

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

March 11, 2025

*Via electronic mail*



RE: FOIA Request for Review – 2024 PAC 84210;  
City FOIA # F090337-112924; Requester FOIA Request # 35

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 2023 Supp.)). For the reasons set forth below, the Public Access Bureau concludes that no further inquiry is warranted as to this matter.

On November 29, 2024, you submitted a FOIA request to the City of Chicago Office of the Mayor (Mayor's Office) seeking:

Text messages sent or received by the City Mayor on her personal cell phone related to township business during the year 2024. If the year of 2024 results in the request being unduly burdensome or requires payment to proceed, I request the timeframe be reduced to the month of November 2024. If the month of November 2024 results in the request being unduly burdensome or requires payment to proceed, I request the timeframe be reduced to the week of November 17th 2024. If the week of November 17th 2024 results in the request being unduly burdensome or requires payment to proceed, I request the timeframe be reduced to the day of November 17th 2024. If the day of November 17th, 2024 results in there being no responsive records, I request the timeframe of search be replaced with November 16th, 2024. If the day of November 16th, 2024 results in there being no responsive records, I request the timeframe of search be replaced with

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November 18th, 2024. If the day of November 18th, 2024 results in there being no responsive records, I request the timeframe of search be replaced with November 20th, 2024. If the day of November 20th, 2024 results in there being no responsive records, I request the timeframe of search be replaced with November 21st, 2024. If the day of November 21st, 2024 results in there being no responsive records, I request the timeframe of search be replaced with November 7th, 2024. If the day of November 7th, 2024 results in there being no responsive records, I request the timeframe of search be replaced with November 5th, 2024. If the day of November 5th, 2024 results in there being no responsive records, I request the timeframe of search be replaced with July 4th, 2024. If any of the days listed above results in the request being unduly burdensome or require a payment, reduce the request to the first and last text message sent related to city business sent by the mayor in the year 2024, regardless of content. Please start at the beginning of the request and only reduce the scope after a determination of being burdensome or fees being required has been reached.<sup>[1]</sup>

On December 5, 2024, the Mayor's Office denied your FOIA request as unduly burdensome pursuant to section 3(g) of FOIA (5 ILCS 140/3(g) (West 2022)) and asked you to reduce your request to manageable proportions. That same day, you submitted a Request for Review to this office contesting the denial.

Section 3(g) of FOIA provides, in pertinent part, that "[r]equests 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." Illinois courts have determined that a FOIA request must be specifically targeted to advance a compelling public interest to outweigh the burden of compliance on a public body under section 3(g) of FOIA. *See, e.g., Sargent Shriver National Center on Poverty Law, Inc. v. Board of Education of City of Chicago*, 2018 IL App (1st) 171846, at ¶¶ 39-41 (FOIA request was unduly burdensome where the scope of the request was indicative of a fishing expedition, rather than an appropriately targeted request). Likewise, this office has previously determined that a request that is vast in scope and not targeted to any manner of public interest is unduly burdensome under section 3(g) of FOIA in the absence of an identifiable public interest in disclosure of the responsive records that would outweigh the burden of compliance with the request. *See, e.g., Ill. Att'y Gen. PAC Req. Rev. Ltr. 84099*, issued January 3, 2025, at 2 (taking no further action on a request for review involving correspondence amongst numerous public officials, employees, and

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<sup>1</sup>FOIA request from [REDACTED] to City of Chicago Office of the Mayor via online request system (November 29, 2024).

March 11, 2025

Page 3

departments pertaining to all public business where the request was not targeted to any particular matter of public interest, such as by using keywords for an e-mail search or limiting the request to a particular subject matter). *See also National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill. App. 3d 1, 17 (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.").

In its response, the Mayor's Office advised you that your request was unduly burdensome because in order to comply with your request as written, it would "need to identify, procure, and review an unknown quantity of records, many of which are non-City business."<sup>2</sup> While the Mayor's Office did not specifically address each portion of your FOIA request, the Public Access Bureau has consistently determined that a public body may deny an entire request as unduly burdensome if one or more parts of the request is unduly burdensome. *See, e.g.* Ill. Att'y Gen. PAC Req. Rev. Ltr. 81020, issued April 24, 2024, at 3 ("[T]he burdensomeness of a request is evaluated as a whole, such that if one part of a request is unduly burdensome, the whole request is."). When a request seeks a vast quantity of records that a public body determines is unduly burdensome, a public body is not required to consider a series of alternatives—such as those listed in your submission—that require it to assess whether each of those requests would also be unduly burdensome and permit the assessment of fees. Instead, the procedure in FOIA provides that a "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." 5 ILCS 140/3(g) (West 2022). The Mayor's Office's response to your request extended you the opportunity to modify your request to manageable proportions so you may wish to resubmit a narrowed request or avail yourself of the opportunity to confer with the Mayor's Office.

Accordingly, this office has determined that no further action is warranted in this matter. This file is closed. If you have any questions, please contact me at 312-814-5201, edie.steinberg@ilag.gov, or at the Chicago address listed on the bottom of the first page of this letter.


Very truly yours,

EDIE STEINBERG  
Senior Assistant Attorney General  
Public Access Bureau

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<sup>2</sup>E-mail from Hibo Aden, FOIA Officer, Office of Mayor Brandon Johnson, City Of Chicago, to [REDACTED] (December 5, 2024).

  
March 11, 2025

Page 4

cc: *Via electronic mail*  
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