



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 29, 2025

PUBLIC ACCESS OPINION 25-003
(Request for Review 2025 PAC 85533)

FREEDOM OF INFORMATION ACT:
Duty to Respond to FOIA Requests

Mr. Conley Wouters
Assistant Professor
University of Illinois Chicago School of Law
300 South State Street
Chicago, Illinois 60604

Ms. Brigett R. Bevan
Director, Freedom of Information Compliance
Chicago Transit Authority
567 West Lake Street
Chicago, Illinois 60661

Dear Mr. Wouters and Ms. Bevan:

This binding opinion is issued by the Attorney General pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)). For the reasons discussed below, this office concludes that the Chicago Transit Authority (CTA) violated section 3(d) of FOIA (5 ILCS 140/3(d) (West 2022)) by failing to comply with, deny in writing in whole or in part, or otherwise appropriately respond to a FOIA request submitted by Mr. Conley Wouters.

BACKGROUND

On January 4, 2025, Mr. Wouters submitted a FOIA request to CTA seeking copies of the following records:

1. Any and all contractual agreements between CTA and Action K-9 Security, Inc., from the period January 1, 2020, to the present.

500 South 2nd Street
Springfield, Illinois 62701
(217) 782-1090 • Fax: (217) 782-7046

115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-3000 • Fax: (312) 814-3806

1745 Innovation Drive, Suite C
Carbondale, Illinois 62903
(618) 529-6400 • Fax: (618) 529-6416

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2. Any and all written policies, manuals, or animal handling guidelines relating to the use of any security canines in or on CTA property, from the period January 1, 2020, to the present.
3. Any and all employee disciplinary records relating to the use of any security canines in or on CTA property, from the period January 1, 2020, to the present.
4. Any and all any formal or informal reports relating to injuries incurred by canines owned by Action K-9 from the period January 1, 2020, to the present.
5. Any and all formal or informal reports relating to human injuries caused by canines owned by Action K-9 from the period January 1, 2020, to the present.
6. Any and all documents or communications relating to complaints from CTA customers or members of the public about Action K-9's on-duty canines or canine handlers from the period January 1, 2020, to the present.^[1]

Mr. Wouters prefaced the request by stating: "In light of our previous correspondence and under 5 ILCS 140/3(d), I assume my August 23, 2024, records request was denied. I write to submit a new request."² According to the materials he submitted to the Public Access Bureau, Mr. Wouters had first asked CTA's FOIA office for copies of certain records concerning security canines on August 23, 2024.³ On September 6, 2024, CTA's FOIA office advised Mr. Wouters that it considered that request unduly burdensome under section 3(g) of FOIA (5 ILCS 140/3(g) (West 2022)) and offered him an opportunity to confer about narrowing the request to manageable proportions.⁴ On that same date, Mr. Wouters submitted a narrowed version of the request.⁵ On September 9, 2024, an employee in CTA's FOIA office responded: "I think this is more manageable. I'll look into how many complaints there are and get back to you."⁶

¹E-mail from Conley Wouters, Attorney at Law, Assistant Professor, UIC Law, to [Haley] Lowrance, [Senior Attorney, Compliance, Policy, and Risk, Chicago Transit Authority] (January 4, 2025).

²E-mail from Conley Wouters, Attorney at Law, Assistant Professor, UIC Law, to [Haley] Lowrance, [Senior Attorney, Compliance, Policy, and Risk, Chicago Transit Authority] (January 4, 2025).

³E-mail from Conley Wouters, Attorney at Law, to Brigett R. Bevan, Freedom of Information Officer, Chicago Transit Authority (August 23, 2024).

⁴E-mail from Haley Lowrance, Senior Attorney, Compliance, Policy, and Risk, [Chicago Transit Authority], to [Conley] Wouters (September 6, 2024).

⁵E-mail from Conley [Wouters], Assistant Professor, UIC Law, to [Haley] Lowrance, [Senior Attorney, Compliance, Policy, and Risk, Chicago Transit Authority] (September 6, 2024).

⁶E-mail from foia@transitchicago.com to Conley Wouters (September 9, 2024).

