

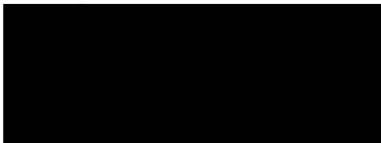


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 3, 2024

Via electronic mail



RE: OMA Requests for Review – 2024 PAC 81798 and 81970

Dear [REDACTED]:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024). For these reasons explained below, the Public Access Bureau has determined that no further action is warranted in these matters.

On June 7, 2024, you submitted a FOIA request to the Illinois Department of Human Services seeking copies of communications with a named Senior Immigration Fellow. The request stated: "*As a journalist that writes for Toresays.com I will make this request and all correspondence public for the purpose of transparency.*" (Emphasis in original.)¹ On June 13, 2024, the Department of Human Services notified you that it was treating your request as a request from a recurrent requester under section 3.2 of FOIA² because you became a recurrent requester on March 15, 2024, and the status lasts for a year; the Department of Human Services stated that it would respond to the request by July 10, 2024. On June 18, 2024, you submitted a Request for Review alleging that the Department of Human Services improperly treated your request as a personal request because "[t]his is a journalist request and should be treated as such."³

¹E-mail from [REDACTED] to FOIA officer (June 7, 2024).

²5 ILCS 140/3.2 (West 2022).

³E-mail from [REDACTED] to Public Access [Bureau] (June 13, 2024).

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On June 24, 2024, you submitted a FOIA request to the Department of Veterans' Affairs seeking copies of its communications with the same Senior Immigration Fellow named in your FOIA request to the Department of Human Services. That request also stated you are journalist for Toresays.com. On June 26, 2024, the Department of Veterans' Affairs designated you as a recurrent requester based on the number of FOIA requests that you previously submitted. On the same day, you objected to that designation and the Department of Veterans' Affairs replied by reiterating that it would treat your request as a request submitted by a recurrent requester. On June 27, 2024, you submitted a Request for Review asserting that you qualify as news media and, therefore, the Department improperly treated your request as a request by a recurrent requester.

Section 2(g) of FOIA⁴ specifies that requests made by news media and non-profit, scientific, or academic organizations do not count towards the recurrent requester designation "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." Section 2(f) of FOIA⁵ defines "news media" 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, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

Your June 7, 2024, and June 24, 2024, FOIA requests did not illustrate how you meet the definition of "news media." You stated that you are a journalist and that you write for Toresays.com, but you provided no information about any journalism you have performed or what Toresays.com consists of. Thus, even if you had not previously triggered the recurrent requester designation, your June 2024 requests did not set forth sufficient facts to suggest that the Departments needed to treat you as a member of the news media excluded from the recurrent requester provisions of FOIA.

Additionally, a brief Google search revealed a *Washington Post* article that identified a person named Terpsichore Maras-Lindeman, "who goes by Tore," as making "a blog

⁴5 ILCS 140/2(g) (West 2022), as amended by Public Act 103-554, effective January 1, 2024.

⁵5 ILCS 140/2(f) (West 2022), as amended by Public Act 103-554, effective January 1, 2024.

post" on Toresays.com and running the podcast "Tore Says."⁶ This office visited Toresays.com and used the search function to search for your name ("Suzanna" and "Waters" separately), which returned zero posts. In clicking through some of the posts on the homepage, none appear to have attribution to any named writer—just "Tore Says"—and only five are from 2024 (two in February, two in June, and one in July).⁷ The "Contact Us" webpage contains merely an Ohio mailing address.⁸ There is also a "Tip Me" webpage with various payment links,⁹ a "World News" webpage most recently updated February 8, 2023,¹⁰ and a "TORE SAYS SHOW (LIVE ACCESS)" webpage with 1,161 episodes that was last updated October 23, 2023.¹¹

Based on this office's review of a sample of the material posted on the Toresays.com website, it does not reflect the usage of recognized journalistic standards and therefore does not have the essential components of a "newspaper," "other periodical issued at regular intervals," or "news service" included in FOIA's definition of "news media." The articles do not appear to be based primarily on journalistic methods of newsgathering such as interviews, information derived from public records, or data analysis. *See, for example*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 71808, issued May 23, 2022, at 3 (concluding that even though requester's website contained "information and opinions about certain topics of public interest," the requester did not qualify as "news media" because "the posts are not compiled by journalists using recognized journalistic standards" such as editorial oversight). The timing of the posts to the website are sporadic rather than in regular intervals. Although you indicate that you are a freelancer for Toresays.com, there is no indication that the website has a staff that gathers and edits news or an editorial oversight process comparable to that of a news media entity. Accordingly, there is no basis for this office to conclude that the Department of Human Services or Department of Veterans' Affairs improperly treated your requests as requests submitted by a recurrent requester.

⁶Jon Swaine, *Sidney Powell's secret intelligence contractor witness is a pro-Trump podcaster*, Washington Post (December 24, 2020, 4:03 p.m. EST), https://www.washingtonpost.com/investigations/sidney-powells-secret-intelligence-contractor-witness-is-a-pro-trump-podcaster/2020/12/24/d5a1ab9e-4403-11eb-a277-49a6d1f9dff1_story.html.


⁷Home, The Organization Regarding Everything (T.O.R.E.), <https://toresays.com/> (last visited June 26, 2024).

⁸Contact Us, The Organization Regarding Everything (T.O.R.E.), <https://toresays.com/contact-us/> (last visited June 26, 2024).

⁹Tip Me, The Organization Regarding Everything (T.O.R.E.), <https://toresays.com/tip-me/> (last visited June 26, 2024).

¹⁰World News, The Organization Regarding Everything (T.O.R.E.), <https://toresays.com/category/world-news/> (last visited June 26, 2024).

¹¹TORE SAYS SHOW (LIVE ACCESS), The Organization Regarding Everything (T.O.R.E.), <https://toresays.com/tore-says-show/> (last visited June 26, 2024).


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For all of the above reasons, this office has determined that no further action is warranted in these matters. These files are closed. If you have any questions, please contact me at joshua.jones@ilag.gov.

Very truly yours,



JOSHUA M. JONES
Deputy Bureau Chief
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