



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 19, 2025

Via electronic mail



Via electronic mail



Via electronic mail

Ms. Mallory Milluzzi
Klein, Thorpe & Jenkins
120 South LaSalle Street, Suite 1710
Chicago, Illinois 60606
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RE: FOIA Requests for Review: 2024 PAC 81283; 2024 PAC 81300

Dear [REDACTED], [REDACTED], and Ms. Milluzzi:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA).¹

On March 14, 2024, [REDACTED] submitted a FOIA request to Summit Hill School District 161 (District) seeking copies of "emails between Board President Jim Martin and

¹5 ILCS 140/9.5(f) (West 2024).

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[District Superintendent] Dr. Paul McDermott from 12/25/23 – 12/31/23."² Also on that date, ██████████ submitted a FOIA request to the District seeking copies of "emails between Board President Jim Martin and Dr. Paul McDermott from 2.5.24 – 2.11.24."³ On March 21, 2024, the District sent individual letters to ██████████ and ██████████ informing them that the District had designated them as recurrent requesters and that their requests were voluminous in nature. The District asserted that 32 individuals, including ██████████ and ██████████, worked together to submit 32 individual FOIA requests between March 14, 2024, and March 18, 2024. The District offered ██████████ and ██████████ opportunities to amend their requests in such a way that the District would no longer treat the requests as voluminous.

In response to that message, on March 22, 2024, ██████████ submitted a request to the District for the list of documents or categories of records that are to be immediately disclosed upon request pursuant to section 3.5(a) of FOIA.⁴ Later that day, he e-mailed the District to narrow his request to only e-mails between Mr. Martin and Dr. McDermott from December 25, 2023, through December 31, 2023, concerning the closing of Arbury Hills School and Frankfort Square School.

On March 21, 2024, ██████████ responded to the District's recurrent requester and voluminous notification by asking how much data his request would require and offering his own thumb drive to save the District costs. The District referred him to its March 21, 2024, letter, which listed the fee schedule for voluminous requests.

On April 24, 2024, the District issued individual final denials to ██████████ and ██████████. In response to ██████████, the District stated that his "responses in collection with the other 31 FOIA requests remains voluminous in nature and therefore the District considers your request as unduly burdensome on a public body."⁵ In response to ██████████, the District stated that it did not receive a narrowed FOIA request from him and therefore, it considered the request to be unduly burdensome. On May 2, 2024, and May 3, 2024, this office received ██████████'s⁶ and ██████████'s⁷ Requests for Review. They did not dispute that

²E-mail from ██████████ to Julie Stems [*sic*] (March 14, 2023).

³E-mail from ██████████ to Julie Sterns [*sic*] (March 14, 2023).

⁴5 ILCS 140/3.5(a) (West 2024) ("Freedom of Information officers shall develop a list of documents or categories of records that the public body shall immediately disclose upon request.").

⁵Letter from Julie Stearns, Summit Hill School District 161 FOIA Officer, to ██████████ (April 24, 2024).

⁶2024 PAC 81283.

⁷2024 PAC 81300.

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because they worked in concert with other requesters they can be considered recurrent requesters, but they objected to the District's denials of their requests as unduly burdensome. They also allege that the District's final responses were untimely.⁸

On May 16, 2024, this office sent copies of the Requests for Review to the District and asked it to provide a detailed explanation for its designation of [REDACTED]'s and [REDACTED]'s requests as voluminous. This office also requested a detailed written explanation of the factual and legal bases for the assertion that fulfilling [REDACTED]'s and [REDACTED]'s individual requests would cause an undue burden on the District's operations. On June 4, 2024, this office received the District's response. On June 12, 2024, this office forwarded a copy of the District's response to [REDACTED] and [REDACTED]; on June 13, 2024, [REDACTED] replied and on June 18, 2024, [REDACTED] replied.

DETERMINATION

In its response to this office, the District explained that prior to the FOIA requests at issue, on January 17, 2024, [REDACTED] submitted a FOIA request to the District seeking e-mails between the District superintendent and any member of the Board from October 1, 2023, through January 17, 2024. The District denied the request as unduly burdensome because it resulted in more than 1,000 responsive e-mails. [REDACTED] then submitted 28 separate requests asking for the same information but broken into smaller time increments. The District again informed [REDACTED] that his FOIA requests were voluminous. Beginning on March 14, 2024, [REDACTED] and 31 other individuals worked together to submit individual FOIA requests, each seeking e-mails between the District superintendent and Board president for increments of approximately one to two weeks beginning in April 2023 through March 2024. Two of those FOIA requests are at issue in this Request for Review.

⁸The response timeframe for responding to requests by recurrent requesters is solely governed by section 3.2 of FOIA. The time frame for responding to requests in section 3 of FOIA (5 ILCS 140/3(a) (West 2024)) does not apply to recurrent requesters:

The time periods for compliance or denial of a request to inspect or copy records set out in this Section shall not apply to requests for records made for a commercial purpose, requests by a recurrent requester, or voluminous requests. Such requests shall be subject to the provisions of Sections 3.1, 3.2, and 3.6 of this Act, as applicable. 5 ILCS 140/3(i) (West 2024).