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On September 27, 2024, Mr. Wouters sent an e-mail to CTA's FOIA office noting that CTA's response to his request was overdue and stating that if he did not "receive a response within the next business day or two," he would assume CTA had denied his September 6, 2024, request under section 3(d) of FOIA (5 ILCS 140/3(d) (West 2022)).^{7 8} On October 8, 2024, Mr. Wouters separately e-mailed Ms. Iliana Linares, CTA's General Manager of Purchasing, and asked for assistance with obtaining a copy of CTA's current contract with Action K-9 Security, Inc. because he had not heard from CTA's FOIA office.⁹ On that same date, Ms. Linares responded that she had contacted a named employee in CTA's FOIA office who confirmed that she was working on Mr. Wouters's request and would reach out to him.¹⁰ On October 22, 2024, CTA's FOIA office e-mailed Mr. Wouters to ask what kind of incident report he was seeking because "[o]ur vendor needs a more specific term than 'incident report.'"¹¹ On that same date, Mr. Wouters answered the question and asked when CTA would be issuing its response.¹²

On January 4, 2025, Mr. Wouters again e-mailed Ms. Linares and copied other CTA employees, including the CTA FOIA e-mail address; he stated that he was following up on his e-mail from October because he had never received a copy of the contract, and noted that he had e-mailed CTA's FOIA office earlier that evening (with the FOIA request at issue in this binding opinion).¹³ On January 6, 2025, CTA's FOIA office informed Mr. Wouters: "We are still working on your request and will try to get you a response as soon as possible. As Purchasing will not be releasing documents, please direct all further communications to the Law Department at this email address."¹⁴

⁷Section 3(d) provides, in relevant part: "Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request."

⁸E-mail from Conley Wouters to [Haley] Lowrance, [Senior Attorney, Compliance, Policy, and Risk, Chicago Transit Authority] (September 27, 2024).

⁹E-mail from Conley Wouters, Attorney at Law, Assistant Professor, UIC Law, to [Iliana] Linares, [General Manager, Purchasing, Chicago Transit Authority] (October 8, 2024).

¹⁰E-mail from Iliana Linares, General Manager, Purchasing, Chicago Transit Authority, to [Conley] Wouters (October 8, 2024).

¹¹E-mail from foia@transitchicago.com to Conley Wouters (October 22, 2024).

¹²E-mail from Conley Wouters, Attorney at Law, Assistant Professor, UIC Law, to [Haley] Lowrance, [Senior Attorney, Compliance, Policy, and Risk, Chicago Transit Authority] (October 22, 2024).

¹³E-mail from Conley [Wouters] to [Iliana] Linares, [Ellen McCormack, Travis Marcum, and CTA FOIA] (January 4, 2025).

¹⁴E-mail from Haley Lowrance, Senior Attorney, Compliance, Policy, and Risk, [Chicago Transit Authority], to [Conley] Wouters (January 6, 2025).

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On March 3, 2025, Mr. Wouters submitted a Request for Review to the Public Access Counselor alleging that CTA had failed to respond to his January 4, 2025, FOIA request.¹⁵

On March 5, 2025, the Public Access Bureau sent a copy of the Request for Review to CTA together with a letter asking whether CTA had received and responded to Mr. Wouters's FOIA request.¹⁶ If CTA had received but not responded to the request, the March 5, 2025, inquiry letter asked CTA to do so and to provide a copy of its response to this office.¹⁷ CTA did not respond to the inquiry letter. On March 17, 2025, Mr. Wouters informed the Public Access Bureau that he had not heard from CTA.¹⁸ On that same date, the Assistant Attorney General (AAG) from the Public Access Bureau assigned to the matter advised she would follow up with CTA.¹⁹ On March 19, 2025, via e-mail, the AAG advised CTA that a response to the request was required and asked CTA to respond to Mr. Wouters as soon as possible, otherwise this office would be compelled to conclude that CTA violated FOIA.²⁰ On March 28, 2025, Mr. Wouters asked the AAG if she had heard from CTA.²¹ On March 31, 2025, the AAG replied that she had not received a response from CTA.²²

As of the date of the issuance of this binding opinion, this office has not received confirmation or any indication from CTA or Mr. Wouters that CTA has responded to Mr. Wouters's January 4, 2025, FOIA request.

¹⁵E-mail from Conley Wouters, Attorney at Law, Assistant Professor, UIC Law, to Public Access [Bureau, Office of the Attorney General] (March 3, 2025).

¹⁶Letter from Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Haley Lowrance, Senior Attorney, Compliance, Policy, and Risk, Chicago Transit Authority (March 5, 2025), at 1.

¹⁷Letter from Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Haley Lowrance, Senior Attorney, Compliance, Policy, and Risk, Chicago Transit Authority (March 5, 2025), at 1.

¹⁸E-mail from Conley [Wouters] to [Katie] Goldsmith, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (March 17, 2025).

¹⁹E-mail from Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Illinois Attorney General's Office, to Conley Wouters (March 17, 2025).

²⁰E-mail from Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Illinois Attorney General's Office, to foia@transitchicago.com (March 17, 2025).

²¹E-mail from Conley [Wouters] to [Katie] Goldsmith, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (March 28, 2025).

