



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 13, 2025

Via electronic mail



Via electronic mail

Ms. Annie Righi
FOIA Officer
Chicago Public Schools
42 West Madison Street, 3rd Floor
Chicago, Illinois 60602
arighi@cps.edu

RE: FOIA Request for Review – 2024 PAC 81235; N014712-012224

Dear [REDACTED] and Ms. Righi:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)).

On January 22, 2024, [REDACTED] submitted a FOIA request to Chicago Public Schools (CPS) seeking, in relevant part, copies of "[s]chool by school CPS inventory documents of the 77,505 laptop devices in total that had been reported as lost or stolen and mentioned in the [2023] CPS OIG's Annual Report[,]" including the "total number of laptops given to each school, number of laptops given out to students and CPS employees, number of laptops returned by both, and the number of laptops reported as lost or stolen by both."¹ Upon

¹FOIA portal message from Chicago Public Schools to [REDACTED] (January 22, 2024).

500 South 2nd Street
Springfield, Illinois 62701
(217) 782-1090 • Fax: (217) 782-7046

115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-3000 • Fax: (312) 814-3806

1745 Innovation Drive, Suite C
Carbondale, Illinois 62903
(618) 529-6400 • Fax: (618) 529-6416

Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.

www.IllinoisAttorneyGeneral.gov

██████████
Ms. Annie Righi
June 13, 2025
Page 2

receiving ██████████ request, CPS extended its time to respond to by five business days as allowed by section 3(e) of FOIA (5 ILCS 140/3(e) (West 2022)).²

On March 28, 2024, CPS provided ██████████ with a responsive dataset and explained the "cited '77,505' figure from the referenced OIG report is a count of 'tech devices,' information about tech devices, not just laptops, has been provided in response to this request. Due to the difference in analysis using methodology, the numbers may not align with the OIG report."³ CPS also informed ██████████ that to "the extent the OIG maintains a dataset reflecting the 77,505 figure," this information would be exempt from disclosure pursuant to section 7.5(h) of FOIA.⁴ On April 25, 2024, ██████████ submitted the above-referenced Request for Review complaining that "CPS failed to provide me with the school-by-school breakdown of the 77,505 lost or stolen laptops (and tech devices) that were at the center of a CPS OIG investigation."⁵ ██████████ alleged that CPS failed to provide him with inventory documents that must have been accessed by CPS Inspector General [OIG] in its investigation. He contended: "CPS OIG had to go through CPS inventory records to declare 77,505 laptops (and tech devices) were lost or stolen as the CPS OIG doesn't maintain those CPS inventory records, especially as CPS and the CPS OIG are separate entities from each other."⁶

On May 15, 2024, this office forwarded a copy of the Request for Review to CPS and asked it to provide a written answer responding to ██████████ allegation that CPS did not provide him with all records responsive to his request as well as a detailed description of its search process. On May 17, 2024, this office received CPS' written response. On May 28, 2024, this office forwarded a copy of CPS' response to ██████████; he replied on June 24, 2024.

On May 1, 2025, an Assistant Attorney General (AAG) in the Public Access Bureau e-mailed CPS' FOIA officer, Annie Righi, and asked if CPS could provide copies of any records withheld pursuant to section 7.5(h). On that same date, Ms. Righi informed the AAG that CPS' FOIA Office does not possess any such records because the OIG "generally does not

██████████ submitted a preceding Request for Review, 2024 PAC 80659, alleging that the CPS had not responded to his FOIA request. That complaint was closed on April 24, 2024, when this office received notification that CPS responded to the request.

³FOIA portal message from Annie Righi, Freedom of Information Act Officer, Chicago Public Schools, to ██████████ (March 28, 2024).

⁴5 ILCS 140/7.5(h) (West 2022), as amended by Public Acts 103-008, effective June 7, 2023; 103-034, effective June 9, 2023; 103-142, effective January 1, 2024; 103-372, effective January 1, 2024; 103-508, effective July 1, 2023; 103-580, effective December 8, 2023.

⁵E-mail from ██████████ to Public Access Counselor (April 25, 2024).

⁶E-mail from ██████████ to Public Access Counselor (April 25, 2024).

