



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 31, 2023

Via electronic mail

[REDACTED]
[REDACTED]

Via electronic mail

Mr. William Lee
City of Streator Police Department
204 South Bloomington Street
Streator, Illinois 61364
b.lee@streatorpolice.org

RE: FOIA Request for Review: 2023 PAC 77333

Dear [REDACTED] and Mr. Lee:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2022)). For the reasons that follow, the Public Access Bureau concludes that the City of Streator Police Department (Department) did not violate FOIA by designating [REDACTED] as a recurrent requester.

On July 5, 2023, [REDACTED] submitted a FOIA request to the Department seeking police reports for numerous recent incidents. On July 14, 2023, [REDACTED] filed a Request for Review with this office alleging that the Department had not responded to his FOIA request or taken an extension. On July 19, 2023, this office sent a copy of [REDACTED] FOIA request and his Request for Review to the Department and asked it if it had responded to [REDACTED] FOIA request. The same day, the Department informed this office that it had designated [REDACTED] as a recurrent requester, as defined by section 2(g) of FOIA (5 ILCS 140/2(g) (West 2022)), and would respond to his requests within 21 business days of receipt. The Department also provided this office with a copy of a notice it sent to [REDACTED] informing him of his status as a recurrent requester, which was triggered by [REDACTED] June 30, 2023, FOIA request. On July 20, 2023, this office forwarded to [REDACTED] a copy of the Department's response letter. On July 21, 2023, he replied.

DETERMINATION

Section 2(g) of FOIA defines a "recurrent requester" as a "person" who,

in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods in this definition when the principal purpose of the requests is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

A public body's time within which to respond to a request by a recurrent requester is extended to 21 business days after receipt of the request. 5 ILCS 140/3.2(a) (West 2022).¹

████████████████████ acknowledged that he has submitted approximately 60 FOIA requests in the year prior to his June 30, 2023, FOIA request. █████ disputes that he is a recurrent requester, however, because all of his FOIA requests were "for information to be disseminated on my electronic news media page to educate the public of the tax funded jobs being done in the community."² █████ explained that he has a "Facebook news media group page 'Streator Happenings'" to which he posts the information he receives from the Department.³ He also alleged that the Department is aware of his Streator Happenings Facebook page; the Department does not dispute that it is aware of the page.

First, although the Department is aware of the Streator Happenings Facebook page, the request at issue in this Request for Review does not assert that the individual submitting the request is a member of the news media or a non-profit, scientific, or academic

¹In contrast, a public body must respond to most other types of requests within 5 business days after receipt of the request unless it extends the time to respond by an additional five business days. 5 ILCS 140/3(d) (West 2022).

²E-mail from █████ to [Laura Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (July 25, 2023).

³E-mail from █████ to [Public Access Counselor, Office of the Attorney General] (July 14, 2023).

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organization, or assert that the principal purpose of the request was among the three principal purposes that are excluded from the definition of "recurrent requester" in section 2(g) of FOIA. Consequently, the Department was unable to consider the representation [REDACTED] made to this office when making its own determination as to whether the requests qualified as requests submitted by a recurrent requester.

Second, section 2(f) of FOIA (5 ILCS 140/2(f) (West 2022)) defines "news media" in relevant part as a "newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format[.]" In the context of self-published websites purporting to be "news media," this office has determined that the statutory definition of "news media" requires more than simply disseminating information through a website or e-mail:

Merely disseminating information or criticism electronically through a website, or via e-mail, does not meet the statutory definition of "news media." If it did, then any person who chose to post an opinion or comment on a matter of public interest electronically would become a news medium, which was clearly not the intent of the General Assembly when it enacted the exception. Ill. Att'y Gen. PAC Req. Rev. Ltr. 44649, issued December 2, 2016, at 3 (quoting Ill. Att'y Gen. PAC Req. Rev. Ltr. 33323, issued February 13, 2015, at 4).

