



VETERANS ASSISTANCE COMMISSION OF MACOUPIN COUNTY, ILLINOIS

MACVAC-GOV-003

Freedom of Information Act Response Policy

Designating the FOIA Officer and Establishing FOIA Response Procedures

Policy Number:	MACVAC-GOV-003
Effective Date:	May 13, 2026 (adopted with R-2026-19)
Version:	v1.0
Legal Authority:	5 ILCS 140 (Illinois FOIA); 330 ILCS 45 (MVAA); 38 U.S.C. §§ 5701, 5705; Privacy Act of 1974 (5 U.S.C. § 552a); 38 C.F.R. §§ 1.576–1.584
Adopted By:	Ron Hubert, President — Board of Commissioners Tony O’Neil, Secretary — Board of Commissioners Resolution R-2026-19
Annual Review:	Required — Each calendar year by the Superintendent
Supersedes:	N/A — Initial Adoption

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Section 1 — Purpose and Authority

The Veterans Assistance Commission of Macoupin County (“Commission”) adopts this Freedom of Information Act Response Policy to ensure consistent, transparent, and legally compliant responses to all requests for public records. This policy designates the FOIA Officer, establishes the request and response process, identifies exempt records, and protects Veteran privacy in accordance with federal and state law, pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).

Section 2 — FOIA Officer Designation

DESIGNATED FOIA OFFICER	
Name:	Robert (Bobby) Scott
Title:	Superintendent
Agency:	Veterans Assistance Commission of Macoupin County
Address:	570 N. Broad St., PO Box 12 Carlinville, IL 62626
Phone:	(217) 854-5249
Email:	macvac@gomadison.com

Pursuant to 5 ILCS 140/3.5, the FOIA Officer is responsible for: receiving and processing all FOIA requests; directing the Commission’s compliance with the Illinois FOIA; ensuring all personnel are familiar with FOIA obligations; maintaining the FOIA Request Log; and issuing timely responses, extensions, and denial notices. When staffing permits, the Superintendent may designate an alternate FOIA Officer by written notice filed in the Commission’s records.

Section 3 — Public Records Subject to FOIA

Under 5 ILCS 140/2(c), a public record means any document, paper, report, book, photograph, data, recording, electronic data, or other recorded information relating to the transaction of public business prepared by, for, or in the possession of the Commission.

Commission records generally subject to FOIA:

- Board meeting agendas, minutes, and public notices
- Annual budgets, levy documents, and financial reports
- Adopted resolutions, ordinances, and policies
- General correspondence not containing exempt information
- Contract and grant documents (non-exempt portions)
- Expense reports and vouchers (non-exempt portions)
- Annual reports submitted to the Governor and county

Records NOT subject to FOIA — see Section 4 for the critical Veteran Records Exemption.



Section 4 — Veteran Records Exemption — Federal Law Controls

CRITICAL — READ BEFORE RESPONDING TO ANY FOIA REQUEST

The majority of records maintained by the MACVAC in connection with individual Veterans, surviving spouses, and dependents are protected by FEDERAL LAW and are EXEMPT from Illinois FOIA. Federal law preempts Illinois FOIA for these records. The following are exempt and shall not be released without prior legal review:

- Individual Veteran claims files, service records, and C-files
- VA disability ratings, award letters, and adjudication records
- Veteran PII — name, SSN, DOB, address, VA file number, service number
- Medical, mental health, and treatment records
- Financial records — income, assets, pension records, bank information
- Military Sexual Trauma (MST) disclosures and personal statements
- Records received from or transmitted to the U.S. Department of Veterans Affairs
- Information protected under Privacy Act of 1974, 5 U.S.C. § 552a
- Information protected under 38 U.S.C. §§ 5701 and 5705
- Information protected under 38 C.F.R. §§ 1.576–1.584

Upon receipt of any FOIA request seeking Veteran-specific records, the FOIA Officer shall immediately identify the applicable federal exemption and issue a written denial with the specific federal citation. No Veteran-specific records shall be released without consultation with legal counsel.

Section 5 — Request Submission Process

Any person may submit a written FOIA request to the Commission. The Commission accepts requests by:

- U.S. Mail: 570 N. Broad St., PO Box 12, Carlinville, IL 62626
- Email: macvac@gomadison.com (subject line: “FOIA Request”)
- In person: during regular business hours

A request must reasonably identify the records sought. The Commission may request clarification if a request is unclear, which tolls the response deadline until clarification is received. The Commission shall not require a requester to provide a reason for the request.