██████████
Ms. Annie Righi
June 13, 2025
Page 3

share records like this with CPS due to confidentiality concerns."⁷ Because the CPS Office of the Inspector General's (OIG) annual report that ██████████ cited found that 77,505 technology devices had been reported as lost or stolen during the 2021-2022 academic year based on data provided to the OIG by CPS Asset Management,⁸ on May 23, 2025, the AAG asked Ms. Righi if CPS maintained a copy of the Asset Management data that was provided to the OIG and whether it was willing to provide the data to ██████████. Ms. Righi responded that such data would be exempt from disclosure pursuant to section 7.5(h) of FOIA.

DETERMINATION

"All records in the custody or possession of a public body are presumed to be open to inspection or copying." 5 ILCS 140/1.2 (West 2022). When presented with a FOIA request, a public body is required to conduct a "reasonable search tailored to the nature of [that] particular request." *Campbell v. U.S. Dep't of Justice*, 164 F.3d 20, 28 (D.C. Cir. 1998). "Although a public body is not required to perform an exhaustive search of every possible location, the body must construe FOIA requests liberally and search those places that are 'reasonably likely to contain responsive records.'" *Better Government Ass'n v. City of Chicago*, 2020 IL App (1st) 190038, ¶ 31 (quoting *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 373 F. Supp. 3d 120, 126 (D.D.C. 2019)). "[T]he adequacy of a FOIA search is generally determined not by the fruits of the search, but by the appropriateness of the methods used to carry out the search." *Iturralde v. Comptroller of Currency*, 315 F.3d 311, 315 (D.C. Cir. 2003). A public body is obligated to devise appropriate search parameters. *See Oglesby v. U.S. Department of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990).

In its response to this office, CPS reiterated that it sent ██████████ a copy of the requested datasets in its possession. CPS explained that this dataset was obtained by its Information and Technology Service Department (IT Department), and it reflects "the requested total number of devices 'given to each school, [] given out to students and CPS employees, [] returned by both, and [] reported as lost or stolen by both.'"⁹ Further, CPS addressed the allegations set forth in ██████████ Request for Review by stating the following:

As reflected on page 26 of the report "as indicated in PAU-Table 1, CPS schools reported 77,505 tech devices ... as lost or stolen

⁷E-mail from Annie Righi, Freedom of Information Act Officer, Chicago Public Schools, to AAG Lucente-McCullough (May 1, 2025).

⁸CPS Inspector General Releases FY 2023 Annual Report, CPS OIG (January 9, 2024), available at https://cpsoig.org/uploads/3/5/5/6/35562484/fy_2023_annual_report_press_release.pdf.

⁹Letter from Annie Righi, Freedom of Information Act Officer, Chicago Public Schools, to Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, State of Illinois (May 17, 2024), at [1].

during their 2021-22 asset inventories." While the report may read to be indicating that the 77,505 count is a result of prior CPS asset inventory process, the sources cited for the referenced PAU-Table 1 * * * provides that the source of the referenced data is "**OIG Analysis of SY 2021-22 Data Provided 9/2/22 by Asset Management**. Based on the Expected Location; Excludes 25 Noncompliant Schools, Charter Schools, and Central/Satellite Office Assets." Accordingly, to the extent any one record is maintained that reflects "[s]chool by school CPS inventory documents of the 77,505 laptop devices in total that had been reported as lost or stolen and mentioned in the [2023] CPS OIG's Annual Report", it would be the result of unique analysis of CPS data conducted by the OIG, and which includes certain filters * * * [.] Any such records would be maintained by CPS OIG, and as such, is exempt pursuant to section 7.5(h) of FOIA. ^[10] (Emphasis in original).

In his reply, ██████████ asserted that CPS must possess responsive inventory records "detailing the \$23M (77,505) in lost or missing laptops (and tech devices) from each school in the 3rd largest school district in the nation[.]"¹¹ He alleged that it is unlikely that the withheld information came directly from the OIG's "unique analysis" and not from existing CPS inventory records.

