Illinois Freedom of Information Act
Frequently Asked Questions
By Public Bodies

The Illinois Freedom of Information Act (FOIA) is designed to ensure that the public has access to information about their government and its decision-making process. As a public servant, you have a duty to ensure that Illinois residents can obtain information about their government.

In 2009, Attorney General Lisa Madigan worked with legislators and a diverse group of individuals and organizations to strengthen FOIA and hold government more accountable. On January 1, 2010, key changes to the Freedom of Information Act and the Open Meetings Act took effect to provide Illinois residents with a more open and accountable government. These Frequently Asked Questions describe the FOIA provisions that went into effect on January 1, 2010.

WHO'S WHO UNDER FOIA

Public Access Counselor (PAC) – is an attorney in the Attorney General's office whose responsibility is to ensure compliance with FOIA. The Public Access Counselor is part of the Public Access Bureau in the Attorney General's office, which includes several Assistant Attorneys General and professional support staff members working to respond to FOIA and Open Meetings Act issues raised by the public and government officials. Working under the direction and supervision of the Attorney General, the PAC has the authority to review requests for documents under FOIA and determine whether those documents should have been produced under FOIA. The PAC also has the authority to determine whether a public body has violated the Open Meetings Act. As part of this Public Access work, the Attorney General, through the PAC, has subpoena power, may issue advisory opinions to guide public bodies, may issue binding opinions in FOIA disputes and may sue to enforce binding opinions.

Public Body – is defined in FOIA as "all legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof and a School Finance Authority created under Article 1E of the School Code." FOIA provides that "'[p]ublic body' does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act."

FOIA Officer – is a person appointed by the "public body." The FOIA officer's responsibility is to receive FOIA requests from the public and to send responses in compliance with FOIA. FOIA requires that each public body appoint one or more FOIA officers who must complete an electronic training developed by the Attorney General's

PAC. Training must be completed annually. The Attorney General's office has made the electronic training available to all FOIA officers.

Public Records – are defined in FOIA as "all records, reports, forms writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." A few examples of public records available under FOIA are: orders; rules; reports or studies; contracts; names, titles and salaries of public employees; and the voting records of public bodies. Information can be available in electronic as well as paper format.

GENERAL INFORMATION

What is FOIA?
The Freedom of Information Act (FOIA) is a state statute that provides the public the right to access government documents and records. The premise behind FOIA is that the public has a right to know what the government is doing. The law provides that a person can ask a public body for a copy of its records on a specific subject and the public body must provide those records, unless there is an exemption in the statute that protects those records from disclosure (for example: records containing information concerning trade secrets or personal privacy).

Who is subject to FOIA?
Public bodies are subject to FOIA. The judiciary is not subject to FOIA, but court records and proceedings generally are open to the public.

Who can file a FOIA request?
Anyone. Any person, group, association, corporation, firm, partnership or organization has the right to file a FOIA request to any state or local public body, including any city, township or county office.

Is every public body required to have a designated FOIA officer?
Yes. Every public body must designate at least one person to act as the FOIA officer. Public bodies may have more than one FOIA officer. In addition, every public body must prominently display at its office and make available certain information, including the name(s) of its FOIA officer(s). The office also must display and make available:

- Information on how to submit a FOIA; and
- A brief description of the office, including its purpose, budget and number of employees.

Any public body that has a website must also post this information on its website.

What are the consequences if a public body fails to designate a FOIA officer?
FOIA requires that every public body designate a FOIA officer. Failure to do so is a violation of the Act and will be considered by the PAC, as well as courts, when a request for review or litigation is filed.

RESPONDING TO FOIA REQUESTS

How many days does the public body have to respond to a FOIA request?
5 business days from the day after the public body receives the request. However, that time period may be extended for an additional 5 business days from the date of the original due date if:

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

If additional time is needed, the public body must 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 legal holidays are not business days and cannot be counted in the 5 business day time period.

