



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

August 21, 2026

PUBLIC ACCESS OPINION 26-009
(Request for Review 2026 PAC 94532)

FREEDOM OF INFORMATION ACT:
Records Detailing the Locations of Surface
Water Drainage Infrastructure Are Exempt
From Disclosure under Section 7(1)(x)

Mr. Daniel Beaudin
5804 North Mason Avenue, 1N
Chicago, Illinois 60646

Mr. Daniel Riordan
Freedom of Information Officer
City of Chicago
Department of Water Management
Chicago, Illinois 60639

Dear Mr. Beaudin and Mr. Riordan:

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 2025 Supp.)). For the reasons discussed below, this office concludes that the City of Chicago (City) Department of Water Management (Department) did not violate FOIA by denying Mr. Daniel Beaudin's May 15, 2026, FOIA request.

BACKGROUND

On that date, Mr. Beaudin submitted a FOIA request to the Department seeking the following for a specified area of the City:

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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www.IllinoisAttorneyGeneral.gov

Sewer and Flood Control Atlas records, GIS mapping data, engineering schematics, or equivalent localized maps **detailing the exact locations of all surface water drainage infrastructure.** This specifically includes all catch basins, storm drains (spanning standard 24-inch / 60.96-centimeter grates up to any oversized curb inlets), and the connecting local sewer laterals.^[1] (Emphasis added.)

On May 19, 2026, the Department denied the request in its entirety pursuant to section 7(1)(x) of FOIA (5 ILCS 140/7(1)(x) (West 2025 Supp.)).² On that same date, Mr. Beaudin submitted the above-referenced Request for Review contesting the denial.

On June 26, 2026, the Public Access Bureau sent a copy of the Request for Review to the Department.³ Along with a copy of the Request for Review, the Public Access Bureau sent the Department a letter requesting unredacted copies of the withheld records for this office's confidential review, and a detailed written explanation of the legal and factual bases for the asserted exemption.⁴

On July 9, 2026, the Department provided this office with the records and its written response.⁵ On the same date, this office forwarded a copy of the Department's answer to Mr. Beaudin and notified him of his opportunity to reply.⁶ On July 10, 2026, Mr. Beaudin replied.⁷

¹E-mail from Daniel W[.] Beaudin to FOIA Officer, [City of Chicago Department of Water Management] (May 15, 2026).

²Letter from Daniel Riordan, Freedom of Information Office, Department of Water Management, to Daniel Beaudin (May 19, 2026).

³E-mail from Benajmin Silver, Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General, to [Daniel] Riordan, [Freedom of Information Officer, City of Chicago, Department of Water Management] (June 26, 2026).

⁴Letter from Benajmin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to Daniel Riordan, Freedom of Information Officer, City of Chicago, Department of Water Management (June 26, 2026), at 2.

⁵E-mail from DWMFOIA@cityofchicago.org to [Benjamin] Silver, [Supervising Attorney, Public Access Bureau, Office of the Attorney General] (July 9, 2026).

⁶Letter from Benajmin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to Daniel Beaudin (July 9, 2026).

⁷E-mail from Daniel W. Beaudin to Supervising Attorney [Benjamin] Silver, [Public Access Bureau, Office of the Attorney General] (July 10, 2026).

On July 15, 2026, this office extended the time for issuing a binding opinion by 30 business days, to August 28, 2026, pursuant to section 9.5(f) of FOIA.⁸

ANALYSIS

It is the public policy of the State of Illinois that "that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of" FOIA. 5 ILCS 140/1 (West 2024). Under FOIA, "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." 5 ILCS 140/1.2 (West 2024).

Section 7(1)(x) of FOIA exempts from disclosure "[m]aps and other records regarding the location or security of generation, **transmission, distribution**, storage, **gathering**, treatment, or switching **facilities** owned by a **utility**, by a power generator, or by the Illinois Power Agency." (Emphasis added.)