In the absence of Illinois law on how to interpret the term "news media," this office has found cases from other jurisdictions interpreting similar statutory definitions to be persuasive. Those cases hold that "an individual or entity that self-publishes information on the Internet generally must demonstrate some adherence to recognized journalistic standards such as editorial oversight or the creation of original content similar to that of traditional media" in order to be considered "news media." Ill. Att'y Gen. PAC Req. Rev. Ltr. 34653, issued April 4, 2017, at 5-6; Ill. Att'y Gen. PAC Req. Rev. Ltr. 44649, at 5. We further observed that "[t]he General Assembly has not expanded the definition in FOIA to include other individuals or entities apart from those traditional media sources and their electronic versions." Ill. Att'y Gen. PAC Req. Rev. Ltr. 44649, at 5.

This office has reviewed the Streator Happenings page on the Facebook social media platform. The page is a "Public group" that describes itself as "a news media group that is for informing good people of Streator of what does (and doesn't) happen in Streator, bad or good,

although I do try to highlight the problems to hopefully inspire others to ask for better."⁴ The "About" section also notes "[t]his page is editorialized, and the narrative may be controlled to try to promote my personal desires to see better for the many good caring people of Streator, by exposing the public corruption, lack of proper enforcement of laws that I believe have hurt the community for so long, and the problems that are hidden by the leaders."⁵ The group was created two years ago, has 7,078 members, and had 101 posts in the past month.⁶

The posts to Streator Happenings vary in nature. Some posts are pictures of arrest reports, including mugshots, with or without [REDACTED] commentary about the arrest. [REDACTED] periodically posts lists of police calls, pictures of court documents, or links to news articles. He frequently posts his opinions concerning alleged crimes in Streator. Other posts are memes, questions from group members looking for advice or recommendations, or inter-group member interactions. While it is clear that [REDACTED] is disseminating crime-related information, "Streator Happenings" is not a news media outlet. Upon review, the posts are not original content by journalists using recognized journalistic standards, but instead are largely images accompanied by short summaries or opinions. The Streator Happenings group page therefore lacks the essential components of a "newspaper," "periodical" or "news service" included in FOIA's definition of "news media." [REDACTED] use of this social media page to disseminate information to the general public does not qualify him for exemption from the "recurrent requester" provisions in FOIA.

Accordingly, we conclude that the Department did not violate FOIA by treating [REDACTED] FOIA requests as requests submitted by a recurrent requester in accordance with section 2(g) of FOIA.

In his Request for Review [REDACTED] raised questions about when individuals' FOIA requests may be combined and counted together to calculate whether the recurrent requester threshold has been met. To provide education on this topic, this office has attached to this determination selected determination letters discussing factual scenarios involving multiple requesters and the applicability of section 3.2 of FOIA. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 61809, issued May 7, 2020; Ill. Att'y Gen. PAC Req. Rev. Ltr. 56925, issued April 2, 2019.

⁴Streator Happenings, About, <https://www.facebook.com/groups/741839786483796/> (last visited July 25, 2023).

⁵Streator Happenings, About, <https://www.facebook.com/groups/741839786483796/> (last visited July 25, 2023).

⁶Streator Happenings, About, <https://www.facebook.com/groups/741839786483796/> (last visited July 25, 2023). The page currently has a post noting that [REDACTED] paused the group as of July 10, 2023.

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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.

Very truly yours,

[REDACTED]
LAURA S. HARTER
Deputy Bureau Chief
Public Access Bureau

Attachment

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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 7, 2020

Via electronic mail
[REDACTED]

Via electronic mail
Mr. Jordan T. Klein
Erickson, Davis, Murphy, Johnson & Walsh, Ltd.
132 South Water Street, Suite 610
Decatur, Illinois 62523
jklein@ericksondavislaw.com

RE: FOIA Request for Review – 2020 PAC 61809

Dear [REDACTED] and Mr. Klein:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2018)). For the reasons that follow, the Public Access Bureau concludes that the Decatur Public Library (Library) improperly designated [REDACTED] as a recurrent requester.