Unlike requests governed by section 3, section 3.2 of FOIA does not preclude a body from denying a request as unduly burdensome or imposing copying fees if a response is late.

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The District designated the group of individuals who submitted the requests as recurrent requesters. Section 2(g) of FOIA⁹ 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." Section 2(b) of FOIA¹⁰ defines "person" as "**any individual**, corporation, partnership, firm, organization or association, **acting individually or as a group.**" [REDACTED] and [REDACTED] do not dispute that they meet the definition of "recurrent requester," as they, along with 30 other individuals, submitted a total of 32 individual FOIA requests to the District over a five-day period between March 14, 2024, and March 18, 2024.

The District also designated [REDACTED]'s and [REDACTED]'s requests as voluminous pursuant to section 3.6 of FOIA.¹¹ Section 2(h) of FOIA¹² defines "voluminous request," in relevant part, as:

a request that: (i) includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording. (Emphasis added.)

In its response to this office, the District argued that [REDACTED]'s and [REDACTED]'s FOIA requests were voluminous because those requests, in addition to the other 30 FOIA requests submitted between March 14, 2024, and March 18, 2024, constituted "a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days[.]"¹³ The District asserted that the requests can be

⁹5 ILCS 140/2(g) (West 2024).

¹⁰5 ILCS 140/2(b) (West 2024).

¹¹5 ILCS 140/3.6 (West 2024).

¹²5 ILCS 140/2(h) (West 2024).

¹³Letter from Mallory A. Milluzzi, Assistant School District Attorney, Klein, Thorpe & Jenkins, Ltd., to Laura Harter, Public Access Bureau, Office of the Attorney General (June 3, 2024), at 2.

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considered together for purposes of section 2(h) of FOIA because they were submitted by the same "person," as defined in section 2(b) of FOIA.

Section 2(h) does not specify that the request or requests that provide the basis or bases for a "voluminous" designation must be submitted by the same "person," as defined in section 2(b) of FOIA, but to conclude otherwise would lead to absurd results. For example, if the requests did not need to be submitted by the same "person," a public body could combine any five unrelated requests submitted within 20 business days and designate them all as "voluminous." Generally, where the language of a statute is clear and unambiguous, a reviewing body "may not depart from the plain language by reading into the statute exceptions, limitations, or conditions that the legislature did not express." *Hayashi v. Illinois Department of Financial & Professional Regulation*, 2014 IL 116023, ¶ 16. However, a reviewing body "has a duty to avoid a construction of the statute that would defeat the statute's purpose or yield an absurd or unjust result." *People v. Latona*, 184 Ill. 2d 260, 269 (1998). Courts "are not bound by the literal language of a statute if that language produces absurd or unjust results not contemplated by the legislature." *In re Donald A.G.*, 221 Ill. 2d 234, 246 (2006). This interpretation is consistent with language in section 3.6 of FOIA referencing a "person" making a voluminous request and a "person" required to pay for a voluminous request. 5 ILCS 140/3.6(b), (c), (d) (West 2024). Accordingly, this office concludes that the definition of voluminous request in section 2(h) extends to requests submitted by the same "person," as defined in section 2(b) of FOIA.

In his reply, [REDACTED] asserted that the individual requests did not cover more than 5 different categories of records, as they each asked for only one category: all e-mails between two individuals for short time increments. The District contended that each of the 32 FOIA requests constituted a separate category of records. FOIA does not define "categories of records," but Webster's Third New International Dictionary defines "category" as "a class, group, or classification of any kind[.]" Webster's Third New International Dictionary 352 (1993). Because each FOIA request sought a specific timeframe, this office concludes that the FOIA requests are each a category of their own.

After designating the FOIA requests as voluminous pursuant to section 3.6(a) of FOIA, the District gave the requesters an opportunity to amend their FOIA requests in such a way that they would no longer be voluminous. [REDACTED] narrowed the scope of his request to e-mails only between the Board president and the District superintendent from December 25, 2023, through December 31, 2023, concerning the closing of Arbury Hills School and Frankfort Square School. [REDACTED] did not amend his request.

The District then stated that the requests remained voluminous and denied the FOIA requests as unduly burdensome pursuant to section 3.6(c) of FOIA,¹⁴ which states:

¹⁴5 ILCS 140/3.6(c) (West 2024).

If a request continues to be a voluminous request following the requester's response under subsection (b) of this Section or the requester fails to respond, the public body shall respond within the earlier of 5 business days after it receives the response from the requester or 5 business days after the final day for the requester to respond to the public body's notification under this subsection. The response shall: (i) provide an estimate of the fees to be charged, which the public body may require the person to pay in full before copying the requested documents; (ii) deny the request pursuant to one or more of the exemptions set out in this Act; **(iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions;** or (iv) provide the records requested. (Emphasis added.)

The District argued that to accurately assess the burden of these requests, they must be considered in connection with the "collective burden" imposed by the 32 FOIA requests submitted by the individuals who worked together between March 14, 2024, and March 18, 2024.¹⁵ The District asserted that because the 32 FOIA requests were submitted by the same "person," their impact should be considered together.

