individual.

Q: Can I submit a FOIA request to automatically receive future records or updates concerning ongoing IDNR programs or conservation projects?

A: No. A FOIA request is not intended to automatically provide updated information as a news

subscription. To obtain future information and/or updates, you must submit a separate FOIA request. However, to avoid excessive fees or duplicate records, you should limit your request scope for documents by date (i.e., "all records for the years of _____ to _____" or "all records since _____ concerning....."). You should also check the IDNR website for various program/project updates to help focus your requests.

Under certain circumstances of public interest, the IDNR may negotiate an intergovernmental agreement which is designed to share data generated by either public entity or their contractor, on an ongoing or as need basis.

Q. Can I obtain electronic communications, such as e mails, along with other documents and records on a particular topic through my FOIA request?

- A.** Yes. However, you should understand that e-mail records are voluminous; each electronic communication document is a "record" for which a \$.15 per page fee is applied after the first 50 pages. E-mail records are produced in paper format. IDNR maintains e-mail records for the previous 2 years. Older e-mail records are maintained by IL Central Management Services. You should consider limiting the scope of the FOIA request to initially exclude e-mail correspondence, but then submitting a follow-up FOIA request for any electronic records, if needed.

Additionally, e-mail correspondence is often used for internal communications and policy-making discussions. For these reasons, e-mail correspondence may be exempted from disclosure under Section 7(1) of the 2010 FOIA, 5 ILCS 140/7(1).