On January 31, 2020, [REDACTED] submitted a FOIA request to the Library seeking five categories of e-mails. [REDACTED] signed the request with his own name, and did not indicate that he was affiliated with any group or organization. The same day, the Library informed [REDACTED] that it was treating him as a recurrent requester, as defined by section 2(g) of FOIA (5 ILCS 140/2(g) (West 2018)), and would respond to his request within 21 business days. The Library listed 51 FOIA requests submitted between the dates of April 22, 2019, and January 30, 2020, which it contended were sent by [REDACTED] or were "DPL [Decatur Public Library] Watchdogs requests [that] note [REDACTED] on behalf of DPL Watchdogs' or are sent from an email address that is associated with [REDACTED]."¹ On February 15, 2020, [REDACTED] filed this Request for Review challenging the Library's designation of him as a recurrent requester, contending that he did not send all of the FOIA requests the Library cited in its

¹E-mail from Decatur Public Library, FOIA Officers to [REDACTED] (January 31, 2020).

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January 31, 2020, letter. [REDACTED] acknowledged that he contributes to the DPL Watchdogs website ("keepdplhonest.wordpress.com") and that he has used the DPL Watchdogs e-mail address to make FOIA requests to the Library, but he contended that he always signed his name to those requests. He asserted that he did not submit any of the requests from DPL Watchdogs that do not bear his name.

On February 24, 2020, this office sent the Library a copy of the Request for Review and asked it to provide a detailed explanation of the factual and legal bases for the Library's designation of [REDACTED] as a recurrent requester and to provide copies of the FOIA requests the Library used in its determination. On March 4, 2020, the Library provided a written response and the requested materials. On March 9, 2020, this office forwarded the Library's written response to [REDACTED]. He replied on March 10, 2020.

DETERMINATION

Definition of Recurrent Requester

Section 2(b) of FOIA (5 ILCS 140/2(b) (West 2018) defines a "person" as "any individual, corporation, partnership, firm, organization or association, acting individually or as a group." Section 2(g) of FOIA defines a "recurrent requester" as a "person" who, "in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period." A public body's time to respond to a request by a recurrent requester is extended to 21 business days after receipt of the request. 5 ILCS 140/3.2(a) (West 2018).²

This office has reviewed the copies of the FOIA requests the Library provided to this office and observed that many were signed by [REDACTED], some were signed by [REDACTED] on behalf of the DPL Watchdogs, and some were signed only by "DPL Watchdogs." The Library argued that all of the requests should be attributed to [REDACTED]. It asserted that [REDACTED] is the sole contributor to the DPL Watchdogs website, based on the fact that he is the only author listed on the website's posts. The Library cited this office's non-binding determination in Ill. Att'y Gen. PAC Req. Rev. Ltr. 56925, issued April 2, 2019, for the proposition that all of the requests may be considered as coming from the same "person" as defined in section 2(b) of FOIA (5 ILCS 140/2(b) (West 2018)). In that case, an individual submitted FOIA requests to a public body in his personal capacity and on behalf of two organizations. The individual had signed his name to each of the requests, and therefore this

²In contrast, a public body must respond to most other types of requests within 5 business days after receipt of the request unless it extends the time to respond by an additional five business days. 5 ILCS 140/3(d) (West 2018).

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May 7, 2020
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office concluded that all of the requests could be attributed to that individual for purposes of designating him as a recurrent requester. Ill. Att'y Gen. PAC Req. Rev. Ltr. 56925, at 2-3.

In his reply, [REDACTED] acknowledged that he is the only author listed for the posts on the website, but argued that the website has other contributors who submit FOIA requests to the Library.

After reviewing the records, this office is unable to determine who submitted the FOIA requests signed only as "DPL Watchdogs." This office has received at least one other Request for Review (2020 PAC 62320) from a contributor to the DPL Watchdogs website who may have used the DPL Watchdogs e-mail address. Unlike the circumstance in Ill. Att'y Gen. PAC Req. Rev. Ltr. 56925, where the requester signed every FOIA request, there is insufficient proof that [REDACTED] submitted the DPL Watchdogs requests that he did not sign. Further, not all requests submitted by [REDACTED] could reasonably be considered to have been on behalf of the DPL Watchdogs website, as the first post on that site is dated August 29, 2019,³ months after many of the FOIA requests cited by the Library as proof of [REDACTED]'s recurrent requester status.

