


## ATTACHMENT "E"

**NIPSTA RECORDS MANAGEMENT POLICY**

	<b>Northeastern Illinois Public Safety Training Academy</b> <b>Records Retention and Public Inspection</b> <b>of Records Policy</b>	
<b>Administrative Policy</b>		
<b>Effective Date:</b> 12/2019	<b>Revised:</b>	<b>Approved:</b> <u>J. Ramaker</u> <i>Executive Director</i>

This policy is intended to summarize the obligations of NIPSTA, including its officials and staff, regarding records retention, record management, and public inspection of such records under the Freedom of Information Act ("FOIA"), 5 ILCS 140 *et seq.*, the Open Meetings Act ("OMA"), 5 ILCS 120/1 *et seq.*, and the Local Records Act, 50 ILCS 205/1, *et seq.*

**SCOPE**

This policy applies to NIPSTA officials, NIPSTA employees and those whose services are engaged to conduct the routine business and administrative operations of the organization.

**PROCEDURES and RESPONSIBILITIES****A. General Records Retention Guidelines**

1. Pursuant to the Local Records Act, 50 ILCS 205/1, *et seq.*, and as a public body, NIPSTA shall:
  - a. Keep records at 2300 Patriot Boulevard, Glenview, IL, 60026, as NIPSTA's official place of business;
  - b. Make records available for public inspection during regular office hours, except when in immediate use by persons exercising official duties which require the use of those records;
  - c. Require a notice in writing to be submitted twenty-four (24) hours prior to inspection which specifically details the records to be inspected. 50 ILCS 205/3.
2. Documents considered public records and therefore subjected to the Local Records Act, 50 ILCS 205/1, *et seq.*, include:
  - a. Any book, paper, map, photograph, born digital electronic material, digitized electronic material, electronic material with a combination digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for

preservation by such agency or officer, or any successor thereof, or because of the information data contained therein. 50 ILCS 205/2.

- b. Reports and records of the obligation, receipt and use of public funds of NIPSTA, including certified audits, management letters and other audit reports made by the Auditor General, County Auditors, and other officers or by licenses Certified Public Accountants permitted to perform audits under the Illinois Public Account Act and presented to the corporate authorities or boards of NIPSTA.
3. All public records made or received by, or under the authority of, or coming into the custody, control or possession of any NIPSTA officer or agent shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law. Any person who knowingly, without lawful authority and with the intent to defraud any party, public officer, or entity, alters, destroys, defaces, removes, or conceals any public record commits a Class 4 felony. 50 ILCS 205/4.
4. In the event that NIPSTA desires to properly dispose of any public records, NIPSTA must submit an "Application for Authority to Dispose of Local Records" to the appropriate Local Records Commission prior to the destruction of any record. After the Application has been approved by the Local Records Commission, it will become NIPSTA's "Records Retention Schedule". NIPSTA may then dispose of records after the minimum retention period listed for each record series is met, provided no litigation is pending or anticipated and providing all audit requirements (local, state and federal) have been met and after NIPSTA has submitted and received an approved Local Records Disposal Certificate from the appropriate Local Records Commission. Per Section 400.40 of the Illinois Administrative Code, NIPSTA is also required to submit Disposal Certificates to the Local Records Commission authorizing the destruction at least thirty (30) days before the date that NIPSTA wishes to dispose of the records. A Local Records Disposal Certificate must be filed with and approved by the Local Records Commission before any records may be destroyed.

## **B. Records Retention and Email Messages**

1. A public record may take the form of an electronic record, including but not limited to, emails (and/or attachments thereto), text messages or other electronic data.
2. Email messages considered non-vital, temporary communication may be routinely discarded. Such messages should be deleted from files as soon as they have fulfilled their purpose and are not required to be saved.
3. Messages determined by users to be public record and subjected to the Local Records Act, 50 ILCS 205/1, *et seq.*, should be properly preserved and disposed of as specified in NIPSTA's records retention schedule (Section "A").
4. Email messages and attachments should be reviewed, at a minimum, every fifteen (15) days. If email messages and/or attachments are determined to be considered records, they should be printed fully (including time, date, sender and receiver) and retained in paper format. NIPSTA, as directed by the Executive Director, may delete all messages

from the server thirty (30) days after they have been opened and a hard copy retained if it is a public record.

