

Illinois Freedom of Information Act (FOIA) FAQ

Metropolitan Water Reclamation District Retirement Fund (Fund)

Updated 7/1/2022

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What is a FOIA request?

The purpose of the Illinois Freedom of Information Act (5 ILCS 140/1) is to ensure that all persons are entitled to full and complete information regarding the affairs of government, and other official acts and policies of those who represent them as public officials, while at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

The principal mandate of the Act provides that each public body, upon submission of a written request shall (1) make available to any person for inspection, or (2) provide copies, of any requested public records that are subject to disclosure under the Act. Not all records are subject to disclosure, and the Act provides for several exemptions.

This Act is not intended to be used to violate individual privacy, nor to allow a commercial enterprise to unduly burden public resources (there are further rules covering commercial requests), or to disrupt the duly undertaken work of any public body independent of the fulfillment of the rights of the people to access information. The Act does not require the Fund to create new records or to answer questions other than through the production of records.

MWRDRF records consist of information about our members, the investment portfolio, and the administration of the Fund.

Member information **subject** to FOIA requests

- Name
- Contributions
- Active employee salaries
- Benefit payments to retiree members or beneficiaries

Member information **NOT** subject to FOIA requests:

- Social Security number
- Date of birth
- Address (including zip code)
- Telephone number
- Personal email address
- Beneficiary information
- QILDRO
- Medical records
- Member/Employee Identifying Number

Has there been an update regarding laws pertaining to FOIA requests?

Major changes to the Illinois Freedom of Information Act (FOIA) governing the disclosure of government records to the public, went into effect on Jan. 1, 2010, with new requirements that public bodies designate a FOIA Officer and an Open Meetings Act (OMA) Designee. In some years, other less sweeping changes may be passed into law.

Who is the Fund's FOIA Officer?

The Fund has designated the following staff as the official FOIA Officer:

Vrinda Kulkarni
Accountant /FOIA Officer
kulkarniv@mwrdrf.org

What is the description and budget of the Fund?

The Metropolitan Water Reclamation District Retirement Fund is the administrator of a single employer defined benefit plan, established by the Illinois State Legislature in 1931 to provide retirement and survivor annuities, and disability benefits for certain employees of the Metropolitan Water Reclamation District of Greater Chicago (District) as well as Fund employees. The Fund is administered in accordance with Chapter 40, Act 5, Articles 1, 13 and 20 of the Illinois Compiled Statutes.

Funding to meet the annuity and benefit obligations of the Fund comes from employee contributions, employer contributions (the taxes levied by the District), and monies earned on the Fund's investments. Minimum Employer and employee contribution rates are set by state statute or by District Board of Commissioners Policy.

Management of the Fund is vested in a seven-member Board of Trustees, composed of four member-elected employee Trustees, and three appointed Trustees, one of which is a retiree. Illinois law authorizes the Board to make investments, pay benefits, hire staff and consultants, and perform all necessary functions to carry out the provisions of the Illinois Pension Code. The provisions of the Pension Code may be amended or terminated only by the Illinois Legislature. The administration of the detailed affairs of the Fund is vested in the Executive Director, under the direction of the Board of Trustees.

The Fund has a staff of 11 full-time employees and an operating budget for fiscal year 2022 of \$201.1 million. Detailed information about the Fund for prior fiscal years including its membership, investment activities, and funding is contained in the Annual Comprehensive Financial Report and other publications available on this website or upon request.

How do I make a FOIA request?

Requests for inspection or copies should be made in writing and directed to the Fund as follows:

By mail:
FOIA Officer
Metropolitan Water Reclamation District Retirement Fund
111 East Erie Street, Suite 330
Chicago, Illinois 60611

By email:

Please email kulkarniv@mwrdrf.org and mohlerj@mwrdrf.org

By Fax:

Fax: 312-751-5699

FOIA requests should provide:

1. The requestor's full name, address, and phone number.
2. A brief description of the public records being sought, being as specific as possible.
3. Whether the request is for inspection of public records, copies of public records, or both.
4. Whether the request is for a commercial purpose.

How long does the Fund have to respond to a FOIA request?

Requests for public records must be promptly fulfilled or denied by the Fund. The Fund's response must be made within five (5) business days after the day that request has been received. There are some exceptions to this rule depending on the size of the request. A response by the Fund to a FOIA request for commercial purpose must be made within 21 days from receipt.

What is the charge for a FOIA request?

There is no charge or fee to submit a FOIA request. There is no charge for receiving an electronic copy of a document. Per FOIA law, the first fifty, letter or legal size (8 ½ X 11 or 11 X 17), black and white, print paper copies are free of charge. Each additional black and white copy will be 15 cents per page. Persons making requests that require other forms of duplication (color copies, large-format prints, compact disks, etc.) will be charged for the material costs used in the duplication of the record. There will be no charge for staff time or internal labor. A waiver or reduction of fees is available in certain instances.

Can a FOIA request be denied?

Yes. Some information is considered private by FOIA standards and is therefore not released to the public. The FOIA Officer will notify the requester in writing within five (5) days of receiving the request that the information will not be made available to the public, the specific reason for the denial, and the names and titles of the individuals responsible for the decision.

Can a denied FOIA request be appealed?

Yes. Under FOIA rules, citizens may appeal a FOIA request denial. The appeal of the denial must be made in writing directly to the Public Access Counselor at the Illinois Attorney General's Office, 500 S. Second Street, Springfield, Illinois 62701. The phone number for this office is (877) 299-3642, fax number is (217) 782-1396, and the email address is publicaccess@atg.state.il.us. The Public Access Counselor's decision is reviewable under the Illinois Administrative Review Law.

Where can I view the Freedom of Information Act?

The Illinois Statutes that govern FOIA requests can be viewed on the Illinois Attorney General's website at <https://foiapac.ilag.gov>

What records/documents are available by FOIA request?

FOIA statutes require that the FOIA Officer develop a list of documents or categories of documents that are available by FOIA request. Below is a non-exhaustive list of the categories of information and specific documents retained as public records by the MWRD Retirement Fund, which are available for inspection and copying upon request.

Members & Benefits:

Names of current annuitants
Names of current active employees
Benefit disbursements (e.g., retiree annuities, surviving spouse annuities)

Administrative:

List of Trustees and contact information*
Staff Directory*
Board Meeting Agendas*
Open Board Meeting Minutes*
Open Board Meeting Transcripts
Closed Session Meeting Minutes that have been opened by the Retirement Board*
Board of Trustee Election information
Annual Budget
Administrative Expense records
Staff Payroll records
Employee Policies
List of Independent Consultants*

Investment/Finance Related:

Composition of Investment Portfolio*
Investment Performance Reports*
Asset Allocation*
List of Investment Managers*
Policies – Investment Policy, Broker/Dealer Utilization Policy, Emerging Investment Manager Utilization Policy, and MWDBE Investment Manager Utilization Policy*
Securities Lending Reports
Annual Valuation Report of Actuary*
Annual Report to Illinois Department of Insurance
Annual Comprehensive Financial Report*

* Current information is immediately available on this website.