This office has previously concluded that when considering whether a voluminous request is unduly burdensome under section 3.6 of FOIA, the public body may combine the separately-submitted requests that constituted the voluminous request. Ill. Att'y Gen. PAC Req. Rev. Ltr. 87457, issued June 26, 2025, at 2 (contrasting section 3.6 of FOIA with section 3(g) of FOIA (5 ILCS 140/3(g) (West 2024)), which does not authorize a public body to combine separately-submitted requests into one request for purposes of measuring the burden of compliance).

In general, a request for all e-mails sent or received by a public employee over a period of several weeks or months, which would require a public body to gather and review a large quantity of responsive records, is unduly burdensome under section 3(g) of FOIA in the absence of an identified public interest in disclosure of all the records that outweighs the burden of compliance with the request. *See, for example*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 70860, issued May 10, 2022, at 8-9 (a request that would have required the public body to copy, review, and redact more than 700 potentially responsive e-mails would be unduly burdensome in the absence of an identifiable public interest that outweighed the burden of compliance); Ill. Att'y

¹⁵Letter from Mallory A. Milluzzi, Assistant School District Attorney, Klein, Thorpe & Jenkins, Ltd., to Laura Harter, Public Access Bureau, Office of the Attorney General (June 3, 2024), at 4.


Gen. PAC Req. Rev. Ltr. 47671, issued August 10, 2017, at 4 ("There is no question that the public interest in collective bargaining generally and unionization at Noble is high, but there is no indication that [the requester's] request for all e-mails sent or received by the three individuals at issue over that 17-day period containing the broad term 'union' could not be appropriately narrowed to more specifically target records responsive to the purpose of her request."). *See also National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill. App. 3d 1, 17 (2010) ("A request that is overly broad and requires the public body to locate, review, redact and arrange for inspection a vast quantity of material that is largely unnecessary to the [requester's] purpose constitutes an undue burden.").

The voluminous request sought all e-mails from April 2023 through March 2024 between the District superintendent and Board president. The District asserted that the total volume of potentially responsive records was more than 1,000 e-mails. Although [REDACTED] amended the scope of his request to only e-mails concerning certain school closings, the narrowed request did not materially affect the overall volume of records the District would have to review. The District stated that [REDACTED]'s amended request for e-mails concerning two school closings was "too vague a term to search within the emails to actually capture responsive records, so the 218 emails (which was over 700 pages of emails, without attachments) was all emails between" the named individuals, which would still have to be reviewed for responsiveness.¹⁶ Although it is not apparent why the District could not devise search terms reasonably tailored to the topic of the closings of two specific schools,¹⁷ there is no indication that the other requesters substantially narrowed the scope of their requests. The cumulative burden of compliance with all 32 individual FOIA requests that comprise the voluminous request at issue in this matter must be weighed against the public interest in disclosure to determine whether that voluminous request was unduly burdensome.

This office acknowledges that there is a compelling public interest in the disclosure of information that sheds light on a public body's decision to close a school. Other than [REDACTED]'s request, however, the wording of the requests were not targeted to the topic of school closings. Even when the subject matter of a FOIA request is of significant public interest, the scope of the request must be appropriately targeted to advance that public interest. *See Shriver Center*, 2018 IL App (1st) 171846, at ¶¶ 39-41 (determining that although the topic of the school-to-prison pipeline is of significant public interest, the year-long scope of the FOIA request was indicative of a fishing expedition rather than an appropriately targeted request, such as a request limited to suspected misconduct within a specific school or of a specific officer, or schools with the highest student arrest rates).

¹⁶E-mail from Mallory A. Milluzzi, Klen, Thorpe & Jenkins to [Laura] Harter (June 10, 2024).

¹⁷FOIA imposes a "duty to craft reasonable search terms[.]" *Bader Family Foundation v. United States Department of Education*, 630 F. Supp. 3d 36, 44 (D.C. Cir. 2022).



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Under these circumstances, this office is unable to conclude that the public interest in disclosure of all the information requested outweighs the burden of compliance on the District in responding to the voluminous request. The requesters have not established that the disclosure of all e-mails between the Board president and the District superintendent for an 11-month period is necessary to serve the public interest in the school closings.

This office observed that the District did not strictly comply with the requirements of section 3.6(c)(iii), as its April 24, 2024, denial letters did not "extend an opportunity to the requester to attempt to reduce the request to manageable proportions." The District asserted that it offered the requesters opportunities to narrow their requests when it notified them that their requests were voluminous. The obligation in section 3.6(a)(iii) of FOIA to offer a requester an opportunity to amend their request to no longer be voluminous is separate from the obligation in section 3.6(c)(iii) of FOIA to offer a requester an opportunity to reduce the request to manageable proportions. However, the requesters did not object to this omission and it appears unlikely that they would have narrowed their requests at the time. This office suggests that the requesters consider submitting a new FOIA request for e-mails between the Board president and District superintendent containing the terms "Arbury Hills" or "Franklin" for approximately a three-month time period.

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

Very truly yours,


LAURA S. HARTER
Bureau Chief
Public Access Bureau, Springfield

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