



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 18, 2023

Via electronic mail
[REDACTED]

RE: FOIA Requests for Review – 2023 PAC 79252; 2023 PAC 79255

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 2022)). For the reasons set forth below, the Public Access Bureau concludes that no further action in these matters is warranted.

On October 21, 2023, you submitted a FOIA request to the Village of Woodridge (Village) seeking copies of video and audio recordings at the address of the Village's Police Department for certain dates and times. On December 6, 2023, the Village notified you that, pursuant to section 3.2(b) of FOIA (5 ILCS 140/3.2(b) (West 2022)), it estimated it would take 15 days from the date of the letter to provide you with the records you requested. Later that same day, you sent an e-mail to this office stating: "It has been well over 21 days since my October 21, 2023 request."¹ You did not indicate whether the Village notified that it was treating your request as a request from a recurrent requester within five business days after receipt pursuant to section 3.2 of FOIA(b),² but it is undisputed that you were a recurrent requester at all relevant times. 5 ILCS 140/2(g) (West 2022) (defining "recurrent requester").

¹E-mail from [REDACTED] to Public Access Bureau (December 6, 2023).

²Section 3.2(b) of FOIA provides, in relevant part:

Within 5 business days after receiving a request from a recurrent requester, as defined in subsection (g) of Section 2, the public body shall notify the requester (i) that the public body is treating the request as a request under subsection (g) of Section 2, (ii) of the reasons why the public body is treating the request as a request under subsection (g) of Section 2, and (iii) that the public body will send an initial response within 21 business days after receipt in accordance with subsection (a) of this Section.

On November 7, 2023, you submitted at least two separate FOIA requests to the Village, one with nine bullet points seeking various records and one seeking certain body camera videos of you at the police station. On December 7, 2023, the Village notified you that, pursuant to section 3.2(b) of FOIA, it estimated it would take 21 days from the date of the letter to provide you with copies of the records you requested in the nine-part FOIA request. You sent two related e-mails about these FOIA requests to this office. One of your e-mails was sent on December 6, 2023, and included copies of both November 7, 2023, FOIA requests. In that e-mail, you stated: "This is a request for review for the forwarded FOIA. This request remains unfulfilled[.]"³ This e-mail did not indicate which of the two requests you were referring to. In your other e-mail on December 7, 2023, you stated: "This is a request for review for my November 13, 2023 FOIA request (see attached). It has been more than 21 days since the submission of MY request."⁴ This e-mail did not have a FOIA request from November 13, 2023, attached; the only attachment was the Village's December 7, 2023, letter described above. You did not provide any correspondence from the Village concerning the other November 7, 2023, request you sent to this office. Again, you did not indicate whether the Village notified you that it was treating your requests as requests from a recurrent requester within five business days after receipt pursuant to section 3.2 of FOIA. Thus, your submissions are unclear and may be incomplete.

Regardless, section 3.2(a) of FOIA (5 ILCS 140/3.2(a) (West 2022)) provides that:

Notwithstanding any provision of this Act to the contrary, a public body shall respond to a request from a recurrent requester, as defined in subsection (g) of Section 2, within 21 business days after receipt. The response shall (i) provide to the requester an estimate of the time required by the public body to provide the records requested and 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.

In addition, section 3.2(c) of FOIA (5 ILCS 140/3.2(c) (West 2022)) provides that "[u]nless the records are exempt from disclosure, a public body shall comply with a request within a reasonable period considering the size and complexity of the request."

³E-mail from [REDACTED] to Public Access Bureau (December 6, 2023).

⁴E-mail from [REDACTED] to Public Access Bureau (December 7, 2023).

The Village's December 7, 2023, initial response to you about one of your November 7, 2023, requests met the requirements of section 3.2(a) of FOIA, as it was issued within 21 business days after receipt and provided an estimate of the time for compliance. The Village's December 6, 2023, initial response may have been issued more than 21 business days after receipt of your October 21, 2023, request; if so, the Village should be mindful that it must provide at least an initial response to a requester within 21 business days under section 3.2(a).⁵ Nonetheless, your FOIA requests seek a significant volume of records that the Village must locate, review, and redact. Given the sizes and complexity of your requests, the time periods within which the Village has estimated it will respond are not unreasonable. Accordingly, this office concludes that no further action is warranted in these matters.

If you have any questions, you may contact me by e-mail at katherine.goldsmith@ilag.gov. This letter serves to close these files.

Very truly yours,

KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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Assistant Village Administrator
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⁵This office notes that the response timeframe for requests by recurrent requesters is solely governed by section 3.2 of FOIA; the provisions of section 3 of FOIA (5 ILCS 140/3(g) (West 2022)), such as waiving the ability to assert section 3(g) of FOIA (5 ILCS 140/3(g) (West 2022)) if the response is late, do 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 2022).