

subject to disclosure under Sections 7(1)(c) or 7(1)(f) of the Act, then the Freedom of Information Officer must send notice to the Public Access Counselor of the District's intent to deny the Request, using the Notice of Intent to Deny form attached to these Rules or a similar written form. The Notice of Intent to Deny must include a copy of the Request and the proposed Section 7(1)(c)/7(1)(f) Notice of Denial. A copy of the Notice of Intent to Deny must be sent to the Requestor. If the Public Access Counselor determines that further inquiry into the Request is not warranted, then the Freedom of Information Officer will deliver the Section 7(1)(c)/7(1)(f) Notice of Denial to the Requestor as provided in these Rules.

2. Other Denials. If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under any other provision of the Act or under these Rules, then, except as provided in this Subsection D, the Freedom of Information Officer must deliver a notice of denial to the Requestor, using the General Notice of Denial/Partial Denial of Request form attached to these Rules or a similar written form. The Freedom of Information Officer may not deliver the General Notice of Denial/Partial Denial of Request to the Public Access Counselor, except upon receipt of a request therefor from the Public Access Counselor pursuant to Section 9.5(c) of the Act.
3. Contents of Denials. Each Section 7(1)(c)/7(1)(f) Notice of Denial and General Notice of Denial/Partial Denial of Request must set forth the reason(s) for the denial, and must notify the Requestor of his or her rights to (a) seek review of the denial by the Public Access Counselor, and (b) seek judicial review under Section 11 of the Act.
4. Denials on Multiple Grounds. If the Freedom of Information Officer also determines that all, or some, or a portion of any requested public records are not subject to disclosure pursuant to both Paragraph III.D.1 and Paragraph III.D.2 of these Rules, the Freedom of Information Officer must prepare both a Section 7(1)(c)/7(1)(f) Notice of Denial and a General Notice of Denial, as provided in Paragraphs III.D.1 and III.D.2 of these rules.
5. Denials in Writing. Except as otherwise provided by the Act, all denials of Requests will be in writing.
6. Cooperation with Public Access Counselor. If the Public Access Counselor determines that further inquiry into any denied Request is warranted, the Freedom of Information Officer will comply with the directives of the Public Access Counselor, or seek appropriate review of those directives, in accordance with the Act.

No Obligation to Create New Records

Except as provided in Section V of these Rules, the Act and these Rules do not require the)RQGDWLRQ, in the course of responding Requests, to create records that the)RQGDWLRQ does already maintain in record form.

) **No Obligation to Interpret or Advise**

Neither the Act nor these Rules require the Foundation to interpret, or advise Requesters as to the meaning or significance of, any public records.

IV. FEES

A. Fees Established

Unless fees are waived or reduced under to Subsection IV.C of these Rules, each Requestor must pay the following fees for copying, certification, and mailing of public records:

- 1. Copies – 8½” x 11” or 8½” x 14”, black and white

First 50 pages	Free
Additional pages	\$0.15 per side
- 2. Certification \$1.00 per record,
plus copy cost
- 3. Mailing Cost of Postage

If the requested record is of a type not listed in item 1 above, or when the services of an outside vendor are required to copy any public record that is not 8½” x 11” or 8½” x 14”, black and white, then the fees charged for copying the record will be the actual charges incurred by the Foundation, and the fees stated in item 1 above will not apply. The fees stated in items 1 through 3 will also not apply if a different fee for the requested records is fixed by statute. If the requested records are produced on an electronic medium, then the Requestor must pay the actual cost of the medium.

The Foundation has determined that the fees in this Subsection A are no more than necessary to reimburse the Foundation for the actual cost of reproducing, certifying, and mailing public records requested pursuant to the Act and these Rules.

B. Method and Time of Payment

Payment of all required fees must be made in cash, by cashier’s or certified check, or by money order prior to the examination, copying, certification or mailing of any public record.

C. Waiver of Fees

The fees provided in Subsection IV.A of these Rules may be waived or reduced by the Freedom of Information Officer if the Requestor includes in the Request the specific purpose of the Request and establishes to the reasonable satisfaction of the Freedom of Information Officer that a fee waiver or reduction is in the public interest. Any request for a fee waiver or reduction must be indicated in the Request at the time the Request is filed. A subsequent request will not be considered.

A fee waiver or reduction will be considered to be in the public interest only if the principal purpose of the Request is to disseminate information regarding the public health, safety, and welfare or the legal rights of the general public. No fee waiver will be granted if the Request is for the principal purpose of personal or commercial benefit to the Requestor. The Freedom of Information Officer may consider the number of requested public records and the cost and necessity of copying them in setting the fee waiver or reduction amount.

D. Waiver for Failure to Respond

If the Freedom of Information Officer does not respond to a Request properly submitted pursuant to Section II of these Rules within the applicable Response Time, then the Foundation will not require the payment of fees for any copies of records produced in response to that Request.

V. FOUNDATION OBLIGATIONS

A. Organizational Description

The Freedom of Information Officer, at least once each fiscal year, will produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of the Foundation. The description must identify and describe the membership of the District's Board of Commissioners and of all of its standing and special committees and other advisory bodies and also must include:

- a short summary of the District's purpose,
- a block diagram of the District's functional subdivisions,
- the approximate number of the District's full and part-time employees,
- the total amount of the District's operating budget, and
- the number and location of each of the District's offices.

If the Foundation maintains a website, the Freedom of Information Officer must post the description required pursuant to this Subsection V.A to the website.

B. Index of Public Records

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a current index of all types or categories of public records prepared or received, and maintained, by the Foundation after July 1, 1984. The index must be reasonably detailed in order to aid persons in obtaining access to the public records of the Foundation.

C. Records Stored by Electronic Data Processing

The Freedom of Information Officer must prepare and furnish, to any person requesting it, a description of the manner in which public records of the Foundation stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

D. Summary of Procedures

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a brief summary of the procedures established by these Rules. If the Foundation maintains a website, the Freedom of Information Officer must post the summary required pursuant to this Subsection V.D to the website.

E. Posting and Mailing of Information

The Freedom of Information Officer must keep posted at the Foundation Office, and will mail to any person making a request therefor, copies of the Organizational Description prepared pursuant to Subsection V.A of these Rules, the Index of Public Records prepared pursuant to Subsection V.B of these Rules, and the Summary of Procedures prepared pursuant to Subsection V.D of these Rules.

F. Filing of Notices of Denial

The Freedom of Information Officer must retain copies of all Notices of Denial and Notices of Intent to Deny in a single file at the Foundation Office that is open to the public and indexed according to the type of exemption asserted and, to the extent that categorization is feasible, the type of records requested.