When does the 5 business day time period start?
On the first business day *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."

Does the 5 business day response period begin the day after the FOIA officer's receipt of the request, or the day after receipt of the request by *any* of the public body's employees or officials?
The 5 working day response timeline begins the day after any employee or official of the public body receives the request for information. Employees and officials of a public body must immediately forward all requests for information to the FOIA officer(s) to maximize the response time.

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, it is received on that day. If it is e-mailed after business hours, including on a weekend or legal holiday, it is "received" on the following business day.

If a public body's office is closed for vacation (for instance, a public school is closed for winter break), are FOIAs submitted during that time considered received?
Yes. FOIA does not have any exceptions for vacations or winter breaks, other than for Saturdays, Sundays and legal holidays.

What are the consequences if the public body does not respond to the FOIA request within 5 business days (or 10 business days if extended)?
Aside from the potential that a court ultimately could impose a civil penalty of between $2,500 and $5,000 per FOIA violation, public bodies have an additional incentive to respond within the time limits set forth. In the event a public body fails to respond within 5 business days (or 10 days if the extension was properly requested), it cannot charge for reproduction costs at a later time, or treat the request as unduly burdensome.

Can a requester and a public body agree to extend the deadline to respond beyond 10 days?
Yes, but the agreement must be in writing. The agreement will also relieve the public body of having to comply with other legal deadlines in FOIA.

Can a public body require that a FOIA request be submitted on a certain form or in a certain format?
No. Public bodies can require that FOIA requests be submitted in writing, but public bodies must accept requests by mail, personal delivery, fax, e-mail, or other means available. Public bodies may create a FOIA form that requesters may use for convenience, but public bodies <u>cannot</u> require that requesters use a specific form for the request. Public bodies may choose to accept oral FOIA requests but are not required to do so by the law.

To whom should the requester submit a FOIA request?
To a designated FOIA officer. Every public body must designate at least one FOIA officer and prominently display at its office certain information, including the name(s) of its FOIA officer(s).

Does the public body have to identify the FOIA officer?
Yes. Each public body must prominently display and make available upon request a directory designating the FOIA officer(s) for that body and the address where record requests should be sent. If the public body has a website, this information must also be posted on it.

Does a public body still have the option of treating a request as "unduly burdensome" under the new FOIA?
Yes. However, this treatment only applies in limited situations: (1) the request must be categorical in nature and incapable of being narrowed or reduced; and (2) the burden on the public body to produce the information must outweigh the public interest in the information. Before denying a request as unduly burdensome, the public body must give the requester an opportunity to reduce the request to manageable proportions.

I have received a request that does not fit the "unduly burdensome" standard, yet cannot reasonably be completed within the maximum 10 working days' response period. Does FOIA offer any options?
Yes. The Act allows the public body and the requester to reach a written agreement to extend the time in which to respond to a request.

I work for a public body that is being harassed by repeated FOIA requests from the same individual or entity. Does FOIA make any provisions for this?
FOIA provides that repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied shall be deemed unduly burdensome and may be denied on that basis.

What information must a public body withhold or redact under the Freedom of Information Act?
Although there may be legitimate reasons to redact or withhold certain types of information, the <u>only</u> information that the Freedom of Information Act requires a public body to redact are the home addresses, home/private telephone numbers and social security numbers of employees noted on certified payroll records that are required to be submitted to a public body under the Prevailing Wage Act.

I am the designated FOIA officer for a public body. Will I be held personally liable for any civil penalties that a court may impose in a FOIA lawsuit?
No. Only the public body may be liable for civil penalties under FOIA. If a court finds that a *public body* willfully and intentionally failed to comply with the Act or otherwise acted in bad faith, the court shall impose a civil penalty upon the *public body*.

Does a requester need to specifically and accurately describe the document he or she is looking for?
No. The requester does not need to describe the document specifically and accurately by the same name the public body uses. As long as the public body understands what is being requested, it must release that information, even if the requested information is not called by the same name the public body uses.

