



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

November 6, 2024

Via electronic mail



Via electronic mail

Mr. Joe Beckwith
Freedom of Information Act Officer
Village of Hillside
425 Hillside Avenue
Hillside, Illinois 60162
jbeckwith@hillside-il.org

RE: FOIA Request for Review – 2024 PAC 83592

Dear [REDACTED] and Mr. Beckwith:

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 2023 Supp.)).

On October 15, 2024, [REDACTED] submitted a FOIA request to the Village of Hillside (Village) seeking body camera footage. On October 22, 2024, the Village informed [REDACTED] that his "request requires an extension of time until" October 30, 2024.¹ [REDACTED] submitted this Request for Review contesting the extension taken by the Village.

Under section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2023 Supp.)), "[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 * * * not later than 60 days after the date of the final denial." Section 3(d) of FOIA (5 ILCS 140/3(d) (West 2022)) provides that "[e]ach public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, **unless the time for response is properly extended**

¹E-mail from FOIA Officer, Village of Hillside to [REDACTED] (October 22, 2024)

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under subsection (e) of this Section." (Emphasis added.) Section 3(e) of FOIA (5 ILCS 140/3(e) (West 2022)) provides seven enumerated reasons for extending the time to respond to a request, and states: "When additional time is required for any of the above reasons, the public body shall, within 5 business days after receipt of the request, notify the person making the request of the **reasons for the extension** and the date by which the response will be forthcoming." (Emphasis added.) "[T]he 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.

The information provided to this office indicates that the Village extended its time to respond to ██████████ request on October 22, 2024, which was within five business days after its receipt of the request. Although the Village was authorized to unilaterally take that extension, the Village did not cite any of the enumerated reasons in the statute in its correspondence notifying ██████████ of the extension as required by the plain language of section 3(e) of FOIA. The Village should be mindful of its obligation to do so if it extends the time for responding to FOIA requests in the future. Because this office has received confirmation that on October 28, 2024, the Village substantively responded to the request and provided responsive body camera footage to ██████████, we will take no further action in this matter. *See Duncan Publishing, Inc. v. City of Chicago*, 304 Ill. App. 3d 778, 782 (1999) (disclosure of records responsive to a FOIA request renders moot the claim that a public body failed to provide records)

This file is closed. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,

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MATTHEW C. ROGINA
Senior Assistant Attorney General
Public Access Bureau

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