



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 30, 2026

Via electronic mail



Via electronic mail

Mr. Josh Peacock, CPA
Finance Director
Village of Streamwood
1301 East Irving Park Road
Streamwood, Illinois 60107
FOIA@streamwood.org

RE: FOIA Request for Review – 2026 PAC 94590

Dear [REDACTED] and Mr. Peacock:

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA).¹

On May 20, 2026, after business hours, [REDACTED] submitted an anonymous FOIA request to the Village of Streamwood (Village). On May 21, 2026, the Village Finance Director, Mr. Josh Peacock, sent an e-mail to [REDACTED] anonymous e-mail address notifying him that:

The Village has a reasonable belief that this request was not submitted by a person and therefore requires verification that the requester is a person. Please verify **orally**, calling my direct line listed below, that you are a person within **30 days** of this notice (no later than **June 20, 2026**). If you fail to verify within that 30-day

¹5 ILCS 140/9.5(c) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

period, the Village **may deny the request** pursuant to **5 ILCS 140/3(j)**. Thank you!^[2] (Emphasis in original.)

Later that afternoon, ██████████ sent an anonymous e-mail to the Village pertaining to the meaning of section 3(j) of FOIA³ and stated: "For your knowledge, I am a person."⁴ Less than ten minutes later, Mr. Peacock replied to him by e-mail to reiterate that he needs to "verify orally" by calling Mr. Peacock's direct phone number.⁵ That same day, ██████████ submitted a Request for Review to the Public Access Counselor alleging that the Village improperly insisted on oral verification that he is a person instead of accepting his e-mail verification.

Pursuant to section 9.5(a) of FOIA⁶ "[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.) Section 3(d) of FOIA⁷ 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 under subsection (e) of this Section." (Emphasis added.) In addition, section 3(j) of FOIA provides:

Within 5 business days after its receipt of the request, a public body that has a reasonable belief that a request was not submitted by a person may require the requester to verify orally or in writing that the requester is a person. **The deadline for the public body to respond to the request shall be tolled until the requester verifies that he or she is a person.** If the requester fails to verify that he or she is a person within 30 days after the public body requests such a verification, then the public body may deny the request. For purposes of this subsection (j), a public body may not require the requester to submit personal information, private information, or identifying information to verify that the requester is a person.

²E-mail from Josh Peacock, CPA, Finance Director, Village of Streamwood, FOIA@streamwood.org, to ██████████ (May 21, 2026, 10:07 a.m.).

³5 ILCS 140/3(j) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

⁴E-mail from ██████████ to FOIA@streamwood.org (May 21, 2026, 3:39 p.m.).

⁵E-mail from Josh Peacock, CPA, Finance Director, Village of Streamwood, FOIA@streamwood.org, to ██████████ (May 21, 2026, 3:45 p.m.).

⁶5 ILCS 140/9.5(a) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

⁷5 ILCS 140/3(d) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

The Village received [REDACTED] request on May 21, 2026. Therefore, the Village had until the end of the day on May 29, 2026, to respond to his request, whether pursuant to section 3(d) of FOIA or pursuant to the tolling provision of section 3(j) of FOIA, or to extend the time for a response under section 3(e) of FOIA.⁸ Because [REDACTED] submitted his Request for Review to the Public Access Counselor on May 21, 2026, the Village had not yet denied his request at the time he submitted his Request for Review. Accordingly, the Request for Review was premature, and the Public Access Bureau concludes that no further action is warranted in this matter.

The Public Access Bureau is also charged with providing advice and education to the public and public bodies.⁹ To that end, this office notes that the Village required [REDACTED] to respond to its request to verify he is a person, under section 3(j) of FOIA, *orally*, by telephoning Mr. Peacock. [REDACTED] asserts that section 3(j) of FOIA allowed him the option to verify that he is a person in writing, including by e-mail, or orally.

In construing a statutory provision such as section 3(j) of FOIA, the primary goal is to ascertain and effectuate the intent of the General Assembly. *Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415 (2006). The best indicator of legislative intent is the language of the statute, which must be given its plain and ordinary meaning. *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, ¶ 24. "When the statutory language is clear and unambiguous, it should be applied as written without resort to extrinsic aids or tools of interpretation." *Poris v. Lake Holiday Property Owners Ass'n*, 2013 IL 113907, ¶ 47 (2013).

Section 3(j) of FOIA provides, in part, that "[w]ithin 5 business days after its receipt of the request, a public body that has a reasonable belief that a request was not submitted by a person may require the requester to verify orally **or** in writing that the requester is a person." (Emphasis added.) The word "or" is disjunctive, connoting two different alternatives. *Elementary School District 159 v. Schiller*, 222 Ill. 2d 130, 145 (2006). The plain language of section 3(j) is ambiguous because it is unclear whether the public body or the requester has discretion to choose the method that is used to verify that the requester is a person. It could be understood to mean that the public body has the option of requiring a person to verify that they are a person only in writing or only orally, as the Village appeared to do in its May 21, 2026, response to [REDACTED] written verification. Alternatively, the sentence could mean that although the public body may require a person to verify that they are a person, the requester has discretion to decide whether to do so orally or in writing.