What information is a public body required to make available?
Each FOIA officer for a public body must develop and make available upon request a list of documents that the public body will immediately provide to a requester. In addition, each public body must maintain a reasonably current list of all types or categories of records under its control and this list should be reasonably detailed so that it aids people

in obtaining access to public records. The public body must make this list available for inspection and copying.

Can the public body ask why the requester wants the information?
No, except to determine if the request is for commercial reasons or to determine if a fee waiver applies. *See below for more details on commercial requests.*

Even though we cannot ask about the purpose of a request, can we assist the requester in narrowing their request so that they can get the information they are seeking?
Yes. Public bodies are encouraged to work with a requester to clarify or narrow the scope of a request. A public body can ask "what" the requester is looking for in an attempt to ensure that responsive documents are produced. A public body cannot ask "why" the requester is seeking the documents.

Can a request be made anonymously? For instance, e-mail requests are often submitted anonymously.
Yes. A requester is not required to provide his or her name.

Is a requester required to state that a request for public documents is being made pursuant to FOIA?
No. If a request is made for public documents, the public body should treat it as a request pursuant to FOIA. A requester is not required to include the words "Freedom of Information Act" or the acronym "FOIA" in a request.

FEES

Can the public body charge for copies?
Yes, but the charges are limited. For black and white, letter or legal sized copies (8 ½ x 11 or 8 ½ x 14), the first 50 pages are free, and any additional pages can cost no more than 15 cents a page. For color copies or abnormal size copies, the public body can charge the actual cost of copying.

Can a public body charge for electronic copies?
Yes, but only for the actual cost of the recording medium. For example, if information is produced on CDs, the public body may only charge the actual cost of purchasing the CDs.

Is it possible for a public body to waive the copying fees?
Yes. Public bodies may waive or reduce copying fees at any time if disclosure is in the public interest. For example, a waiver or reduction may be available if:

- The request is for information on the health, safety and welfare or the legal rights of the general public;
- There is an intent to disseminate the information; or
- No personal or commercial benefit will be received from document disclosure.

Can we pass a vendor copy fee on to a requester?
Only in certain circumstances. FOIA limits the copying charge to $.15 per page for black and white copies on regular size paper, after the first 50 pages, which are free to the requester. A public body may only charge the actual cost of reproduction for oversized or color copies.

Can the public body require receipt of the payment from the requester before making the requested copies?
Yes.

GETTING INFORMATION IN AN ELECTRONIC FORMAT

Can the requester request the documents in electronic form?
Yes, and the public body must provide the electronic documents in the requested format, if that is feasible for the public body. If that format is not available to the public body, it must provide the documents in the electronic format in which they are kept or in paper, at the option of the requester.

If a public body must purchase a program to make certain information available in the electronic format requested by the requester, does the public body have to make that purchase?
No. When a person requests a copy of a record maintained in an electronic format, the public body must provide it in the electronic format specified by the requester, if it is feasible for the public body to do so. If it is not feasible to furnish the public record in the specified electronic format, then the public body must furnish it in the format in which it is maintained by the public body, or in paper format, at the option of the requester.

If the public body has a database and the requested information requires that the public body do a search of that database, does the public body have to conduct that search?
Yes, and the public body cannot charge the requester for that search.

Are e-mails subject to FOIA?
Yes. All electronic communications (as long as they do not fall within an exemption) are subject to FOIA.

LAW ENFORCEMENT FOIA REQUESTS

A police and/or incident report is prepared in connection with a domestic violence call that includes the name of the neighbor who called the police. Charges are not filed and subsequently the alleged abuser submits a FOIA request to obtain the documents that contain the complainant's information. Can that information be redacted?
The police department may redact information that is exempt under Section 7(1)(d) of the Act. Section 7(1)(d)(iv) allows police departments to redact (or withhold) information

that unavoidably discloses the identity of persons who file complaints with the police. Section 7(1)(d)(vi) exempts information which, if disclosed, would endanger the life or physical safety of law enforcement personnel or any other person.

