

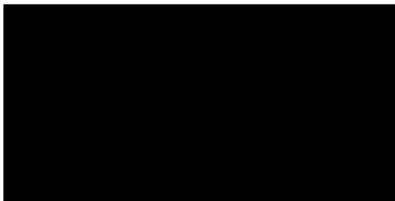


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 17, 2017

Via electronic mail



RE: FOIA Request for Review – 2017 PAC 50407

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

On October 31, 2017, you submitted a FOIA request to the personal e-mail address of Ms. Karen Lukasik seeking all e-mails that she exchanged with another individual between October 25, 2017, and October 31, 2017. Ms. Lukasik is the Algonquin Township (Township) Clerk. On November 9, 2017, you submitted a Request for Review to the Public Access Bureau alleging that the Township did not respond to your FOIA request and copied the Township Clerk on your Request for Review. On the same day you submitted your Request for Review, the Township Clerk responded to you and to this office by stating that she had not received the request via her Township e-mail address, and asking you to re-submit the request to her Township e-mail address.

Section 3(c) of FOIA (5 ILCS 140/3(c) (West 2016)) expressly requires that requests be "directed to the public body." A requester may submit a FOIA request to a public body by personal delivery, mail, e-mail, fax, "or other means available to the public body." 5 ILCS 140/3(c) (West 2016). The Attorney General has concluded that a public official representing the public body may receive a FOIA request by personal delivery at the public body's principal place of business or during a public meeting of the public body, but a public official is not "obligated to accept delivery of a FOIA request during a chance encounter on the sidewalk, or at his or her private residence or place of business." Ill. Att'y Gen. Pub. Acc. Op. No. 12-004, issued January 26, 2012, at 3.

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Instead of directing your request to the Township, you submitted it to the personal e-mail address of the Township Clerk. The Township Clerk has an official e-mail address issued by the Township. Further, you have not asserted or demonstrated that the Township Clerk uses her personal e-mail address—rather than her official Township e-mail address—as a means of conducting Township business such as receiving or responding to FOIA requests. Because your FOIA request was not directed to a public body, as required by section 3(c) of FOIA, the Township did not receive or deny your FOIA request. Accordingly, no further action by this office is warranted.

If you have any questions, you may contact me at (217) 782-9054, mhartman@atg.state.il.us, or the Springfield address on the first page of this letter. This letter serves to close this matter.

Very truly yours,



MATT HARTMAN
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
Ms. Karen Lukasik, Township Clerk
Algonquin Township
3702 U.S. Highway 14
Crystal Lake, Illinois 60014
klukasik@algonquintownship.com