Accordingly, for purposes of calculating [REDACTED]'s status as a recurrent requester, the Library may count all FOIA requests that [REDACTED] signed, either in his personal capacity or on behalf of the DPL Watchdogs. To calculate the DPL Watchdogs' status as a recurrent requester, the Library may count all FOIA requests signed by the DPL Watchdogs and all FOIA requests signed by individuals on behalf of the DPL Watchdogs, including [REDACTED]. Because he has denied sending them and there is insufficient evidence to the contrary, the FOIA requests signed only by the DPL Watchdogs may not be considered in determining whether [REDACTED] is a recurrent requester. Therefore, the Library has not demonstrated that [REDACTED] submitted the requisite number of FOIA requests to be designated as a recurrent requester. This office requests that the Library refrain from treating [REDACTED] or DPL Watchdogs as a "recurrent requester" until they have submitted the requisite number of requests to qualify under the definition of that term in section 2(g) of FOIA.

[REDACTED] "Rick Meyer's Costly Adventures in D.C." (August 29, 2019), available at <https://keepdplhonest.wordpress.com/2019/08/29/rick-meyers-costly-adventures-in-d-c/>

[REDACTED]
Mr. Jordan Klein

May 7, 2020

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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 (217) 524-7958 or LHarter@atg.state.il.us.

Very truly yours,

[REDACTED]
LAURA S. HARTER
Deputy Bureau Chief
Public Access Bureau

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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 2, 2019

Via electronic mail

[REDACTED]

RE: FOIA Request for Review – 2019 PAC 56925

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 2016)). For the reasons that follow, the Public Access Bureau concludes that no further action is warranted in this matter.

On January 3, 2019, you delivered twelve FOIA requests to Valley View Community Unit School District 365U (District) seeking copies of various records. On January 10, 2019, the District notified you in writing that it had determined that you qualify as a "recurrent requester" pursuant to section 2(g)(iii) of FOIA (5 ILCS 140/2(g)(iii) (West 2016)), because you had submitted to the same public body a minimum of seven requests for records within a seven-day period. The District further stated that it would initially respond to the FOIA requests within 21 business days of receipt, as permitted by section 3.2 of FOIA (5 ILCS 140/3.2 (West 2016)). On February 4, 2019, the District responded to all twelve requests, making available to you electronic copies of records responsive to certain requests with redactions, asserting that the District was unable to locate records responsive to other requests, and notifying you that your request for security camera footage was unduly burdensome, as defined in section 3(g) of FOIA (5 ILCS 140/3(g) (West)), and requesting that you narrow that request.

On March 13, 2019, you furnished all the required information to submit a Request for Review to the Public Access Bureau. Your Request for Review argues that the District improperly designated the twelve requests you delivered on January 3, 2019, as requests submitted by a recurrent requester. You asserted the requests were submitted on behalf of three separate parties, that each request explicitly identified the responsible party, and that the District violated FOIA by failing to recognize these parties as independent entities.

Section 2(g) of FOIA (5 ILCS 140/2(g) (West 2016)), defines a "recurrent requester" as:

a person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods in this definition when the principal purpose of the requests is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education. (Emphasis added.)

If the twelve requests submitted on January 3, 2019, are deemed to have been submitted by the same "person," then that person meets the definition of a recurrent requester so long as that "person" is not a member of the news media or a non-profit, scientific, or academic organization submitting the request for one of the purposes outlined in section 2(g).

Section 2(b) of FOIA (5 ILCS 140/2(b) (West 2016) defines "person" as "any individual, corporation, partnership, firm, organization or association, acting individually or as a group." Your Request for Review argues that several of the twelve FOIA requests you delivered on January 3, 2019, were submitted on behalf of two associations—the Will County Public Records Group and the Bolingbrook Transparency Group—and that by attributing those FOIA requests to you personally, the District improperly failed to recognize these groups as "persons" who have the authority to submit FOIA requests on their own behalf.

Four of the FOIA requests you delivered to the District on January 3, 2019, were submitted on your behalf—your name is listed on the top of the request, you state in the request "I hereby request" certain records, and you signed the requests. Four of the requests state that they are submitted on behalf of the Bolingbrook Transparency Group—the requests state that "we hereby request" certain records, and the name of the Bolingbrook Transparency Group is listed at the top of the requests. However, your name is listed along with the group's name and you signed the requests. Two of the requests state that they are submitted on behalf of the Will County Public Records Group—the requests state that "we hereby request" certain records, and the name of the Will County Public Records Group is listed at the top of the requests. Again however, your name is listed along with the group's name and you signed the requests. Finally, two other requests state that they are submitted on behalf of the Bolingbrook Transparency

April 2, 2019

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Group. Nevertheless, the Will County Public Records Group is listed at the top of these two requests instead of the Bolingbrook Transparency Group, and again, your name is listed along with the group's name and you signed the requests.