No reviewing court has construed the section 7(1)(x) exemption. In construing a statute, the primary objective is to ascertain and give effect to the intent of the General Assembly. *Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415 (2006). "[T]he surest and most reliable indicator of" legislative intent "is the statutory language itself, given its plain and ordinary meaning." *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, ¶ 24. It is appropriate to use a dictionary to ascertain the plain and ordinary meaning of terms that are undefined by a statute. *People v. Davison*, 233 Ill. 2d 30, 40 (2009).

The plain language of section 7(1)(x) exempts, among other things, maps and other records regarding the location of gathering facilities owned by a utility. A "utility" is defined as "a) something useful to the public, esp. the service of electric power, gas, water, telephone etc. b) a company providing such a service[.]"⁹ The Department is an infrastructure

⁸Letter from Benajmin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to Daniel Beaudin and Daniel Riordan, Freedom of Information Officer, City of Chicago, Department of Water Management (July 15, 2026).

⁹Webster's New World Dictionary 1565 (2d coll. ed. 1978).

department of the City¹⁰ that purifies drinking water and maintains infrastructure to deliver drinking water to homes and businesses of Chicago and 120 suburban communities and transmit stormwater and wastewater for treatment and recycling.¹¹ Therefore, the Department is a "utility."

A "facility" is defined as "a special room, etc. that facilitates or makes possible some activity[.]"¹² As the City's public water and sewer utility, the Department maintains and operates a system of sewers and mains that collects the City's stormwater and transmits it to the Metropolitan Water Reclamation District of Greater Chicago for treatment.¹³ This system and its parts, including the surface water drainage infrastructure, makes it easier for the Department to facilitate the gathering and transmission of stormwater. Accordingly, the Department's surface water drainage infrastructure constitutes gathering facilities of a utility under the plain language of the section 7(1)(x) exemption.

The Department's letter denying Mr. Beaudin's request stated that section 7(1)(x) is applicable because release of the requested records "would disclose the **location** and security of these utilities."¹⁴ (Emphasis added.) In its response to this office, the Department reiterated that the responsive records plainly are exempt from disclosure in their entireties under section 7(1)(x) of FOIA because "Mr. Beaudin's request seeks the 'exact locations of all surface water drainage infrastructure.'"¹⁵ The Department further asserted that disclosure of the records would

¹⁰City of Chicago, Department of Water Management, Our Structure, https://www.chicago.gov/city/en/depts/water/auto_generated/water_our_structure.html (last visited August 12, 2026). Section 11-117-1 of the Municipal Code (65 ILCS 5/11-117-1 (West 2024)) authorizes "any municipality" to "acquire, construct, own and operate within the corporate limits of the municipality any public utility the product or service of which, or a major portion thereof, is or is to be supplied to the municipality or its inhabitants and may contract for, purchase and sell the product or service of any such utility[.]"

¹¹City of Chicago, Department of Water Management, What We Do, https://www.chicago.gov/city/en/depts/water/supp_info/what-we-do.html (last visited August 10, 2026).

¹²Webster's New World Dictionary 501 (2d coll. ed. 1978).

¹³City of Chicago, Water Management, What We Do, https://www.chicago.gov/city/en/depts/water/supp_info/what-we-do.html (last visited August 10, 2026).

¹⁴Letter from Daniel Riordan, Freedom of Information Office, City of Chicago, Department of Water Management, to Daniel Beaudin (May 19, 2026).