²²E-mail from Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Illinois Attorney General's Office, to [Conley Wouters] (March 31, 2025).

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ANALYSIS

"It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with [FOIA]." 5 ILCS 140/1 (West 2022). Under section 1.2 of FOIA (5 ILCS 140/1.2 (West 2022)), "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying." Section 3(a) of FOIA (5 ILCS 140/3(a) (West 2022)) provides that "[e]ach public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act." Section 3(d) of FOIA further provides:

Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (g).

Section 3(e) of FOIA (5 ILCS 140/3(e) (West 2022)) permits a public body to extend its response time by no more than five business days for any of seven enumerated reasons. Any additional extension requires a written agreement between the requester and the public body. 5 ILCS 140/3(e) (West 2022).

It is undisputed that CTA did not timely respond and provide copies of records responsive to Mr. Wouters's January 4, 2025, FOIA request, deny the request in writing in whole or in part, or reach a written agreement with Mr. Wouters for an extension. CTA's failure to comply with the requisite response procedures violated section 3(d) of FOIA.

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On January 4, 2025, Mr. Conley Wouters submitted a FOIA request to CTA seeking copies of certain records relating to CTA's contract with Action K-9 Security, Inc.

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2) On March 3, 2025, Mr. Wouters submitted a Request for Review to the Public Access Bureau alleging that CTA had failed to respond to his FOIA request. Mr. Wouters's Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2023 Supp.)). Therefore, the Attorney General may properly issue a binding opinion with respect to this matter.

3) On March 5, 2025, the Public Access Bureau forwarded a copy of the Request for Review to CTA along with a letter asking whether CTA had responded to Mr. Wouters's FOIA request. CTA did not respond.

4) On March 19, 2025, the Public Access Bureau sent CTA an e-mail advising that it was required to respond to Mr. Wouters and asking CTA to respond as soon as possible.

5) On March 28, 2025, Mr. Wouters e-mailed the Public Access Bureau to confirm that he still had not received a response to his request from CTA.

6) As of the date of the issuance of this binding opinion, this office has received no information indicating that CTA has responded to Mr. Wouters's January 4, 2025, FOIA request seeking copies of certain records relating to CTA's contract with Action K-9 Security, Inc.

Therefore, it is the opinion of the Attorney General that CTA has violated section 3(d) of FOIA by failing, within the statutory time period for responding to Mr. Wouters's January 4, 2025, request, to provide copies of the requested records or to deny the request in writing in whole or in part. Accordingly, CTA is hereby directed to take immediate and appropriate action to comply with this opinion by providing Mr. Wouters with copies of all records responsive to his January 4, 2025, FOIA, request, subject only to permissible redactions, if any, under section 7 of FOIA (5 ILCS 140/7 (West 2023 Supp.), as amended by Public Acts 103-605, effective July 1, 2024; 103-865, effective January 1, 2025).²³ If CTA determines that any portion of the responsive records is exempt from disclosure under section 7, it is directed to issue a written denial that fully complies with the requirements of section 9(a) of FOIA (5 ILCS 140/9(a) (West 2022)).

²³Because CTA did not comply with the statutory requirements for responding to Mr. Wouters's FOIA request, CTA is precluded from treating the request as unduly burdensome or imposing copying fees for the responsive records. 5 ILCS 140/3(d) (West 2022).

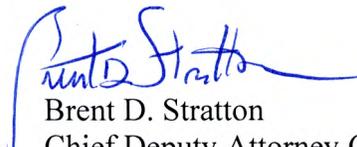
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This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law, 735 ILCS 5/3-101 *et seq.* (West 2022). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook County or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and Mr. Conley Wouters as defendants. *See* 5 ILCS 140/11.5 (West 2022).

Sincerely,

KWAME RAOUL
ATTORNEY GENERAL

By:



Brent D. Stratton
Chief Deputy Attorney General

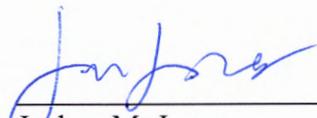
CERTIFICATE OF SERVICE

Joshua M. Jones, Bureau Chief, Public Access Bureau, Chicago, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 25-003) upon:

Mr. Conley Wouters
Assistant Professor
University of Illinois Chicago School of Law
300 South State Street
Chicago, Illinois 60604
woutersconley@gmail.com

Ms. Brigett R. Bevan
Director, Freedom of Information Compliance
Chicago Transit Authority
567 West Lake Street
Chicago, Illinois 60661
FOIA@transitchicago.com

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on April 29, 2025.



Joshua M. Jones
Bureau Chief

Joshua M. Jones
Bureau Chief
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115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-8413