

Response to Submitted Requests

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Upon receipt of a FOIA Request Form, the FOIA Officer shall determine whether the requested information is exempt or nonexempt under the provisions of the Freedom of Information Act. The FOIA Officer shall respond in one of the following ways:

- **Approval of request** - Provide materials requested within five (5) business days after receipt of the request, give notice of when the records will be provided and the cost (if any), or give notice of the time and place for inspection of the records.
- **Give a notice of extension** - The FOIA Officer may request an additional five (5) business days to fulfill the request. However, a written response informing the requestor of the extension must be made by the fifth (5th) business day. If the requestor agrees, the time may be extended beyond an additional five (5) business days.
- **Denial of request or part of request** - Denial must be written and reference a specific legal reason under FOIA to justify the non-disclosure. The denial must also inform the requester of the right to seek review of the issue by the Public Access Counselor (PAC) 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.

The requestor must submit a Request for Review to the PAC within 60 calendar days after the date of the final denial from the public body.

Response to Commercial Requests

A commercial request is when the requestor seeks to use part or all of the public records for sale, resale, or solicitation or advertisement for sales or services.

The FOIA Officer 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 requestor that the request is unduly burdensome and extend an opportunity to the requestor to attempt to reduce the request to manageable proportions.

Please note it is a violation of the Freedom of Information Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.