CONSEQUENCES FOR NOT COMPLYING WITH FOIA

What are the penalties for a public body for not complying with FOIA?
In addition to the potential that a court ultimately could impose a civil penalty of between $2,500 and $5,000 per FOIA violation, if a public body does not respond within the time limits provided, it cannot subsequently charge for reproduction costs or treat the request as unduly burdensome.

REQUESTER'S OPTIONS IF THE PUBLIC BODY FAILS TO RESPOND OR DENIES HIS/HER REQUEST

What happens if the public body doesn't respond to a FOIA request?
If the public body does not respond to a request within 5 business days of receiving it, that inaction is considered a denial of the request. If that occurs, a requester can either file a Request for Review with the Attorney General's Public Access Counselor or file a case in court.

What must the public body include in a denial?
The denial must be in writing and reference a specific legal reason under FOIA to justify the non-disclosure. A public body has the burden of proving by clear and convincing evidence that the information is exempt from disclosure. The denial also must inform the requester of the right to seek review of the issue by the Public Access Counselor in the Attorney General's office, with the PAC's contact information, as well as the right to seek judicial review by filing a court case.

What can the requester do if the public body denies the request for information?
The requester can file a Request for Review with the Attorney General's Public Access Counselor within 60 calendar days from when the alleged violation occurred. Alternatively, the requester may file a civil action in the circuit court within two years after the alleged violation took place.

What is a Request for Review to the Public Access Counselor?
A Request for Review is a letter that a requester may submit to the PAC if he or she believes that the public body has not followed FOIA. This letter is a formal way of asking the PAC to take a look at the request and the public body's response (or lack of a response) and determine if a FOIA violation has occurred. The request must be in writing, be signed by the requester, and include a copy of the FOIA request and any responses from the public body. It must be submitted to the PAC within 60 calendar days of the public body's final response (or the date upon which the response was due).

Is there a deadline for submitting a Request for Review?
Yes. The requester must submit a Request for Review to the PAC within 60 calendar days after the date of the final denial from the public body (or the date upon which the response was due).

How do I contact the Public Access Counselor's Office?
The Public Access Counselor is a member of the Public Access Bureau in the Attorney General's Office. Here is her contact information:

Sarah Pratt
Public Access Counselor
Public Access Bureau
500 S. 2nd Street
Springfield, Illinois 62706
E-mail: SPratt@atg.state.il.us
FOIA Hotline: 1-877-299-FOIA (1-877-299-3642)

What happens if someone submits a Request for Review with the PAC and what are the responsibilities of the public body?
The PAC will review all requests and will do one of three things:

1. Decide that no further action is necessary. If the PAC decides that the alleged violation is unfounded, the PAC will advise the requester and the public body of that decision. At this point, the public body does need to take any further action.

2. Request more information from the public body. If more information is needed to review the issue, the PAC may, within 7 working days after receipt of the Request for Review, send a copy of the Request to the public body and ask for any records the PAC needs to complete the review. At this point, the public body must submit the requested information to the PAC within 7 working days. Please note that the Attorney General's office has the authority to issue a subpoena for this information if the public body fails to respond fully to the PAC's request.

3. The PAC may also try to resolve the FOIA dispute through mediation or other informal means. The public body should work with the PAC and the requester to resolve the dispute.

What kind of information can the PAC request from the public body as part of the analysis of the Request for Review?
The PAC can request any information that is necessary to decide whether a FOIA violation has occurred. This includes obtaining copies of the information that the public body claims is exempt from FOIA disclosure. If the PAC obtains information or documents that are claimed to be exempt from disclosure, the PAC is prohibited from disclosing the information or documents.