¹⁵Letter from Daniel Riordan, Department of Water Management, Freedom of Information Office, to Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General (July 9, 2026), at [2], *quoting* e-mail from Daniel Beaudin to FOIA Officer, [City of Chicago Department of Water Management] (May 15, 2026).

present a security risk to the utilities.¹⁶

In his Request for Review, Mr. Beaudin argued that, because storm drains and catch basins are visible to the public, "[t]he assertion that confirming the existence and location of a storm drain on a public commercial street poses a 'security threat' is completely unfounded."¹⁷ In his reply to the Department's response, Mr. Beaudin stated that the City's Department of Technology and Innovation hosts and promotes a Geographic Information System (GIS) portal through which members of the public can access location data on various subjects.¹⁸ He argued that the Department's "attempt to frame standard municipal GIS mapping of surface drains as a classified security risk is directly contradicted by the City's own technology policies."¹⁹

However, to uphold its denial of Mr. Beaudin's request under section 7(1)(x), the Department is not required to demonstrate that the requested records concern the security of the system. Where the language of a statute is clear and unambiguous, a reviewing body "may not depart from the plain language by reading into the statute exceptions, limitations, or conditions that the legislature did not express." *Hayashi v. Illinois Department of Financial & Professional Regulation*, 2014 IL 116023, ¶ 16. "The word 'or' is disjunctive. As used in its ordinary sense, the word 'or' marks an alternative indicating the various parts of the sentence which it connects are to be taken separately. * * * Disjunctive therefore connotes two different alternatives." *Elementary School District 159 v. Schiller*, 221 Ill. 2d 130, 145 (2006). In contrast, "principles of statutory construction interpret the term 'and' as conjunctive rather than disjunctive." *Soh v. Target Marketing Systems*, 353 Ill. App. 3d 126, 131 (2004). "[U]se of the word 'and' between two statutory elements generally indicates that both of the elements must be satisfied in order to comply with the statute." *County of Du Page v. Illinois Labor Relations Board*, 231 Ill. 2d 593, 606 (2008).

The plain language of section 7(1)(x) exempts from disclosure "records regarding the location **or** security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility." (Emphasis added.) Mr. Beaudin reads section 7(1)(x) in the conjunctive, as exempting only records that regard both the location *and* security of facilities

¹⁶Letter from Daniel Riordan, Department of Water Management, Freedom of Information Office, to Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General (July 9, 2026), at [2].

¹⁷E-mail from Daniel Beaudin to Public Access Counselor, [Office of the Illinois Attorney General] (May 19, 2026).

¹⁸E-mail from Daniel Beaudin to Supervising Attorney [Benjamin] Silver, [Public Access Bureau, Office of the Attorney General] (July 10, 2026).

¹⁹E-mail from Daniel Beaudin to Supervising Attorney [Benjamin] Silver, [Public Access Bureau, Office of the Attorney General] (July 10, 2026).

owned by a utility, with the additional element that disclosure of the records would jeopardize the security of the facilities. Because section 7(1)(x) is worded disjunctively, however, it provides two independent bases for claiming the exemption: (1) the requested records regard the location of facilities owned by a utility *or* (2) the requested records regard the security of facilities owned by a utility. Concluding that records regarding the location of facilities owned by utilities are not exempt from disclosure under section 7(1)(x) unless the records also pertain to security and are likely to jeopardize the security of facilities, if disclosed, would read non-existent conditions into the exemption.

It also is notable that when an earlier version of section 7(1)(x) first was enacted as part of Public Act 93-0422, effective August 5, 2003, the General Assembly added another FOIA exemption that applied to:

Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, **but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public.**²⁰ (Emphasis added.)

The General Assembly did not include any corresponding language on jeopardizing security to similarly limit the scope of section 7(1)(x). If the General Assembly had intended for section 7(1)(x) to exempt records only when a public body could demonstrate a likelihood that disclosure would pose a security risk, it would have done so expressly. It did not. Accordingly, a public body is not required to claim or prove that disclosure of records would pose a security risk in order to prove that records are exempt from disclosure pursuant to section 7(1)(x) of FOIA.

