



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 15, 2024


Via electronic mail



RE: FOIA Request for Review – 2024 PAC 81922; FOIA 24-811

Dear 

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA).¹ For the reasons explained below, this office has determined that your Request for Review is unfounded.

On May 15, 2024, you submitted a FOIA request to the University of Illinois (University) seeking "all writer reviews of  for the spring 2024 semester at UIUC Writers Workshop[.]"² On May 22, 2024, the University informed you that it designated your request as "voluminous" pursuant to section 3.6 of FOIA.³ The University notified you that you had ten business days to amend your request such that it would no longer be a voluminous request. It also stated:

If you do not respond by this date, or if you do respond but your request continues to be a voluminous request, the University will proceed in processing this request and will impose any fees allowable pursuant to Section 6 of the Act (5 ILCS 140/6). Even if you fail to accept or collect the responsive records, the University may still charge you for the response pursuant to Section 6 of the

¹5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024.

²E-mail from  to [University of Illinois FOIA] (May 15, 2024).

³5 ILCS 140/3.6 (West 2022).

Act and your failure to pay will be considered a debt due and owing to the University and may be collected in accordance with applicable law.^[4]

On June 23, 2024, the University informed you that it had located information responsive to your request and that the fees, pursuant to section 6(a-5) of FOIA,⁵ totaled \$20.00. On June 25, 2024, this office received your Request for Review challenging the fees.

Section 3.6(a) of FOIA governs "voluminous requests."⁶ Section 2(h) of FOIA⁷ defines "voluminous request" as a request that:

(i) includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests **for more than 5 different categories of records** in a period of 20 business days; or

(ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording. (Emphasis added.)

Upon this office's request, the University provided the Public Access Bureau with a copy of a spreadsheet tracking the 60 FOIA requests you made between April 22, 2024, and May 15, 2024. This office's review of the spreadsheet confirmed that you have submitted requests for more than 5 different categories of records in a period of less than 20 business days. Because your request is voluminous, the University may charge fees pursuant to section 6(a-5) of FOIA, which states:

If a voluminous request is for electronic records and those records are not in a portable document format (PDF), the public body may charge up to \$20 for not more than 2 megabytes of data, up to \$40 for more than 2 but not more than 4 megabytes of data, and up to \$100 for more than 4 megabytes of data. If a voluminous request is for electronic

⁴Letter from Adrienne Nazon, Vice President, External Relations and Communications and Chief Records Officer, to [REDACTED] (May 22, 2024), at [1].

⁵5 ILCS 140/6(a-5) (West 2022).

⁶5 ILCS 140/3.6(a) (West 2022).

⁷5 ILCS 140/2(h) (West 2022).

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records and those records are in a portable document format, the public body may charge up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data. If the responsive electronic records are in both a portable document format and not in a portable document format, the public body may separate the fees and charge the requester under both fee scales.

If a public body imposes a fee pursuant to this subsection (a-5), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. (Emphasis added.)

The University informed this office that the CSV file responsive to your request is 12 kilobytes, or 0.012 megabytes. Accordingly, because the file is not a PDF and is less than 2 megabytes, the University may charge you \$20.00. You appear to assert that the University cannot charge fees for the CSV file because the information also exists in PDF. To the contrary, as quoted above, the University may also charge fees for PDFs pursuant to section 6(a-5), up to \$20.00 for a PDF not larger than 80 megabytes. In other words, the cost would be the same whether the University provided the file in CSV or PDF. Accordingly, the Public Access Bureau has determined that the University's fees are proper and that your Request for Review is unfounded. Please note that section 3.6(e) of FOIA states:


If a requester does not pay a fee charged pursuant to Section 6 of this Act for a voluminous request, the debt shall be considered a debt due and owing to the public body and may be collected in accordance with applicable law. This fee may be charged by the public body even if the requester fails to accept or collect records the public body has prepared in response to a voluminous request. 5 ILCS 140/3.6(e) (West 2022).

This matter is closed. Please contact me at laura.harter@ilag.gov if you have any questions.

Very truly yours,

[REDACTED]
LAURA S. HARTER
Deputy Bureau Chief
Public Access Bureau

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cc: *Via electronic mail*
Ms. Adrienne Nazon
Vice President, External Relations and Communications
and Chief Records Officer
University of Illinois System
108 Henry Administration Building, MC370
506 South Wright Street
Urbana, Illinois 61801
FOIA-OUR@mx.uillinois.edu