When statutory language is ambiguous or unclear, a reviewing body may look

⁸5 ILCS 140/3(e) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

⁹15 ILCS 205/7(a), (c) (West 2024).

beyond the act's language to construe its meaning, and use extrinsic aids of statutory construction, including legislative history and well-established rules of construction. *Poris*, 2013 IL 113907, ¶ 47. *See also Phoenix Bond & Indemnity Co. v. Pappas*, 194 Ill. 2d 99, 106 (2013) ("where the language used leaves uncertainty as to how it should be interpreted in a particular context, the court can consider the purpose behind the law and the evils the law was designed to remedy."). "A fundamental principle of statutory construction is to view all provisions of a statutory enactment as a whole. Accordingly, words and phrases should not be construed in isolation, but must be interpreted in light of other relevant provisions of the statute." *Southern Illinoisan*, 218 Ill. 2d at 415. A statute should not be construed in a way that would defeat its purpose. *Phoenix Bond & Indemnity Co.*, 194 Ill. 2d at 107. Moreover, section 1.01 of the Statute on Statutes¹⁰ provides that "[a]ll general provisions, terms, phrases and expressions shall be liberally construed in order that the true intent and meaning of the General Assembly may be fully carried out."

Therefore, section 3(j) must be liberally construed in the broader context of FOIA as a whole and the purposes behind the law to give effect to the intent of the General Assembly. Section 1 of FOIA¹¹ declares that it is "the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees[.]" The Illinois Supreme Court has found that the clear intent of FOIA is "to provide the public with easy access to government information," that FOIA is to be afforded a liberal construction, and that a public body must disclose a requested record unless one of the narrow statutory exemptions applies. *Southern Illinoisan*, 218 Ill. 2d at 416-17. Thus, section 3(j) of FOIA must be read in line with FOIA's intent of making public records accessible to the public, not as a vehicle to prevent the release of records to the public or to place obstacles for members of the public to obtain records.

In addition, the verification language of section 3(j) may not be read in isolation, but must be read as part of 3(j) as a whole; the last sentence of section 3(j) provides: "For purposes of this subsection (j), a public body may not require the requester to submit personal information, private information, or identifying information to verify that the requester is a person." Section 2(c-5) of FOIA¹² provides, in pertinent part, that "[p]rivate information' means unique identifiers, including * * * home or personal telephone numbers[.]" Moreover, this office has consistently determined that FOIA does not prohibit a person from submitting an anonymous request or using a method of submission that conceals the person's identity. *See, e.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr 51672, issued April 27, 2020, at 2. Requiring a requester to verify their

¹⁰5 ILCS 70/1.01 (West 2024).

¹¹5 ILCS 140/1 (West 2024).

¹²5 ILCS 140/2(c-5) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

identity by telephoning the public body could potentially reveal the caller's personal telephone number, resulting in the release of private information. Requiring oral verification by telephone or by appearing in person also could deprive a requester of anonymity because the requester's identity may be discerned from their physical appearance or voice.

This office is also guided by the expressed legislative intent and public policy sought to be effected by section 3(j) of FOIA, which was enunciated by members of the General Assembly in the House of Representatives debate on Senate Bill 243 (which, as Public Act 104-438, effective January 1, 2026, enacted, among other amendments, section 3(j) of FOIA). The following exchanges amongst Representative Didech and Representative Windhorst evinces the legislative intent:

Didech: "Thank you, Mr. Speaker. Senate Bill 243 makes various changes to the Freedom of Information Act and the Open Meetings Act. The purpose of those acts is to ensure government transparency, accountability, and public participation. These acts are thoughtfully structured to accomplish those goals while protecting safety and ensuring the efficient operation of government. This legislation enhances all of those goals. What I'm presenting today is a modest but meaningful set of reforms that I believe will improve how government functions in Illinois. * * *. There are some cybersecurity issues addressed by this bill that will provide an opportunity for public bodies to verify that a requester is a human being and not an automated generated FOIA request. * * *."

* * *

Windhorst: "[U]nder the Freedom of Information Act, * * * if a public body has a reasonable belief that a request was not made by a person, they may require the requester to verify orally in writing that they are, in fact, a person, and that will, I believe, extend a deadline or toll a deadline. Would you just describe that a little more in detail?"

Didech: "Yeah. So, there's an emerging problem that a lot of our public bodies are having, especially our school districts, where they are really being inundated and overwhelmed with freedom of information requests that are very obviously not being submitted by a human being. And it's some sort of AI or other automated software that's submitting them, and that the records that get


Mr. Josh Peacock
June 30, 2026
Page 6

released are, it appears, are never even being reviewed by human beings. So, our local school districts are having to expend a lot of resources responding to and releasing these records that nobody even looks at. So, we're putting this process in place that will allow those public bodies to verify that an actual human being is submitting the request before they release the records." Remarks of Rep. Didech and Rep. Windhorst, May 31, 2025, House Debate on Senate Bill No. 243, at 194 -197.

These comments clarify that section 3(j) was enacted to relieve public bodies from responding to burdensome FOIA requests generated by automated software, rather than human beings, without diminishing the transparency requirements of FOIA.

Reading section 3(j) of FOIA as giving a requester discretion to verify that they are a person either orally or in writing¹³ is harmonious with the language in section 3(j) that protects requesters from being compelled to disclose personally-identifying information, while still giving the public body an opportunity to interact with a requester, prior to responding to a request, to allow it to determine that the requester is a person. Such an interpretation is also consistent with the expressed legislative intent of section 3(j) and with FOIA as a whole. In contrast, construing section 3(j) to enable a public body to refuse to accept written verification and insist that a requester orally verify that they are a person would undermine the fundamental purpose of FOIA by making it more difficult for members of the public to obtain public records. Accordingly, if it is not already doing so, this office recommends that the Village accept written verification that reasonably indicates a requester is a person.

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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¹³Pursuant to section 3(c) of FOIA (5 ILCS 140/3(c) (West 2024), as amended by Public Act 104-438, effective January 1, 2026) a *writing* includes written requests "submitted to a public body via personal delivery, mail, telefax, or other means available to the public body[.]" including "[e]lectronic requests" which "must appear in their entirety within the body of the electronic submission."