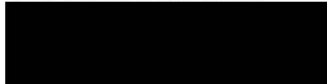


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 2, 2024

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 80912

Dear 

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2022), as amended by Public Act 103-069, effective January 1, 2024). For the reasons explained below, this office has determined that no further action is warranted in this matter.

On February 7, 2024, you submitted a FOIA request to the Illinois State Police (ISP) seeking information related to your Firearm Owner's Identification Card (FOID). On March 4, 2024, ISP denied your request in its entirety pursuant to section 7.5(v) of FOIA.¹ On April 4, 2024, you submitted the above-referenced Request for Review contesting ISP's denial of your request and noting that the case only involves yourself.

Section 7.5(v) of FOIA exempts from disclosure:

Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of

¹5 ILCS 140/7.5(v) (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.

the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act. (Emphasis added.)


In *Hart v. Illinois State Police*, 2023 IL 128275, ¶ 27, the Illinois Supreme Court ruled that the lower courts erred in concluding that the section 7.5(v) exemption did not encompass one's own FOID card application and other related documents. The Supreme Court determined that section 7.5(v) imposes a blanket confidentiality provision on all FOID card information under FOIA, regardless of whether the requester is seeking their own information. *Hart*, 2023 IL 128275, ¶ 19. In reaching this decision, the Supreme Court explained that the appellate court improperly read into section 7.5(v) an exception for people seeking their own information, which is contrary to the plain language "explicitly exempting names and information" of individuals who have applied for or received FOID cards. *Hart*, 2023 IL 128275, ¶ 20; *see also People ex rel. Madigan v. Illinois Commerce Comm'n*, 231 Ill. 2d 370, 386 (2008) ("We do not depart from the plain language of the regulation by reading into it exceptions, limitations, or conditions that conflict with the expressed intent.").

Your FOIA request plainly seeks information concerning a FOID card that you had received but was later taken away. Because section 7.5(v) of FOIA does not contain an exception that would permit FOID cardholders, or applicants, to obtain FOID information concerning themselves through a FOIA request, ISP did not improperly deny your request pursuant to section 7.5(v). Additionally, FOIA did not require ISP to answer your questions concerning when it received your FOID card and whether it was ever returned to you.² Accordingly, this office has determined that no further action is warranted in this matter.

This office notes while FOIA is not the appropriate avenue for FOID cardholders to obtain their own information, they may "obtain their FOID card applications and revocation letters through the Firearms Services Bureau [Bureau], the division of ISP that processes FOID card applications and determines FOID card eligibility." *Hart*, 2023 IL 128275, ¶ 25 (citing *Brown v. Illinois State Police*, 2021 IL 126153, ¶ 20).³

²A public body is not required to answer questions or create new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (1989).

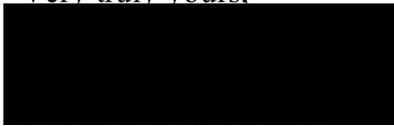
³ISP's response to your request included instructions to access to the Bureau's website and search for your FOID information.


May 2, 2024

Page 3

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter serves to close this matter. If you have any questions, please contact me at (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,


BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

80912 f no fi war pd sa

cc: *Via electronic mail*
Ms. Sarah Wheeler
FOIA Officer
Illinois State Police
801 South Seventh Street, Suite 1000-S
Springfield, Illinois 62703
ISP.FOIA.Officer@illinois.gov