

METROPOLITAN WATER RECLAMATION DISTRICT RETIREMENT FUND

Procedures for Processing Freedom of Information Act Requests

Adopted: August 27, 2025

WHEREAS, the Freedom of Information Act, 5 ILCS 140, *et seq.* (“FOIA”) provides “that it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government”; and

WHEREAS, FOIA provides that public records in possession of public bodies may be accessed by the public upon written request, unless specifically exempt from disclosure.

THEREFORE, pursuant to Section 3(h) of FOIA, the Metropolitan Water Reclamation District Retirement Fund (“Fund”) adopts these procedures for responding to FOIA requests to fully and consistently.

1. **FOIA Officer.** The Fund’s Executive Director shall designate a staff member to be the Fund’s FOIA Officer under Section 3.5 of FOIA, who shall be responsible for ensuring compliance with FOIA. All requests for public records shall immediately be forwarded to the FOIA officer.
2. **Form of Request.** All FOIA requests shall be submitted in writing and the Fund will not honor oral FOIA requests. The Fund shall not require that a request be submitted on a standard form and shall not ask the requester to specify the reason for the request, except in accordance with Paragraph 3, below.
3. **Type of Request.** Unless it is obvious from the FOIA request, the FOIA officer may contact the requester to determine whether all or part of the request falls into one or more of the following categories:
 - A. A “regular” FOIA request, meaning a request that is not for a “commercial purpose,” from a “recurrent requester,” or a “voluminous request.”
 - B. For a “commercial purpose,” meaning the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services.
 - C. From a “recurrent requester,” meaning a person that, in the 12 months immediately preceding the request, has submitted to the Fund (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period.
 - D. A “voluminous request” means a request that: (i) includes 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 (ii) 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, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording.

The following are not for "commercial purposes," are not counted toward determining whether a person is a "recurrent requester," and are not considered a "voluminous request": Requests made by news media and non-profit, scientific, or academic organizations when the principal purpose of the requests is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

4. Action on Receiving a FOIA Request. Upon receiving a FOIA request, the FOIA officer shall:

- A. Determine the Type of Request;
- B. Note the date that the written request was received;
- C. Compute the day on which the period to respond will expire and note that date on the written request;
- D. Notify requester that the FOIA has been received and the timeline for response based on the type of Request; and
- E. Maintain an electronic or paper copy of a written request including all documents submitted with the request until the request has been complied with or denied; and
- F. Send requester compiled documents or notification of denial subject to an exemption stated in Section 7, below; and
- G. Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

5. Time to Respond.

- A. If the FOIA request is a "regular request," then the FOIA officer shall grant or deny the request within 5 business days or inform the requester that the Fund is extending the time to respond, for up to an additional 5 business days, for one of the following reasons:
 - i. the requested records are stored in whole or in part at other locations than the office having charge of the requested records;

- ii. the request requires the collection of a substantial number of specified records;
 - iii. the request is couched in categorical terms and requires an extensive search for the records responsive to it;
 - iv. the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
 - v. the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under FOIA or should be revealed only with appropriate deletions;
 - vi. the request for records cannot be complied with by the Fund within the time limits prescribed by FOIA without unduly burdening or interfering with the Fund's operations;
 - vii. there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among 2 or more components of a public body having a substantial interest in the determination or in the subject matter of the request.
- B. If the FOIA request is for a "commercial purpose," then within 21 working days of the receipt of the request the FOIA officer shall:
- i. provide the requester with an estimate of the time required to respond and the estimated fees to be charged;
 - ii. deny the request pursuant to one or more of the exemptions set out in FOIA;
 - iii. notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or
 - iv. provide the records requested.

Requests for commercial purposes shall be complied with within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

- C. If the FOIA request is from a "recurrent requester," then the FOIA Officer will follow the provisions of Section 3.2 of FOIA.
- D. If the FOIA request is a "voluminous request," then the FOIA Officer will follow the provisions of Section 3.6 of FOIA.

