

FOIA - Request for Review by Public Access Counselor (PAC)

Name of Requestor: John Kraft
Contact Info: 7060 IL HWY 1
Paris, Illinois 61944
217-808-2527
john@heirloomvideography.net

I hereby submit this request for the Public Access Counselor to review my FOIA request for the following reasons:

1. Denial of FOIA request (partial)

Date of FOIA request: August 27, 2012

Name of Public Body: Crestwood School (CUSD #4), Paris, Illinois 61944

The following documents are attached:

- Copy of original FOIA request
- Response from the public body

On Feb August 27, I requested, among other things, *Copy of all radio video security camera footage of all cameras, between 7am and 5 pm) from Tuesday, August 21, 2012.*

The public body denied my request (in part) by:

1. Claiming the video is school student record
2. Claiming the video contains information where numerous student may be individually identified

I appealed their decision to the same person that initially denied it and was denied a second time.

- As you are aware, video is nothing more than 30 still pictures per second (or what ever frame rate is being recorded).
- I looked at the Crestwood School webpage, and found a minimum of 72 pictures where over 200 (estimated) students could be individually identified.
- The Public may purchase yearbooks, where not only could students be individually identified, they are identified by name.
- Faces are not listed as personally identifiable information in any statute I can find.
- The school can redact the faces of those that wish not to be identified.
- I can narrow my request to video between the hours of 12:00 noon and 2:30 p.m. if that would make easier to accomplish.

Please review this FOIA denial as it pertains to the health, safety, and welfare of the Public.

Thanks,

John Kraft
7060 IL HWY 1
Paris, IL. 61944

217-808-2527

original FOIA w/ responses

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From: Lorraine Bailey [mailto:lbailey@Crestwood.k12.il.us]
Sent: Friday, August 31, 2012 4:17 PM
To: John Kraft
Subject: RE: UPDATED: Appeal on partial denial of FOIA Request 8-27-2012 (Crestwood) [Scanned]

Mr. Kraft,
After consulting with the district attorney, we still believe the video you are requesting cannot be released and are staying with our original statement.
Lorraine Bailey

From: John Kraft [mailto:john@heirloomvideography.net]
Sent: Friday, August 31, 2012 7:46 AM
To: Lorraine Bailey
Subject: UPDATED: Appeal on partial denial of FOIA Request 8-27-2012 (Crestwood)

23 Illinois Administrative Code 375, Subtitle A, Chapter 1, Subchapter k: School Records

Updated in Feb 2012 to read:

“School Student Record” shall have the meaning set forth in Section 2(d) of the Act [105 ILCS 10/2(d)], except that school student records shall not include:

Video or other electronic recordings created and maintained by law enforcement professionals working in the school **or for security or safety** reasons or purposes, provided the information was created at least in part for law enforcement **or security or safety** reasons or purposes; and

Electronic recordings made on school buses, as defined in Section 14-3 of the Criminal Code of 1961 [720 ILCS 5/14-3].

<http://www.isbe.net/rules/archive/pdfs/375ark.pdf>

From: John Kraft [mailto:john@heirloomvideography.net]
Sent: Thursday, August 30, 2012 9:15 PM
To: 'Lorraine Bailey'
Subject: Appeal on partial denial of FOIA Request 8-27-2012 (Crestwood)

Mrs. Bailey,

I am appealing to you, your decision to deny the 8-27-2012 FOIA request for security camera video by using the following statements and asking the following questions.

In reading the School Student Records Act, and referring to security camera video being part of the “School Student Record”:

Section 4 (c) states “*information contained in or added to a school student record shall be limited to information which is of clear relevance to the education of the student*”

Q: Do you really claim security camera video is “clearly relevant to the education of the student”?

Section 4 (e) states permanent student records must be kept for 60 years, and Section 4 (f) states temporary student records must be kept for not less than 5 years – both paragraphs say **after student graduates or leaves the school.**

Section 4 (h) states that you have to notify parents before destroying or eliminating any information in any student record, and give them an opportunity to copy it.

Q: Do you do that with the videos?

That’s a lot of video to keep.

Q: Do you keep all security camera video for not less than 5 years after any students in the video graduate or leave the school?

Earlier this summer, I inquired about security camera video of a student that allegedly got man-handled in the school hallway by an employee of the school this spring, and you told me you don’t keep video that long.

Q: Did you notify that student’s parents, giving them the opportunity to copy it, before destroying or eliminating the information from the student record of his/her child?

Please advise on the correct answer – if you consider the videos part of the “School Student Record” and of clear relevance to the education of the student.

Q: What is your policy of keeping the video, what format do you keep it in, and how long do you keep it?