On May 9, 2025, the AAG spoke with Ms. Righi and discussed the origins of these datasets. According to Ms. Righi, CPS pulled the dataset that was provided to ██████████ from the only database that houses this type of information. This is the same type of dataset that CPS Asset Management provided to the OIG. Although the information in the dataset might not reflect the 77,505 total listed in the OIG Annual Report, Ms. Righi explained that CPS' dataset was current as of the date it was pulled in response to ██████████ request. Ms. Righi reiterated that the 77,505 total included CPS' raw data plus any OIG investigation notes/analysis.

As an initial matter, CPS explained that its efforts to locate non-exempt responsive school inventory data consisted of searching for and compiling data documenting lost or missing devices *at the time the data was pulled* to respond to ██████████ FOIA request. Based on this office's review, the data reflects only a small fraction of the number of lost or

¹⁰Letter from Annie Righi, Freedom of Information Act Officer, Chicago Public Schools, to Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, State of Illinois (May 17, 2024), at [1].

¹¹E-mail from ██████████ to Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau (June 24, 2024).

missing devices that the Inspector General found to be lost or missing for the 2021-22 school year. Because the data CPS provided to ██████████ was outdated and irrelevant to ██████████ request for inventory records upon which the OIG based its findings in the 2023 annual report, this office concludes that it is not responsive to ██████████ request and was not generated as a result of a search that was reasonably calculated to locate records responsive to the parameters of the request.

The data that is responsive is referenced in the 2023 annual report, which states that the OIG's findings were based on its analysis of data the OIG received from CPS Asset Management on September 2, 2022. The raw data CPS Asset Management that was provided to the OIG and analyzed by the OIG is therefore responsive to ██████████ request for "school by school inventory documents of the 77,505 laptop devices in total that had been reported as lost or stolen[.]" Section 7.5(h) of FOIA exempts "[i]nformation the disclosure of which is exempted under the State Officials and Employees Ethics Act [SOEEA], and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act." Sections 20-95(b) and (d) of the SOEEA¹² provide:

(b) Any allegations and related documents submitted to an Executive Inspector General and any pleadings and related documents brought before the Executive Ethics Commission are exempt from the provisions of the Freedom of Information Act so long as the Executive Ethics Commission does not make a finding of a violation of this Act. * * *

* * *

(d) Unless otherwise provided in this Act, all investigatory files and reports of the Office of an Executive Inspector General, other than monthly reports required under Section 20-85, are confidential and privileged, are exempt from disclosure under the Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to a law enforcement authority, (ii) to the ultimate jurisdictional authority, (iii) to the Executive Ethics Commission, (iv) to another Inspector General appointed pursuant to this Act, or (v) to an Inspector General appointed or employed by a Regional Transit Board in accordance with Section 75-10. (Emphasis added.)

¹² ILCS 430/20-95(b), (d) (West 2022).

██████████
Ms. Annie Righi

June 13, 2025

Page 6

Thus, any records that are submitted to a lawfully-created local inspector general's office, such as the CPS OIG, for an investigation are exempt from disclosure under FOIA. The Public Access Bureau has previously determined that copies of records that public bodies independently maintain are exempt from disclosure under section 7.5(h) of FOIA if copies of the same records are included in OIG investigatory files. Ill. Att'y Gen. PAC Req. Rev. Ltr. 72654, issued November 4, 2022, at 5 (records in the possession of park district's risk management office exempt from disclosure because the records had been provided to the park district's inspector general and used for an investigation); Ill Att'y Gen. PAC Req. Rev. Ltr. 57727, issued June 4, 2019, at 4 (transcript of interview maintained by inspector general exempt from disclosure under section 7.5(h) when requested under FOIA from city's law department).

The inventory records responsive to ██████████ request were obtained by the OIG from CPS Asset Management and used in an OIG investigation. Even if CPS Asset Management still maintains a copy of the same data it furnished to OIG, those records are OIG investigatory records. Accordingly, this office concludes that those records are exempt from disclosure pursuant to section 7.5(h) of FOIA.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, you may contact me by mail at the Chicago address listed on the first page of this letter or by e-mail at c.lucentemccullough@ilag.gov. This letter serves to close this file.

Very truly yours,

██
CHRISTINA LUCENTE-MCCULLOUGH
Assistant Attorney General
Public Access Bureau

81235 f 3a search improper 75h proper sd