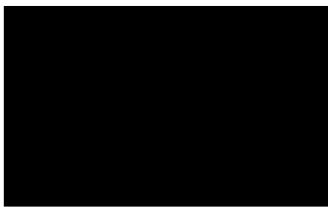


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 17, 2016



RE: FOIA Request for Review – 2016 PAC 44651

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 2014)). Because it would be unduly burdensome for the Village of Pingree Grove (Village) to comply with your categorical request, this office has determined that no further action is warranted as to this matter.

On October 7, 2016, you submitted a FOIA request to the Village seeking:

All electronic calendars for Dean Frieders for the period of September 1, 2013, to October 31, 2016, that relate to the business of the Village of Pingree Grove. Since Mr. Frieders uses google apps for his email, if he uses google calendar for his calendar, please print the information in agenda format and portrait to minimize the number of pages. If Mr. Frieders uses another calendar product, please print out in the week view with each week printed on one page.^[1]

On October 12, 2016, the Village responded by asserting that your request is unduly burdensome under section 3(g) of FOIA (5 ILCS 140/3(g) (West 2014)) because Mr. Frieders would need to gather and review records from 1,399 calendar days consisting of roughly 6,995 appointments. The Village offered you the opportunity to narrow your request to more manageable proportions.

^[1]FOIA request from [REDACTED] to foia@pingreegove.org (October 7, 2016).

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On October 21, 2016, you submitted this Request for Review contesting the Village's response. Specifically, you alleged that, based on the requested format, the responsive records should comprise only approximately 164 pages of Mr. Frieders's calendar. Furthermore, you contended that the Village previously provided similar responsive records for other public employees.

Section 3(g) of FOIA provides, in pertinent part:

Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.

This office has previously determined that a request seeking all records in a category over an extended period of time, which would require a public body to 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 of the records that outweighs the burden of compliance with the request. *See, e.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 20002, issued August 29, 2012, at 3 (a request for all grievance records spanning a 12-month period was unduly burdensome); Ill. Att'y Gen. PAC Req. Rev. Ltr. 21102, issued November 19, 2012, at 3-4 (a request for financial records spanning a 5-year period was unduly burdensome); *see also National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill. App. 3d 1, 17 (1st Dist. 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.").

It is clear that compliance with this request would require the Village to review and redact a vast quantity of material that is largely unnecessary to any purpose pertaining to Mr. Frieders's work for the Village, given that Mr. Frieders also works for other clients and attends to personal matters. You categorically requested 38 months of records without articulating a public interest that could outweigh the Village's burden. Your reason of wanting "an overview of what Mr. Frieders spends time [on] for his compensation of over \$50,000 per year"² is insufficient for the Village to be required to review, redact, and prepare for disclosure all of the responsive records, particularly because your request encompasses records that do not pertain to the public business of the Village over an extended period of time. Moreover, a careful review of the

²E-mail from ██████████ to Public Access (October 21, 2016).

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records would be justified to identify portions of the records that are exempt from disclosure under FOIA. In particular, portions of a public official's calendar that reveal the substance of attorney-client communications may be properly withheld under section 7(1)(m) of FOIA (5 ILCS 140/7(1)(m) (West 2015 Supp.), as amended by Public Act 99-642, effective July 28, 2016). *See* Ill. Att'y Gen. Pub. Acc. Op. No. 15-008, issued September 15, 2016. And even if the Village has complied with requests for calendars of other public officials in the past, it is not obligated to comply with an unduly burdensome request for a different calendar. Because the available information indicates that – under these circumstances – the Village's burden of complying with your request for electronic calendars for a more than three-year period outweighs the public interest in disclosure of that information, this office concludes that the Village did not improperly deny that request as unduly burdensome. Accordingly, this office has determined that no further action is warranted as to this matter.

This letter serves to close this file. If you have any questions, you may contact me at the Springfield address listed on the first page of this letter.

Very truly yours,

CHRISTOPHER R. BOGGS
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
Ms. Mary Brandes
Deputy Village Clerk
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