



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 15, 2019

Via electronic mail



RE: FOIA Request for Review – 2019 PAC 57623

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 2016)). For the reasons set forth below, the Public Access Bureau has determined that no further action is warranted as to this matter.

On April 1, 2019, you submitted a FOIA request to the University of Illinois (University) seeking all records concerning a particular employee. The University informed you that because your FOIA request was submitted after business hours on April 1, 2019, it was not received by the University until April 2, 2019. On April 9, 2019, the University extended the time for its response to your FOIA request by five business days pursuant to sections 3(e)(i) and 3(e)(vi) of FOIA (5 ILCS 140/3(e)(i), (e)(vi) (West 2016)). The University stated that it would respond to your FOIA request by April 16, 2019. The same day, you filed this Request for Review contending that the University improperly extended the response period.

Section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2016)) provides that "[a] person whose request to inspect or copy a public record is **denied** by a public body * * * may file a request for review with the Public Access Counselor[.]" (Emphasis added.) Your Request for Review does not allege that your request was denied, but rather that the University improperly claimed the statutory extension. The Illinois Appellate Court has determined that, "the plain language of FOIA gives a public body in receipt of a records request the unilateral ability to extend its own response deadline by five days." *Sargent Shriver National Center on Poverty Law, Inc. v. The Board of Education of the City of Chicago*, 2018 IL App (1st) 171846, ¶25, ___ N.E.3d ___ (2018). Based on the available information, the University timely exercised its statutory right to extend the time for response, and had not yet denied your FOIA request at

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the time you submitted your Request for Review. Accordingly, because this office's lacks jurisdiction to review this matter, we have determined that no further inquiry is warranted in this matter.

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

Very truly yours,

[REDACTED]
MATT HARTMAN
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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