In this matter, you signed each of the twelve FOIA requests, you were listed as the contact person for each of the twelve requests, and the same telephone number that was listed on your Request for Review to this office was listed at the top of each request. Moreover, Exhibits A and B to your Request for Review are documents you stated you submitted to the District "whereupon the members of the aforementioned groups declare their association with such groups by way of signature."¹ Those documents demonstrate that each group had two declared members at the time of the submission of the FOIA requests, and that you were one of the two members of each group. The documents indicate that both groups are intended to promote transparency in government.

A statute should not be construed in a way that would defeat its purpose "or yield an absurd or unjust result." *Phoenix Bond & Indemnity Co. v. Pappas*, 194 Ill. 2d 99, 107 (2000). Comments during the Senate floor debate by one of the co-sponsors for House Bill 1716, which as Public Act 97-579 added the recurrent requester provision in section 2(g) to FOIA, indicate that the legislation was intended to ease the strain on public bodies that had been heavily burdened by large numbers of FOIA requests:

The sweeping FOIA law that was put into place was outstanding in principle, outstanding conceptually, but, frankly, the pendulum had swung too far and became very impractical for many municipalities and local units of government to maintain. And, in fact, many local units of government were overwhelmed by commercial FOIA that got in the way of legitimate citizen inquiries, and indeed it overwhelmed the system and taxed the taxpayers because they were -- under a timeline that was entirely unreasonable. Remarks of Sen. Sandack, May 30, 2011, Senate Debate on House Bill 1716, at 75.

If an individual who seeks records from a public body on his or her own behalf could avoid being deemed a recurrent requester by attributing additional requests to alleged organizations, the General Assembly's intent of providing relief to public bodies burdened by large numbers of requests by the same persons would be frustrated. It would be absurd to construe sections 2(b) and 2(g) of FOIA in a manner that undermines the General Assembly's intent by enabling an individual to avoid being treated as a recurrent requester despite submitting the requisite number of requests to qualify as a recurrent requester. For these reasons, the Public

¹Letter from [REDACTED] to Sarah Pratt, Public Access Counselor, Office of the Attorney General, State of Illinois, at 2 (February 20, 2019).

Access Bureau determines that the twelve requests you delivered on January 3, 2019, were submitted by a single "person."

In your Request for Review, you also declare "that the principle purpose of my FOIA requests to [the District] is to access and disseminate information concerning news and current events," that you use a social media account to do so.² You therefore request that this office consider whether this activity qualifies you for exemption from the recurrent requester designation. As quoted above, section 2(g) of FOIA states that "requests made by news media and non-profit, scientific, or academic organizations" for the one of these purposes outlined in that section shall not qualify as requests made by a recurrent requester.

First, we note that none of the twelve requests at issue in this Request for Review assert that the individual or group submitting the request is a member of the news media or a non-profit, scientific, or academic organization, or assert that the principal purpose of the requests was among the three principle purposes that are excluded from the definition of "recurrent requester" in section 2(g) of FOIA. Consequently, the District was unable to consider the representation made to this office when making its own determination as to whether the requests qualified as requests submitted by a recurrent requester.

Second, section 2(f) of FOIA (5 ILCS 140/2(f) (West 2016)) defines "news media" in relevant part as a "newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format[.]" In the context of self-published websites purporting to be "news media," this office has opined that the statutory definition of "news media" requires more than simply disseminating information through a website or e-mail:

Merely disseminating information or criticism electronically through a website, or via e-mail, does not meet the statutory definition of "news media." If it did, then any person who chose to post an opinion or comment on a matter of public interest electronically would become a news medium, which was clearly not the intent of the General Assembly when it enacted the exception. Ill. Att'y Gen. PAC Req. Rev. Ltr. 44649, issued December 2, 2016, at 3 (quoting Ill. Att'y Gen. PAC Req. Rev. Ltr. 33323, issued February 13, 2015, at 4).