When will the PAC issue a final decision?
If the PAC decides to issue a binding opinion, the PAC will issue that opinion within 60 calendar days after receiving the Request for Review from the requester. The PAC may extend the 60-day time period by 30 working days by sending a written notice to the requester and the public body. This written notice must include the reasons for the extension.

What are the different possible outcomes of a Request for Review by the PAC?
There are multiple ways the PAC may respond to a Request for Review:

- Work to resolve the FOIA dispute with the public body and the requester. (5 ILCS 140/9.5(f)) The PAC may choose to try to resolve the dispute through mediation or by means other than the issuance of a binding opinion. The PAC's decision to decline to issue a binding opinion is not reviewable.

- Review the issues in the FOIA dispute and determine that no further action is necessary. (5 ILCS 140/9.5(c)) If the PAC decides that the alleged violations of FOIA are unfounded, the PAC will advise the requester and the public body of that decision. The PAC will not conduct any further review.

- Issue a binding opinion. (5 ILCS 140/9.5(f)) The PAC will review any information needed to analyze the FOIA dispute between the requester and the public body and any additional information that the requester or the public body chose to provide. If the PAC decides to issue a binding opinion, the PAC must issue that opinion within 60 calendar days after receiving the Request for Review. If the opinion orders the public body to produce records, the public body may appeal the opinion to the circuit court. If the public body does not appeal the opinion and fails to disclose the records as ordered by the opinion, the Attorney General's office may sue the public body to enforce the opinion. If the opinion concludes that the records fall within a FOIA exemption and need not be disclosed, the requester may appeal the opinion to the circuit court.

Can a public body ask the Attorney General's PAC for advice regarding compliance with FOIA?
Yes. A public body can ask the Attorney General's PAC to issue an advisory opinion regarding compliance with FOIA. (5 ILCS 140/9.5(h))

For example, if a public body expects to receive FOIA requests for a certain record or category of records that it maintains and is not certain if those records must be disclosed under FOIA, the public body can ask the PAC for an advisory opinion regarding whether the record(s) must be disclosed under FOIA or fall under a FOIA exemption. The Attorney General's PAC is not required by law to issue an advisory opinion in response to a request.

To ask for an advisory opinion from the Attorney General's PAC, the head of the public body or its attorney must send a written request to the PAC. The request must contain

sufficient accurate facts for the PAC to make a determination. The PAC may request additional information from the public body to assist in the review of the issue.

What happens if the public body relies on an advisory opinion from the PAC in responding to a FOIA request but still ends up being sued by a requester?
A public body that relies in good faith on an advisory opinion of the Attorney General's PAC in responding to a request is not liable for penalties under FOIA in a subsequent lawsuit, as long as the public body fully and fairly disclosed to the PAC the facts upon which the opinion is based.

What's the difference between a requester filing a Request for Review with the PAC and filing a suit in court?
If the PAC issues a binding opinion deciding a case, then that opinion carries significant weight. If the losing party decides to appeal it to court, the court must give deference to the PAC's opinion and can only overturn it if it is clearly erroneous. If the requester goes straight to court, the public body has the burden to show that its denial was correct through clear and convincing evidence. Also, if the requester goes to court and prevails against the public body, the requester shall recover reasonable attorney's fees and costs.

EXEMPTIONS – RECORDS THAT ARE NOT PUBLIC

What is considered a "public record"?
"Public records" are defined in FOIA as "all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." (5 ILCS 140/2(c)) Given this broad definition, FOIA is intended to cover any document, regardless of form, that pertains to government business.

Does "public record" include electronic information?
Yes. FOIA defines public records to include electronic documents and communications. When a person requests a record that is maintained in an electronic format, the public body must provide it in the electronic format specified by the request, if that is feasible for the public body. If it is not feasible, the public body must present the information in the format in which it is maintained by the public body or in a paper format at the option of the requester. The public body may charge a fee for the actual cost of purchasing the recording medium, such as the CD, but may not charge a fee for its search for or review of the information.