Thanks,
John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

217-808-2527

From: Lorraine Bailey [mailto:lbailey@Crestwood.k12.il.us]
Sent: Thursday, August 30, 2012 10:33 AM
To: John Kraft
Subject: RE: FOIA Request 8-27-2012 (Crestwood) [Scanned]

Mr. Kraft,
Please find attached the response and information as requested under the Freedom of Information Act.

Lorraine Bailey
Paris Unit 4

From: John Kraft [mailto:john@heirloomvideography.net]
Sent: Monday, August 27, 2012 10:00 AM
To: Lorraine Bailey
Subject: FOIA Request 8-27-2012 (Crestwood) [Scanned]

Crestwood School / District 4 FOIA Officer,

In accordance with the Illinois Freedom Of Information Act, I request the following:

1. Copy of all video security camera footage (all cameras, between 7am and 5 pm) from Tuesday, August 21, 2012.
2. Copy of Crestwood policy/procedure for reporting, to parents, incidents involving students that occur during school hours.
3. Copy of Crestwood policy on reporting and tracking incidents of student violence/bullying.
4. Copy of special meeting notice, agenda, and minutes for the meeting held August 22, 2012.
5. Copy of special meeting notice and agenda for the special meeting being held August 27, 2012.

Electronic copies preferred, I can pick up anything that can't be emailed.

This is not a commercial request. The purpose of this request is to make this information more accessible to the public and to access and disseminate information regarding the health, safety, and welfare, or the legal rights of the general public, and not for personal or commercial benefit.

Thanks,
John Kraft
7060 IL HWY 1
Paris, IL. 61944

217-808-2527

Paris Community Unit School District No. 4

217-465-5391
Lorraine Bailey
Superintendent

15601 U. S. Hwy. 150
Paris, IL 61944

Fax: 217-466-1225
Danette Young
Principal

August 30, 2012

Mr. John Kraft
7060 Illinois Highway 1
Paris, IL 61944

Re: FOIA Request

Dear Mr. Kraft:

On August 27, 2012, you submitted a FOIA Request for certain documents. The School District's response to those requests follows:

1. Copy of **all** video security camera footage (all cameras, between 7am and 5 pm) from Tuesday, August 21, 2012.

Response: Your request for a copy of the camera footage is denied pursuant to Section 7.5(r) of the Freedom of Information Act, 5 ILCS 140/7.5(r), which makes exempt "information prohibited from being disclosed by the Illinois School Student Records Act." The video recording in question is a "School Student Record" under the Student Records Act, 105 ILCS 10/1, *et seq.*, as it contains information by which numerous students may be individually identified.

2. Copy of Crestwood policy/procedure for reporting, to parents, incidents involving students that occur during school hours.

Response: No specific board policy exists addressing this particular request. Teachers are encouraged to communicate with parents on a regular basis.

3. Copy of Crestwood policy on reporting and tracking incidents of student violence/bullying.

Response: Copies of Board Policies 4:170, 7:20, 7:180, and 7:190 are attached hereto. Those are the only records in the possession of the School District which may be responsive to your request.

4. Copy of special meeting notice, agenda, and minutes for the meeting held August 22, 2012.

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Response: A copy of a Notice and Agenda of a Negotiation Committee meeting held on August 22, 2012 is attached hereto. Under the Illinois Educational Labor Relations Act, 115 ILCS 5/18, the provisions of the Open Meetings Act do not apply to collective bargaining negotiations conducted pursuant to that Act. Therefore, there is no requirement that a notice or agenda be prepared, or that minutes be kept, of negotiations meetings. There was no Board meeting scheduled or held on August 22, 2012 other than the negotiation meeting described above.

5. Copy of special meeting notice and agenda for the special meeting being held August 27, 2012.

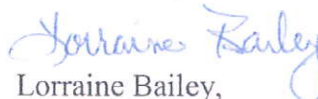
Response: Copies of the notice and agenda of the special meeting of the Board of Education scheduled for August 27, 2012 are attached hereto.

Pursuant to Section 9(a) of the Freedom of Information Act, 5 ILCS 140/9(a), you are hereby notified that this decision was made by Lorraine Bailey, the District's Freedom of Information Officer, and that you have a right to review by the Public Access Counselor:

Ms. Sarah Pratt
Acting Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, IL 62706
Telephone: 1-877-299-FOIA (1-877-299-3642)
Facsimile: 217-782-1396
E-mail: publicaccess@atg.state.il.us

You are further notified that you have the right to judicial review as provided in section 11 of the Act, 5 ILCS 140/11.

Sincerely,



Lorraine Bailey,
Superintendent