Section 6 — Response Timelines

Situation	Timeline	Authority
Standard response	5 business days from receipt	5 ILCS 140/3(d)
Extension — good cause	Additional 5 business days (written notice required)	5 ILCS 140/3(e)
Voluminous request	Up to 21 calendar days (written notice required)	5 ILCS 140/3(e)



Clarification pending	Timeline tolled until clarification received	5 ILCS 140/3(g)
Commercial requester	Up to 21 calendar days	5 ILCS 140/3.1

Failure to respond within the applicable timeline constitutes a constructive denial appealable to the Public Access Counselor. The FOIA Officer shall log all requests and track deadlines in the FOIA Request Log.

Section 7 — Fee Schedule

Item	Fee	Notes
Paper copies (black & white)	\$0.10/page	<i>First 50 pages free for non-commercial requesters</i>
Color copies	Actual cost	
Electronic records	No charge	<i>Via email or flash drive at requester's expense</i>
Certification of records	Actual cost	
Commercial requester — search/review	Actual personnel cost	<i>After first 8 hours</i>

Fees shall be waived for news media and non-profit requesters acting in the public interest. Fees over \$50.00 shall be estimated in advance; prepayment may be required before processing.

Section 8 — Grounds for Denial

The Commission may deny a FOIA request in whole or in part on the following grounds under 5 ILCS 140/7 and applicable federal law:

- Federal law exemption — Veteran records, PII, Privacy Act, 38 U.S.C. §§ 5701/5705 (most common basis for denial at this Commission)
- Predecisional deliberative communications
- Personnel files and personal information where disclosure would constitute a clearly unwarranted invasion of privacy
- Law enforcement records where disclosure would interfere with pending proceedings
- Attorney-client privileged communications
- Records where disclosure is prohibited by state or federal law

All denials shall be in writing, specify the exact exemption with statutory citation, identify the FOIA Officer, and inform the requester of the right to appeal.

Section 9 — Appeal Process

**Option 1 — Public Access Counselor (PAC)**

File a Request for Review within 60 days of denial.
Public Access Counselor | 500 S. Second St., Springfield, IL 62701
(217) 782-1090 | publicaccess@ilag.gov

Option 2 — Circuit Court

File a civil action in the Circuit Court of the County where records are held within two years of denial.

Section 10 — FOIA Request Log

The FOIA Officer shall maintain a FOIA Request Log for all requests received. Each entry shall include: date received, requester contact information, records requested, response due date, action taken (granted/denied/extended), exemption cited if denied, date response issued, and fee assessed. The Log is a public record subject to disclosure with private requester information redacted as appropriate. File the Log in: 11_Operations & SOPs / FOIA / FOIA Request Log.

Section 11 — Training Requirements**TRAINING REQUIREMENTS**

Who Must Complete:	FOIA Officer (Superintendent) — mandatory upon designation. All staff — orientation upon hire.
Frequency:	FOIA Officer: upon designation and annually. All staff: upon hire; when policy is updated.
FOIA Officer Training:	Illinois Attorney General — FOIA Compliance Training
AG FOIA Training Link:	https://illinoisattorneygeneral.gov/rights/foia.html
Open Govt Seminar:	IL AG Open Government Seminar — covers FOIA + Open Meetings Act. Free. Contact: (217) 782-1090
PAC Resources:	Public Access Counselor: publicaccess@ilag.gov (217) 782-1090
Internal Training:	Superintendent provides FOIA orientation to all new staff upon hire. Covers: what is a public record, Veteran records exemptions, response timelines, and the FOIA Request Log.
Acknowledgment:	All staff must sign the Acknowledgment Form (attached) confirming understanding of FOIA obligations and Veteran record protections.

Section 12 — Record Retention & Annual Review

All FOIA requests, responses, extensions, and denial notices shall be retained per the Commission's approved retention schedule (Application No. 25:063 / MACVAC-OPS-001). File in: 11_Operations & SOPs / FOIA / FOIA Compliance. This policy shall be reviewed annually. Material amendments require Board approval by resolution. Administrative updates (contact information, fee schedule) may be made by the FOIA Officer and reported to the Board at the next regular meeting.



ACKNOWLEDGMENT OF RECEIPT & UNDERSTANDING

MACVAC-GOV-003 — Freedom of Information Act Response Policy

Veterans Assistance Commission of Macoupin County, Illinois

I acknowledge that I have received, read, and understand the Freedom of Information Act Response Policy (MACVAC-GOV-003) of the Veterans Assistance Commission of Macoupin County. I understand that compliance with this policy is a condition of my service to the MACVAC, whether as an officer, employee, or commissioner, and I agree to abide by its provisions.

Printed Name: _____

Title / Role: _____

Signature: X _____

Date: _____