



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 2, 2023

Via electronic mail

Mr. Christopher Hacker
Multi-Platform Producer/Data Journalist
cmhacker@cbs.com

Via electronic mail

Mr. Francis R. Davis
FOIA Officer, Assistant Director
City of Chicago Department of Finance
333 South State Street, Room 310
Chicago, Illinois 60604
frank.davis@cityofchicago.org

RE: FOIA Request for Review – 2022 PAC 70498; FOIA F016543-021422

Dear Mr. Hacker and Mr. Davis:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2020)). For the reasons that follow, the Public Access Bureau concludes that the response by the City of Chicago (City) Department of Finance (Department) to Mr. Christopher Hacker's February 14, 2022, FOIA request violated the requirements of FOIA.

On that date, Mr. Hacker, on behalf of CBS Chicago, submitted a FOIA request to the Department seeking certain information concerning parking tickets the City has issued. Specifically, he sought the following fields of information for each ticket issued from 2015 to February 14, 2022:

- Date issued
- Location issued (address)
- Reason (e.g. city ordinance cited)
- Vehicle make, model and year

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- License plate number or unique identifier for each vehicle ticketed
- Whether the ticket was appealed
- If appealed, appeal outcome^[1]

On March 9, 2022, the Department provided Mr. Hacker with a data file that included ticket numbers, notice numbers, dates and times the tickets were issued, violation codes, violation descriptions, vehicle makes, hearing disposition, and hearing disposition reasons. The Department stated that pursuant to section 7(1)(c)² of FOIA, it withheld the names of the individuals to whom the vehicles were registered who received tickets in the mail. On March 14, 2022, Mr. Hacker filed this Request for Review alleging that the Department's response was incomplete in that it did not include information on the ticket locations or the license plate or other unique identifiers for each vehicle ticketed. He further explained that he did not seek the names of the individuals who were ticketed, so it is unclear why the Department stated that it withheld that information.

On March 22, 2022, this office sent a copy of the Request for Review to the Department and asked it to respond in writing to Mr. Hacker's contention that the Department's response is incomplete. In particular, this office asked the Department to clarify whether it tracks ticket locations and the license plate numbers of ticketed vehicles. If so, this office asked the Department whether it considers that information to be exempt from disclosure and the basis for that position. On March 30, 2022, the Department responded, asserting that the ticket location and license plate numbers are exempt from disclosure pursuant to sections 7(1)(b)³ and 7(1)(c) of FOIA. On March 31, 2022, this office forwarded the Department's response to Mr. Hacker; he did not reply.

DETERMINATION

"All 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 2020). Section 3(a) of FOIA (5 ILCS 140/3(a) (West 2020)) further provides: "Each 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." The exemptions from

^[1]E-mail from Christopher Hacker, Multi-Platform Producer/Data Journalist, CBS Chicago, to FOIA Officer (February 14, 2022).

²5 ILCS 140/7(1)(c) (West 2021 Supp.).

³5 ILCS 140/7(1)(b) (West 2021 Supp.).

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disclosure contained in section 7 of FOIA (5 ILCS 140/7 (West 2021 Supp.)) are to be narrowly construed. *See Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 407 (1997).

In its response to this office, the Department explained that Mr. Hacker has submitted several FOIA requests seeking ticket data. The Department previously provided him with ticket data from 2015 - 2021 including ticket numbers, issue dates, locations, camera IDs, vehicle speeds, posted speed, fine level, violation codes, and descriptions. In the FOIA request at issue here, the Department provided parking "ticket numbers, violation codes, fines assessed, and the dates and times that tickets were issued[,"]⁴ among other things. The Department argued:

Mr. Hacker previously received a considerable amount of data from [the Department], including the ticket issuance addresses at issue here. Since Mr. Hacker already had violation ticket numbers and locations, providing this information along with license plate numbers would enable the datasets to be combined [in a manner that] could connect individual tickets to identifiable individuals. In order to "anonymize" this data and protect the personal privacy of the ticketed parties, [the Department] redacted the license plate numbers and the addresses of the violations pursuant to Section 7(1)(b) and (c).⁵

Section 7(1)(b) of FOIA

Section 7(1)(b) of FOIA exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2020)) defines "private information" to include "personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person."

⁴Letter from Francis R. Davis, Freedom of Information Officer, City of Chicago, Department of Finance, to Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General (March 30, 2022), at [2].

⁵Letter from Francis R. Davis, Freedom of Information Officer, City of Chicago, Department of Finance, to Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General (March 30, 2022), at [2].

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As an initial matter, the Department withheld all of the license plate numbers without regard to whether they were personal rather than belonging to rental car companies, other businesses, or government agencies. Regardless of whether the license plates could be attributed to an individual, if the license plate is not personal, it is not exempt pursuant to section 7(1)(b).

Assuming some of the license plates are personal, the Department also argued that even though Mr. Hacker did not request the identities of the individuals who received the tickets, "when combined with the information that has already been made public, the license plate numbers at issue are attributable to specific persons."⁶ However, the Department has not explained, nor is it apparent to this office, how the disclosed information could be used with the license plate numbers to identify individuals. Accordingly, this office concludes that the Department has not met its burden of establishing that the license plate numbers are exempt pursuant to section 7(1)(b) of FOIA.

Section 7(1)(c) of FOIA

Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." Section 7(1)(c) defines "unwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

The Department argued in its response to this office that it withheld the ticket issuance location information and the license plate numbers because it wanted to prevent the data from being used to identify individuals. As discussed above, it is not clear how this information could be used to identify individuals. Even assuming it could be used to identify individuals, the disclosure of the identities of individuals who received parking tickets is not highly personal or objectionable to a reasonable person. A ticket, citation, or notice to appear is a document by which the prosecution for a violation of an ordinance is commenced, and is therefore available for public inspection unless sealed by the court.

The Department also contends that the ticket location could be combined with the license plate numbers to reveal personal information about individuals. It stated that Mr. Hacker

⁶Letter from Francis R. Davis, Freedom of Information Officer, City of Chicago, Department of Finance, to Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General (March 30, 2022), at [4].

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sought seven years' worth of [the Department's] ticketing data, which, when combined with license plate numbers, allows the requester to search the data set by location, then limit by plate numbers. In this manner, the data set would provide patterns where specific individuals are issued tickets in specific areas, allowing this data set to serve as a method to determine someone's place of work or the location of their home. * * * No one that is issued a ticket expects that their personal information is going to be made publicly available[.]^[7]

The Department's contention that disclosure of the ticket locations and license plates would lead to the disclosure of highly personal information is speculative. Even assuming that the provided information could identify individuals, the Department has not provided any examples from the responsive data to support its contention that highly personal information could be gleaned from patterns in the data. The Department has not established that any of the information could lead to the definitive identification of an individual's home or workplace. Accordingly, this office concludes that the Department has not met its burden of establishing by clear and convincing evidence that the ticket location information and the related license plate numbers are exempt from disclosure.

In accordance with the conclusions expressed above, this office requests that the Department disclose to Mr. Hacker the ticket issuance locations and license plate numbers associated with the tickets responsive to his request.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter serves to close this matter. If you have any questions, please contact me at laura.harter@ilag.gov or (217) 843-0564.

Very truly yours,

A large black rectangular redaction box covering a signature.

LAURA S. HARTER
Deputy Bureau Chief
Public Access Bureau

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⁷Letter from Francis R. Davis, Freedom of Information Officer, City of Chicago, Department of Finance, to Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General (March 30, 2022), at [3].