

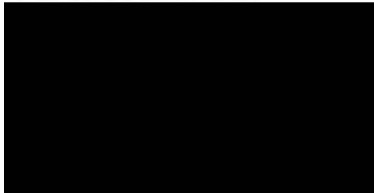


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 18, 2024

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 82787

Dear [REDACTED]

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)). For the reasons explained below, this office has determined that no further action is warranted in this matter.

On August 20, 2024, you submitted a FOIA request to the Chicago Transit Authority (CTA) seeking bus dispatch records, guidance on best practices for bus dispatch, and a copy of "Chicago Transit Authority Service Standards and Policies." Your request stated that it should be exempt from the recurrent requester provisions of FOIA because you are "a regular contributor to the Chicago Tribune Opinions section and the intent of this FOIA is to contribute to an article of opinion."¹ You provided CTA with a redacted e-mail stating "[w]e only need regular contributors" with the sender's name disclosed, but that did not otherwise identify the sender's affiliation. On August 27, 2024, CTA notified you that it was treating you as a recurrent requester pursuant to sections 2(g) and 3.2 of FOIA (5 ILCS 140/2(g) (West 2023 Supp.); 5 ILCS 140/3.2 (West 2022)) and would respond to your request within 21 business days. On that same date, you submitted the above-referenced Request for Review contesting the CTA's treatment of your request as one from a recurrent requester.

¹E-mail from [REDACTED] ASSOC., to [CTA FOIA] (August 20, 2024).

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Springfield, Illinois 62701
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Section 2(g) of FOIA 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.)

As an initial matter, you do not contest CTA's assertion that you submitted a minimum of 7 FOIA requests to CTA in a 7-day period earlier this year. Rather, you allege that because your FOIA request stated that you are a regular contributor to the *Chicago Tribune* Opinions section and that the intent of your request is to contribute to an opinion article, you should be excepted from the recurrent requester designation for this FOIA request. Your FOIA request included what appears to be a redacted version of a screen shot of a message you received from the *Chicago Tribune* that refers to regular contributors.

Section 2(f) of FOIA (5 ILCS 140/2(f) (West 2023 Supp.)) 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[.]" This office has reviewed the materials you provided with your Request for Review. Although the *Chicago Tribune* is undoubtedly news media, your FOIA request did not provide a sufficient basis for CTA to conclude that it was made on behalf of the *Chicago Tribune* and therefore "by news media." The partial e-mail included in your request did not clearly show that you are a regular contributor or explain what that designation means, including whether it would entitle you to take an action such as submitting a FOIA request on behalf of the *Chicago Tribune*. It is important to note that individuals who contribute content to news media publications do so for a variety of reasons and in a variety of capacities, including as journalists, marketing professionals, public officials, and advocates for special interests or particular causes. Seeking public records for use in a potential contribution to a news media entity does not necessarily transform the requester into a member or representative of the news media who would be excluded from the definition of recurrent requester. Accordingly, CTA did not improperly treat your FOIA request as a request submitted by a recurrent requester in accordance with section 2(g) of FOIA, and this office concludes that no further action is warranted in this matter.


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If you submit another FOIA request to CTA in the future, you may wish to provide sufficient information or documentation to support the assertion that your request is "made by news media[.]" 5 ILCS 140/2(g) (West 2023 Supp.). For instance, you may wish to include official credentials or submit the request from an e-mail account associated with the domain of the news media organization.

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 (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,


BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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