- E. Notwithstanding the foregoing, the FOIA officer and the requester may agree to extend the time for compliance. The FOIA Officer shall confirm any such extensions in writing with the requester.

6. Public Records.

- A. A record that is in the possession of a party with whom the Fund has contracted to perform a governmental function on its behalf, and that directly relates to the governmental function and is not otherwise exempt, shall be considered a public record of the Fund and subject to production.
- B. The Fund will not create new public records or prepare records in a new format in responding to requests.
- C. The Fund will not interpret or advise requesters as to the meaning or significance of public records.

7. Exemptions. All records in the custody and possession of the Fund are presumed to be open to inspection or copying, unless exempted under Sections 3(g), 7, or 7.5 of FOIA. If a record contains both exempt and non-exempt information, the Fund will redact the exempt information and produce the non-exempt information. The FOIA Officer will review the responsive records to determine whether any statutory exemptions apply. The FOIA Officer will also determine whether there is a need to consult with or inform other parties (e.g. the District, investment manager, or service provider) of the request to determine if any statutory exemptions apply or to permit such parties to protect their interests (e.g. trade secrets or confidential or financial information). The following are examples of some commonly used exemptions:

- A. FOIA Section 3(g). Requests calling for all records falling within a certain category are exempt if compliance with the request would be unduly burdensome for the Fund, there is no way to narrow the request, and the burden on the Fund outweighs the public interest in the information. Before invoking this exemption, the Fund shall extend to the requester an opportunity to reduce the request to manageable proportions.
- B. FOIA Section 7(1)(b). Private information, meaning unique identifiers, such as social security numbers, employee identification numbers, biometric identifiers, personal financial information, medical records, home or personal telephone numbers, home addresses, and personal email addresses.
- C. FOIA Section 7(1)(c). Personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, meaning 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. Signatures, marital status, and beneficiary information is exempt. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

- D. FOIA Section 7(1)(f). Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the President of the Board of Trustees.

“Courts have extended this exemption to communications between government agencies and outside consultants whose analyses and recommendations ‘played essentially the same part in an agency’s process of deliberation as documents prepared by agency personnel might have done. The pivotal fact that remains constant in each case in which the exemption has been extended to consultants’ documents is that ‘the consultant does not represent an interest of its own, or the interest of any other client, when it advises the agency that hires it.’” *Harwood v. McDonough*, 344 Ill. App. 3d 242, 248 (1st Dist. 2003)

- E. FOIA Section 7(1)(g). Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

This exception includes all trade secrets and commercial or financial information obtained by the Fund from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment in a private equity fund. This exemption does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund’s managers or general partners. This exemption does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

- F. FOIA Section 7(1)(h). Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.
- G. FOIA Section 7(1)(l). Minutes of meetings of Board of Trustees’ closed to the public as provided in the Open Meetings Act until the Board makes the minutes available to the public.
- H. FOIA Section 7(1)(m). Communications between the Fund and an attorney or auditor representing the Fund that would not be subject to discovery in litigation, and materials prepared or compiled in anticipation of a criminal, civil or

administrative proceeding upon the request of an attorney advising the Fund, and materials prepared or compiled with respect to internal audits of the Fund.

- I. FOIA Section 7(1)(n). Records relating to the Fund's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed. Section 7 of the Personnel Record Review Act requires that, prior to disclosing any disciplinary actions, the Fund must provide written notice, on or before the day the information is disclosed, to the employee by first-class mail to the employee's last known address or by electronic mail, if available.
- J. FOIA Section 7(1)(kk). The Fund's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impersonation or defrauding of a governmental entity or a person.
- K. FOIA Section 7.5(q). Information prohibited from being disclosed by the Personnel Record Review Act. Section 11 of the Personnel Record Review Act prohibits the disclosure of the performance evaluations of Fund employees.
- L. FOIA Section 7.5(aaa). Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

Section 1-167 of the Illinois Pension Code prohibits the Fund from disclosing the following information of any members or participants of the Fund: (1) the individual's home address (including ZIP code and county); (2) the individual's date of birth; (3) the individual's home and personal phone number; (4) the individual's personal email address; (5) personally identifying member or participant deduction information; or (6) any membership status in a labor organization or other voluntary association affiliated with a labor organization or labor federation (including whether participants are members of such organization, the identity of such organization, whether or not participants pay or authorize the payment of any dues or moneys to such organization, and the amounts of such dues or moneys).