**C. Records Retention and the Freedom of Information Act, 5 ILCS 140, *et seq.* (“FOIA”)**

1. The following records are specifically defined as being open to inspection under FOIA:
  - a. Records of funds relating to the obligation, receipt, and use of public funds of NIPSTA. (Section 2.5);
  - b. Certified payroll records submitted pursuant to Section 5(a)(2) of the Prevailing Wage Act (Section 2.10);
  - c. Settlement agreements and severance agreements entered into by or on behalf of NIPSTA (Section 2.20).
2. A citizen who seeks to review a public record must submit a written FOIA request. NIPSTA will not accept oral requests. NIPSTA must extend, comply with or deny a request within five (5) business days. 5 ILCS 140/3(d). Under certain circumstances, NIPSTA may extend its time to respond by an additional five (5) business days, and must notify the requestor of the extension. 5 ILCS 140/3(d); (e). Additionally, NIPSTA and the requestor may mutually agree, in writing, to extend the response time deadlines provided for under FOIA.
3. Pursuant to FOIA, NIPSTA, in denying a request for public records, whether partially or in its entirety, must notify the requester in writing of the following:
  - a. The decision to deny the request;
  - b. The reasons for the denial, including a detailed factual basis for the application of any exemption claimed;
  - c. The names and titles of the positions of each person responsible for the denial;
  - d. The person’s right to review by the Public Access Counselor (“PAC”);
  - e. The address and phone number for the PAC; and,
  - f. The person’s right to judicial review under Section 11 of FOIA.
4. If the request is denied on the basis of one of the exemptions contained in Section 7 or Section 7.5 of the Act, the notice of denial must cite 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. To the extent possible, NIPSTA should redact exempt information and provide all non-exempt information.
5. Copies of all notices of denials must be retained in a single central office file that is open to the public and indexed according to the type of exemption asserted in Section 7 of FOIA, 5 ILCS 140/7, and to the extent feasible, according to the type of records requested.

**D. Records Retention and the Open Meetings Act, 5 ILCS 120/1, *et seq.***

1. The Open Meetings Act (5 ILCS 120/1, *et seq.*) (“OMA”) requires that all of the actions of public bodies, such as NIPSTA, are to be taken at a public meeting and openly. OMA states it is the public policy of Illinois that its citizens be given advance notice of and have

- the right to attend all meetings at which any business of a public body is disclosed or acted upon in any way.
2. OMA requires that public bodies, as well as their boards, committees, and commissions, create minutes of their open and closed meetings. These minutes must be reviewed and approved by the public body. Written minutes of all meetings must be kept to include:
    - a. Date, time and place of the meeting;
    - b. Members of the public body recorded as present or absent, and whether physically present or present by video/audio conference;
    - c. A summary of the discussion on all matters proposed, deliberated or decided, and a record of any votes taken.
  3. For an Open Meeting, for record keeping, a public body is required to:
    - a. Approve Open Meeting minutes within thirty (30) days or at a second subsequent meeting, whichever is later;
    - b. Make approved minutes available to the public within ten (10) days after approval, including on the public body's website;
    - c. Make minutes of the governing body's regular meeting available on its website for at least sixty (60) days after initial approval.
  4. If a closed meeting is required, record keeping is governed by Section 2.05 of the OMA. The minutes of the meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. NIPSTA shall periodically, but no less than annually, meet to review minutes of all Closed Meetings to determine whether all or portions of such minutes can either be released for public inspection and copying or whether there is a need to retain the confidentiality of such minutes. At such meetings, a determination shall be made, and reported in an Open Meeting, that: (1) the need for confidentiality still exists as to all or part of those minutes; or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. In addition to minutes, a verbatim record must be kept of all Closed Meetings by video or audio recording. Each recording must be kept for a minimum of eighteen (18) months. Records may be destroyed after eighteen (18) months, if destruction is approved by the Board and the minutes of that closed meeting have been approved by the Board.

## REFERENCES

1 Ill. Adm. Code 400.40  
 5 ILCS 140/ Freedom of Information Act  
 5 ILCS 205/ Local Records Act  
 5 ILCS 120/ Open Meetings Act  
 820 ILCS 130/ Prevailing Wage Act

## DATES

Origination: December 2019  
 Last Review: December 2019  
 Next Review: December 2022