**Section 2676.40 Initial Response to Request**

a) Timelines

1) The Board will respond, through its staff, to the request within 5 working days after its receipt unless, within that period, the staff notifies the requester that it will require an extension of up to 5 additional working days. A notice of such an extension shall state the reasons why the extension is needed and the date by which the response will be forthcoming.

2) Unless the requester and the Board agree to extend the time for the Board to comply with the request, the Board may extend the time for responding to the request only if:

A) the requested records are stored in whole or part at other locations than the office having charge of them;

B) the request requires the collection of a substantial number of specified records;

C) the request is made in categorical terms and requires an extensive search for the records responsive to it;

D) the records have not been located in the course of routine search and additional efforts are being made to locate them;

E) the requested records require examination and evaluation to determine whether they are exempt from disclosure under Section 7 of the Freedom of Information Act or should be revealed only with appropriate deletions;

F) the Board cannot comply with the request for records within 5 working days after receipt of the request without unduly burdening or interfering with the operations of the public body, or

G) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of the Board having a substantial interest in the determination of the subject matter of the request.

3) The Board and the requester may also agree in writing to extend the period for complying with the request for public records for a period to be determined by the Board and the requester.

b) The Board shall comply with all requests seeking all records within a category unless compliance with the request would be unduly burdensome for the Board, there is no way to narrow the request, and the burden on the Board outweighs the public interest in the information. Before invoking this exemption, the Board shall afford the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If the Board responds to a request by invoking this exemption, it shall do so in writing, specifying the reasons why it would be unduly burdensome to comply with the request and the extent to which compliance will burden the operations of the Board. Repeated requests by the same person for the same records that are unchanged or are identical to records that have been previously provided or properly denied shall be deemed unduly burdensome.

c) If the staff approves a request for the inspection of public records, it will notify the requester when and where the records will be made available for inspection.

d) If the Board, through its staff, denies in whole or in part a written request for records, notice of the denial shall be given in writing stating the reasons for the denial, including a detailed factual basis for the application of any exemption claimed. The notice shall also identify by name and title the staff persons responsible for the denial. The notice shall also inform the requester of the right to review by the Public Access Counselor established in the Office of the Attorney General, provide the address and telephone number of the Public Access Counselor, and inform the requester of his or her right to judicial review. When the Board denies a request for records on the basis that the records are exempt under Section 7 of the Freedom of Information Act, the notice shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. If the denial goes to only a portion of the requested records, the notice shall advise how and when the request will otherwise be granted.

e) The Board's failure to respond to a request within the period of time prescribed in subsection (a) may be treated by the requester as a denial of the request.

(Source: Amended at 35 Ill. Reg. 14426, effective August 12, 2011)