



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 3, 2025

Via electronic mail

[REDACTED]

RE: FOIA Request for Review – 2025 PAC 85440

Dear [REDACTED]:

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2023 Supp.)). For the reasons set forth below, the Public Access Bureau concludes that no further inquiry is warranted.

On January 28, 2025, you sent a letter to the Animal Protective League of Springfield and Sangamon County (Animal Protective League) invoking FOIA and seeking copies of various records. On February 5, 2025, the Animal Protective League responded that it is a private not-for-profit corporation and not a public body subject to FOIA. On February 26, 2025, this office received this Request for Review disputing the Animal Protective League's response to your request. You alleged that in a form filed with the Internal Revenue Service (IRS) and Illinois Attorney General's Office, the Animal Protective League states that it "makes its governing documents and financial statements available to the public upon request."¹

FOIA governs requests for public records maintained by public bodies. *See* 5 ILCS 140/1 (West 2022). Section 2(a) of FOIA (5 ILCS 140/2(a) (West 2023 Supp.)) defines a "public body" as:

¹Letter from [REDACTED] to Public Access Counselor (dated February 23, 2025; received February 26, 2025) (quoting Internal Revenue Service Form 990, Schedule O [allegedly submitted in 2023 by the Animal Protective League of Springfield and Sangamon County]).

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[A]ll legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act, or a regional youth advisory board or the Statewide Youth Advisory Board established under the Department of Children and Family Services Statewide Youth Advisory Board Act.

The plain language of this definition limits the application of FOIA to State and local governmental entities of the State of Illinois.

The Animal Protective League is a private not-for-profit corporation registered with the Illinois Secretary of State.² Your Request for Review does not allege that the Animal Protective League is a governmental entity. Rather, you challenge its assertion that it is not obligated to disclose records in response to your request because it filed a tax form stating that it makes certain records about itself public upon request. Any statement made by the Animal Protective League in a tax form about the availability of certain records upon request does not transform the organization into a public body subject to FOIA. Because the Animal Protective League is not required to respond to FOIA requests, this office has determined that no further action is warranted in this matter.

This letter closes this file. If you have any questions about FOIA, you may contact the Public Access Bureau at 877-299-3642.

Very truly yours,



KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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²Office of the Illinois Secretary of State, Business Entity Search, *available at* <https://apps.ilsos.gov/businessentitysearch/> (last visited February 28, 2025).

[REDACTED]
March 3, 2025

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cc: *Via electronic mail*
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