



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 17, 2025

Via electronic mail

Ms. Anna Bibulowicz
Investigator
Office of the Federal Public Defender
Districts of Colorado and Wyoming
633 17th Street, Suite #1000
Denver, Colorado 80202
anna_bibulowicz@fd.org

RE: FOIA Request for Review – 2025 PAC 85755; IDOC no. 250306079

Dear Ms. Bibulowicz:

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 below, the Public Access Bureau has determined that no further action is warranted in this matter.

On March 5, 2025, you submitted a FOIA request to the Illinois Department of Corrections (IDOC) in which you stated that you are an Investigator with the Office of the Federal Public Defender and that the Office is representing a named person who provided an authorization permitting the release of records to your office. You requested "records confirming when Mr. [REDACTED] was discharged from his DOC sentence in case 03CR0673601 and his exact date of release from confinement."¹ You included a signed release by Mr. [REDACTED] with your FOIA request to IDOC for confidential information and records.

On March 13, 2025, IDOC denied your request pursuant to section 7(1)(a) of

¹Letter from Anna Bibulowicz, Investigator, Office of the Federal Public Defender, to Freedom of Information Act Officer, Illinois Department of Corrections (March 5, 2025).

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FOIA,² which exempts from inspection and copying "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." IDOC's response cited section 3-5-1(b) of the Unified Code of Corrections (UCC) (730 ILCS 5/3-5-1(b) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024), which provides that master record "files shall be confidential and access shall be limited to authorized *personnel of the respective Department* or by disclosure in accordance with a court order or subpoena. Personnel of other correctional, welfare or law enforcement agencies may have access to files under rules and regulations of the respective Department." (Emphasis added.) Additionally, IDOC asserted section 3-5-1(a)(8) of the UCC (730 ILCS 5/3-5-1(a)(8) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024) to withhold the responsive records; the provision requires IDOC to maintain in master record files "the date and circumstances of final discharge[.]"

In your Request for Review, you argued that IDOC erroneously denied your request because the Federal Public Defender's Office submitted a release of information from its legal client. You included e-mail correspondence you sent to IDOC that questioned why your request was denied and emphasized to IDOC's FOIA officer that you believe your office is authorized to receive the requested information because of Mr. [REDACTED] signed release.

IDOC has confirmed that the information you seek is contained in your client's master record file. Although you assert that you are an "authorized person" who is entitled to access your client's master record file, section 3-5-1(b) of the UCC identifies the parties who may access master record files, and they do not include an investigator nor an attorney. As emphasized above, section 3-5-1(b) permits access to master record files for "authorized personnel" of the respective *Department*, or pursuant to a court order or subpoena. "Department" is defined in section 3-1-2(e) of the UCC³ to mean "both the Department of Corrections and the Department of Juvenile Justice of this State, unless the context is specific to either the Department of Corrections or the Department of Juvenile Justice." Additionally, to the extent you believe that the release you provided resolved any confidentiality concerns, section 3-5-1(b) of the UCC does not contain an exception permitting disclosure of master record files upon IDOC's receipt of duly executed releases. Because you are not one of the parties that section 3-5-1(b) of the UCC permits to access master record files, IDOC did not improperly deny your request under section 7(1)(a) of FOIA. Accordingly, the Public Access Bureau has determined that no further action is warranted in this matter.

² 5 ILCS 140/7(1)(a) (West 2023 Supp.), as amended by Public Acts 103-605, effective July 1, 2024; 103-865, effective January 1, 2025.

³ 730 ILCS 5/3-1-2(e) (West 2022).

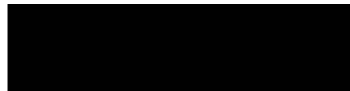
Ms. Anna Bibulowicz

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This file is closed. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,

A solid black rectangular box redacting the signature of Katie Goldsmith.

KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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