



# CITIZEN ADVOCACY CENTER

## Illinois Freedom of Information Act: FOIA

### LESSON PLAN AND ACTIVITIES

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## The Illinois Freedom of Information Act: FOIA Lesson Plan and Activities

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**Grade Level:** 9,10,11,12

**Subject(s):**

- Social Studies: United States Government, State Government, Local Government; and
- Language Arts: Reading, Writing.

**Duration:** 2 class sessions

**Description:** This lesson will explore two main themes: what types of information held by government agencies is considered public information and how to access public information.

**Goals:**

Illinois Learning Standards

*A. Social Science:* 14A, 14B, 14D; and

*B. English/Language Arts:* 1B, 1C, 3A, 3B, 3C, 4A, 4B, 5A.

**Objectives:**

1. Understand the basics of the Illinois Freedom of Information Act (FOIA); and
2. Draft FOIA request to a public body.

**Materials:**

1. Sample Freedom of Information Act letter
2. Citizen Advocacy Center's Guide to the Freedom of Information Act, available at [www.citizenadvocacycenter.org](http://www.citizenadvocacycenter.org)

**Starter Questions for the class:**

1. Should members of the public be able to find out what their government officials are doing? Why or Why not?
2. Are there times when government activity should remain secret? When?
3. Hypothetical: Would it be right to ask the mayor what kinds of medicine she takes? What if the medicine she was taking affected how she was able to perform as mayor?
4. Hypothetical: What about the mayor's salary? Should the public be able to find out data on salaries? Why or why not?

**Background:**

I. The Illinois Freedom of Information Act states, "all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees." In other words, the public has a right to know what its government is doing on their behalf.

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II. What kind of public information is available under FOIA?

A. Public records. Public records are used by any public body and include items like:

1. Orders;
2. Rules;
3. Policy statements and decisions;
4. Reports/studies;
5. Salaries of public employees;
6. Voting records of public bodies like the village board;
7. Email communications;
8. Texts.

B. The FOIA applies to all “public bodies.” Public bodies include:

1. Legislatures;
2. Executive offices
3. County government;
4. School districts;
5. Agencies;
6. Municipal boards;
7. Committees.

III. Who can obtain public information? Any member of the public!

- A. Individuals;
- B. Groups;
- C. Associations;
- D. Businesses; and
- E. Organizations.

IV. Where is the public information located?

A. At the government body that has the possession or control of the record(s). For example, requests for records related to the county budgets go to the county, and not to the U.S. Congress. Records related to school policy are at the school district office.

B. All public bodies are required by the Act to compile a list of the kind of records they keep. Teachers can call a local municipality, county, or school district for a copy of that governmental agency’s list.

V. How can the public make a Freedom of Information Act request? (See sample request letter handout.)

- A. Call to make sure you are directing your request to the right place.
- B. Make the request in writing. Be specific about exactly what records you want.
- C. The public body can charge you a fee for copying the information, unless the information is to educate the public.

VI. Not all information is public information! Exempted information includes:

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- A. Student records: other people cannot ask for your and receive your grade and other student records.
- B. Information that is considered private – like the identity of someone who files a complaint, medical histories, etc.
- C. Police records in open investigations.
- D. Exam questions and answers.

**Activity: Making a FOIA Request**

Read the following story to your students or have one of them read it out loud. After the story is read, discuss what kind of information the students would want to learn and where they think they would need to send their request.

**The Toxic Waste Dump**

Sarah and Patty are sisters. They were walking home from school one sunny afternoon, excited to get home and take their dog for a walk around the neighborhood. About 3 blocks from school, the girls saw a sad scene – a patch of land that was brown and dead and where the trees and flowers were diseased.

Sarah and Patty decided to tell their science teacher, Ms. Flora, the next day in class. When they told her, Ms. Flora said she knew exactly the piece of land that they had seen because she noticed that area had been getting worse over the past few months. Ms. Flora said, “Come to think of it, I heard about another teacher getting sick from something she drank or ate and she lives by that land. I wonder if the land is contaminated.”

Part of the land is owned by the City of Oakville, and part of the land is owned by the school district as a future playground site.

Ask students:

- Brainstorm what concerns them about this story (public health and environment issues);
- What further information do they need or want about the land: who owns it, the plans for further use, and whether it is contaminated;
- Determine what government agency or public officials would have the needed information about this land: city hall, the State environmental protection agency, animal control;
- Have students break into small groups to brainstorm ideas of what records\* might reveal the information they are seeking and then come back together to write a draft FOIA request with the rest of the class. (For example: Has the land ever been tested?)

Examples of categories of records:

- |                      |                          |
|----------------------|--------------------------|
| Attorney Bills       | GIS Maps                 |
| Bid Records          | Minutes and Agendas      |
| Board Policies       | Municipal Code           |
| Contracts            | Ordinances & Resolutions |
| Email Communications | Permits                  |
| Expenditures Reports | Public Property Files    |
| Financial Reports    | and lots more.           |

### **Activity: Writing an Actual FOIA Request**

- Brainstorm with students about the issues that concern them. What is NOT fair in their lives?
- Pick one issue from the list and brainstorm the types of information that the students would need to respond to this concern.
- Which public officials would have the correct information? In what kinds of records might the information be found?
- Draft a Freedom of Information Act request to one or several public officials for the required information.

For example: Does your school have vending machines or an “activity fee” or “athletic fee” of some sort? Find out where those dollars go by drafting a FOIA request. You will want to make the request to the school district to ask for the vendor contract and/or the school budget to see how the money is spent.

## SAMPLE REQUEST LETTER

Date

*(If desired: Certified mail – return receipt requested)*

*(Name and title of Freedom of Information Officer)*

*(Address of appropriate office of the public body)*

Dear *(name)*,

Pursuant to the Illinois Freedom of Information Act, 5ILCS 140/1 et seq., this is a request for a copy of the following record(s):

*(Describe the subject or the documents containing the information you want.)*

If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, I would like to inspect the entire document. Under the Freedom of Information Act, all non-exempt portions of any partially-exempt documents must be disclosed.

If any fee in excess of \$\_\_\_ will be incurred in fulfilling this request, please obtain my approval before the fee is incurred.

*[Or, if applicable, request a free reduction or waiver: I request a waiver of any fees your office would ordinarily impose in responding to a request. I do not seek these records for commercial purposes and I intend to disseminate the information because disclosure is in the public interest in that it \_\_\_\_\_.]*

If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, and the address to which an appeal should be addressed. Thank you for your prompt consideration of my request. If you have any questions, or if I can be of assistance, please contact me at \_\_\_\_\_.

Sincerely,