What kind of information is not public?
The FOIA law has a presumption that all information is public, unless the public body proves otherwise. There are several exceptions to public disclosure that include but are not limited to:

- Private information, which is defined as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses." Under FOIA, "private information also includes home addresses and personal license plate numbers, except as otherwise provided by law or when compiled without possibility of attribution to any person."
- Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the "unwarranted invasion of personal privacy" means the "disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." Disclosing information that relates to the public duties of public employees is not considered an invasion of personal privacy.
- Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding or that would disclose the identity of a confidential source.
- Information that, if disclosed, might endanger anyone's life or physical safety.
- Preliminary drafts or notes in which opinions are expressed or policies are formulated, unless the record is publicly cited and identified by the head of the public body.
- Business trade secrets or commercial or financial information that is proprietary, privileged or confidential and disclosure would cause a competitive harm to the person or business.
- Proposals and bids for any contract, until a final selection is made.
- Requests that are "unduly burdensome." (See next question.)

What does "unduly burdensome" mean?
A FOIA exemption exists for requests that are unduly burdensome. A request may be considered unduly burdensome if there is no way to narrow the request, and the burden on the public body to produce the information outweighs the public interest in the information. However, before relying on this exemption, the public body must first give the requester an opportunity to reduce the request to a manageable size. If it is still unduly burdensome, the public body must explain in writing the reasons why the request is unduly burdensome and the extent to which compliance will burden the operations of the public body. Such a response is considered a denial.

What is a "clearly unwarranted invasion of personal privacy"?
FOIA contains an exemption for records that, if disclosed, would result in a "clearly unwarranted invasion of personal privacy." An "unwarranted invasion of personal privacy" means the "disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." Under FOIA, the disclosure of information that relates to the public duties of public employees is not considered an invasion of personal privacy.

COMMERCIAL REQUESTS

What is a request for information made for a commercial purpose?
A commercial request is when the requester seeks to use part or all of the public records for sale, resale, or solicitation or advertisement for sales or services. Requests by the news media, not-for-profit organizations, scientific or academic institutions are not considered commercial information requests.

Are commercial information requests treated differently?
Yes. A public body has 21 business days to respond to a request for information that is made for a commercial purpose. The public body can either: (1) provide the requested records; (2) advise when the records will be provided and the costs; (3) deny the request (if it falls under an exception); or (4) advise the requester that the request is unduly burdensome.

Can the public entity charge fees for copies of the information?
Yes, but the fees are limited. For traditional black and white, letter or legal sized copies (8 ½ x 11 or 8 ½ x 14) , the first 50 pages are free, and any additional pages can cost no more than 15 cents a page. For color copies or abnormal size copies, the public body can charge the actual cost of copying.

REDACTIONS

Can a public body remove or black out information from produced documents?
Yes, if a record contains information that is exempt from disclosure under FOIA, a public body can remove or black out that exempt information from the public records. This is called "redaction." But the public body must produce the remaining information.

Is there any information that a public body MUST withhold or redact? Although there may be legitimate reasons to redact or withhold certain types of information, the only information that the Freedom of Information Act requires a public body to redact are the home addresses, home/private telephone numbers and social security numbers of employees noted on certified payroll records that are required to be submitted to a public body under the Prevailing Wage Act.

OTHER FOIA QUESTIONS

Does a request for a copy of an ordinance require a FOIA request?
No. Ordinances are public documents that should be immediately available to the public without a FOIA request.

Can a public body allow you to inspect but not copy public documents?
No. They must allow you to inspect and obtain copies of public documents.

Can a public body draft its own policies to define FOIA compliance? For example, can a public body require a FOIA response within 3 working days, instead of 5 working days?

Yes. A public body may adopt its own policies and procedures to govern its implementation of FOIA as long as they are consistent with and do not conflict with FOIA. FOIA constitutes the minimum requirements for public disclosure and does not preclude a public body from adopting more strict standards.