This provision does not apply to disclosures (i) required under FOIA, (ii) for purposes of conducting Fund operations or business, or (iii) to a labor organization or other voluntary association affiliated with a labor organization or labor federation or to the Municipal Employees Society of Chicago.

- 8. Denials of Requests. When the Fund denies, in whole or in part, the request for public records, it will notify the requester in writing of the decision to deny the request, including:
 - A. the reasons for the denial, including a detailed factual basis for the application of any exemption claimed and supporting legal authority;

- B. the names and titles or positions of each person responsible for the denial; and
- C. the right to review by the Public Access Counselor, the address and phone number for the Public Access Counselor, and notice of the right to judicial review under Section 11 of FOIA.

Copies of all notices of denial shall be retained by the Fund in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

9. Public Access Counselor.

- A. Request for Review. If a request for review is filed with the Public Access Counselor and the Public Access Counsel determines that further action is warranted, then the FOIA Officer will provide copies of the records requested and shall otherwise fully cooperate with the Public Access Counselor. The FOIA Officer, in consultation with the Executive Director and/or Fund Counsel, will determine whether to submit an answer to the allegations in a request for review, which may include affidavits or records germane to the review.
- B. Binding Opinions. If the Public Access Counselor issues a binding opinion, the Fund shall either take necessary action immediately to comply with the opinion or shall seek administrative review under Section 11.5 of FOIA.

10. Fund Website. The Fund shall prominently display on its website and at the Fund office the following:

- A. A brief description of the Fund, which will include, but not be limited to, a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification of the Board of Trustees.
- B. A brief description of the methods whereby the public may request information and public records, a directory designating the FOIA Officer, the address where requests for public records should be directed, and any fees allowable under Section 6 of FOIA.
- C. The Fund is not required to copy any public record that is published on its website and will direct requesters to its website for any such records.

11. Maintenance of Records.

- A. The Fund shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to FOIA. The Fund shall furnish upon request a description of the manner in which public records stored by means of electronic data

processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

- B. The Fund shall retain copies of all denial notices in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

12. Fees. When it is not feasible to provide public records in electronic format, then the Fund shall furnish it in the format in which it is maintained or in paper format at the option of the requester. The Fund will charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium.

- A. The Fund will charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records. There shall be no charge for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fee for black and white, letter or legal sized copies is 15 cents per page. If the Fund provides copies in color or in a size other than letter or legal, the Fund will charge its actual cost for reproducing the records, not including the costs of any search for and review of the records or other personnel costs associated with reproducing the records. The cost for certifying a record shall be \$1.
- B. If a “voluminous request” is for electronic records and those records are not in a PDF, the Fund will charge \$20 for not more than 2 megabytes of data, \$40 for more than 2 but not more than 4 megabytes of data, and \$100 for more than 4 megabytes of data. If a “voluminous request” is for electronic records and those records are in a PDF, the Fund will charge \$20 for not more than 80 megabytes of data, \$40 for more than 80 megabytes but not more than 160 megabytes of data, and \$100 for more than 160 megabytes of data. If the responsive electronic records are in both a PDF and not in a PDF, the Fund may separate the fees and charge the requester under both fee scales. The Fund must provide an accounting of all fees, costs, and personnel hours in connection with the request.
- C. For requests for “commercial purposes,” the Fund will charge \$10 for each hour spent by personnel in searching for and retrieving a requested record or examining the record for necessary redactions. No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. The Fund will provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records.
- D. The Fund will produce records without charge or at a reduced charge, at the Fund’s discretion, if the requester states the specific purpose for the request and indicates that a waiver or reduction of the 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 and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.