Mr. Beaudin's May 15, 2026, FOIA request explicitly sought records "detailing the exact locations of all surface water drainage infrastructure."²¹ This office has reviewed the

²⁰5 ILCS 140/7(1)(ll) (West 2002), as amended by Public Acts 92-645, effective July 11, 2002; 92-651, effective July 11, 2002; 93-0422, effective August 5, 2003). Public Act 93-0422 also amended section 7(1)(k) of FOIA (5 ILCS (1)(k) (West 2002), as amended by Public Acts 92-645, effective July 11, 2002; 92-651, effective July 11, 2002; 93-0422, effective August 5, 2003), which then exempted: "Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, **but only to the extent that disclosure would compromise security.**" (Emphasis added.)

²¹E-mail from Daniel Beaudin to FOIA Officer, [City of Chicago Department of Water Management] (May 15, 2026).

withheld records and confirmed that they consist of atlases—detailed maps showing the locations of sewers, storm mains, access points, and various other details of the City's water infrastructure—and GIS mapping data. Maps and geographic data detailing the locations of stormwater gathering facilities fall squarely within the types of records specified in section 7(1)(x). Accordingly, the Department did not violate FOIA by denying Mr. Beaudin's May 15, 2026, FOIA request.

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 May 15, 2026, Mr. Daniel Beaudin submitted a FOIA request to the City of Chicago Department of Water Management seeking copies of records "detailing the exact locations of all surface water drainage infrastructure" for a specified area of the City.

2) On May 19, 2026, the Department denied the request pursuant to section 7(1)(x) of FOIA.

3) On that same date, Mr. Beaudin submitted a Request for Review contesting the Department's denial. The 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 2025 Supp.)).

4) On June 26, 2026, the Public Access Bureau forwarded a copy of the Request for Review to the Department and asked it to provide unredacted copies of the contested records for this office's confidential review, together with a written explanation of the factual and legal basis for the applicability of section 7(1)(x).

5) On July 9, 2026, the Department provided this office with unredacted copies of the withheld records and its written explanation. On the same date, the Public Access Bureau forwarded a copy of that answer to Mr. Beaudin and notified him of his opportunity to reply. On July 10, 2026, Mr. Beaudin replied.

6) On July 15, 2026, the Public Access Bureau extended the time within which to issue a binding opinion by 30 business days, to August 28, 2026, pursuant to section 9.5(f) of FOIA. Accordingly, the Attorney General may properly issue a binding opinion with respect to this matter.

7) Section 7(1)(x) of FOIA exempts from disclosure "[m]aps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency."

8) The Department is a public utility that purifies drinking water and gathers and transmits stormwater for treatment and recycling. Therefore, the Department's surface water drainage infrastructure constitutes gathering facilities owned by a utility.

9) The plain language of section 7(1)(x) permits a public body to withhold records that regard (1) the location of certain facilities, including gathering facilities, owned by a utility, or (2) the security of those facilities. A public body that withholds records pursuant to section 7(1)(x) is not required to prove that records regarding the location of gathering facilities pertain to the security of those facilities or would jeopardize security if disclosed.

10) Because the withheld records detail the locations of stormwater gathering facilities owned by a utility, the Department sustained its burden of proving by clear and convincing evidence that the records are exempt from disclosure pursuant to section 7(1)(x).

Therefore, it is the opinion of the Attorney General that the City of Chicago Department of Water Management did not violate the requirements of FOIA by denying Mr. Daniel Beaudin's Freedom of Information Act request.

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 2024). 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 the City of Chicago Department of Water Management as defendants. *See* 5 ILCS 140/11.5 (West 2024).

Sincerely,

KWAME RAOUL
ATTORNEY GENERAL

By:


R. Douglas Rees
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

Leah Bartelt, Public Access Counselor, Public Access Bureau, hereby certifies that she has served a copy of the foregoing Binding Opinion (Public Access Opinion 26-009) upon:

Mr. Daniel Beaudin
5804 North Mason Avenue, 1N
Chicago, Illinois 60646
Dbeaudin29@gmail.com

Mr. Daniel Riordan
Freedom of Information Office
City of Chicago
Department of Water Management
Chicago, Illinois 60639
DWMfoia@cityofchicago.org

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 August 21, 2026.



Leah Bartelt
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