In the absence of Illinois law on how to interpret the term "news media," this office has found cases from other jurisdictions interpreting similar statutory definitions to be persuasive. Those cases hold that "an individual or entity that self-publishes information on the

²E-mail from [REDACTED] to Public Access (February 20, 2019).

[REDACTED]
April 2, 2019

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Internet generally must demonstrate some adherence to recognized journalistic standards such as editorial oversight or the creation of original content similar to that of traditional media" in order to be considered "news media." Ill. Att'y Gen. PAC Req. Rev. Ltr. 34653, issued April 4, 2017, at 5-6; Ill. Att'y Gen. PAC Req. Rev. Ltr. 44649, at 5. We further observed that "[t]he General Assembly has not expanded the definition in FOIA to include other individuals or entities apart from those traditional media sources and their electronic versions." Ill. Att'y Gen. PAC Req. Rev. Ltr. 44649, at 5.

This office has reviewed the social media webpage linked in your e-mail to this office, which is a Twitter page associated with the handle @BolingbrookCom1. The account appears to have tweeted five times before the submission of the Request for Review, with each tweet displaying a copy of a document or letter along with a one- to three-sentence explanation of the meaning of the document. These tweets are not original content or links to original content compiled by journalists using recognized journalistic standards, but instead are images of documents with short descriptions of those documents. The @BolingbrookCom1 twitter page therefore lacks the essential components of a "newspaper," "periodical" or "news service" included in FOIA's definition of "news media." Your use of this social media page to disseminate information to the general public does not qualify you for exemption from the "recurrent requester" provisions in FOIA.³

Accordingly, we conclude that the District did not violate FOIA by treating your FOIA requests as requests submitted by a recurrent requester in accordance with section 2(g) of FOIA.

In footnote 8 of your Request for Review, you allege that on February 8, 2019, you personally attempted to collect the records compiled by the District in response to the January 3, 2019, FOIA requests and pay the asserted cost of the recording medium upon which the District copied the records, but that the District refused to accept your cash payment and continued to withhold the responsive materials on that basis. You request that this office "address the appropriateness of this action in its adjudication of this matter."⁴ Exhibit E to your Request for Review is a Romeoville Police Department incident report, which states that you attempted to pay the costs of your FOIA request in part with pennies. Based upon the materials you submitted and, pursuant to section 9.5(f) of FOIA (5 ILCS 140/9.5(f) (West 2016)), which permits the Attorney General to exercise his discretion to resolve a Request for Review "by a means other than the issuance of a binding opinion," we have determined that no further inquiry is warranted on this allegation.

³It is also unclear from @BolingbrookCom1's Twitter page whether it is associated with you personally, the Bolingbrook Transparency Group, or the Will County Public Records Group.

⁴Letter from [REDACTED] to Sarah Pratt, Public Access Counselor, Office of the Attorney General, State of Illinois, at 5 n.8 (February 20, 2019).

[REDACTED]
April 2, 2019
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Finally, footnote 6 of your Request for Review alleges that the District's FOIA Officer's "demand for private records in the possession of private citizens unequivocally represents an act of harassment," and states that through your Request for Review, you are submitting a "formal grievance for harassment pursuant to section 2.260 of School District Board Policy."⁵ However, the Public Access Counselor's authority is limited to addressing alleged violations of FOIA and the Illinois Open Meeting Act. 15 ILCS 205/7(c) (West 2016). Accordingly, this office does not have the authority to address your grievance for alleged harassment.

For the reasons stated above, this office has determined that no further action is warranted in this matter. This letter shall serve to close this matter. Should you have questions, you may contact me at (312) 814-6437 or lbartelt@atg.state.il.us.

Very truly yours,

[REDACTED]
LEAH BARTEL
Assistant Attorney General
Public Access Bureau

56925 f no fi war sd

cc: *Via electronic mail*
Mr. Jim Blaney
FOIA Officer
Valley View School District 365U
801 West Normantown Road
Romeoville, Illinois 60446
blaneyjc@vvsd.org

⁵Letter from [REDACTED] to Sarah Pratt, Public Access Counselor, Office of the Attorney General, State of Illinois, at 5 n.6 (February 20, 2019).