**Section 1828.403 Agency Actions Following a Determination that a Public Record is Not Exempt from Disclosure**

a) If the Agency determines, in response to a claim of exemption from disclosure, that no exemption applies, the Agency shall deny the claim and shall give written notice of such denial to the submitter of the public record pursuant to subsection (b) of this Section.

b) Written notice of the denial of a claim of exemption from disclosure shall be by certified mail, return receipt requested, and shall contain the following information:

1) The name and title or position of the person responsible for the determination;

2) A statement of the Agency's reason for denying the claim;

3) A notification of the availability of review of the Agency's decision pursuant to the procedures prescribed in Section 1828.405; and

4) A notification that the Agency will cease protecting the public record or the portion claimed exempt from disclosure unless the Agency is served with notice of the filing of a petition for review, pursuant to the procedures prescribed in Section 1828.405, within 35 days from the date of notice to the submitter.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)