

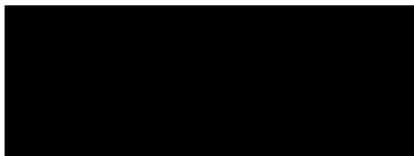


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 27, 2025

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 84561

Dear [REDACTED]

This determination 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 set forth below, the Public Access Bureau has determined that your Request for Review is unfounded.

On December 15, 2024, you submitted a FOIA request to the Illinois State Police (ISP) seeking:

- Any and All Records of [REDACTED] ("ALPRs") that are in the electronic database for the Illinois State Police's Department, 605 ILCS 140/1 et seq.
- Any and All Reports of [REDACTED] considered on the **Hot List** or **Hot Plates**, and a map of my travels recorded by the Illinois State Police cameras on the expressway in Cook County – I-90/94 (Dan Ryan), I-94 (Bishop Ford), I-90 (Kennedy and Jane Addams tollway), and I-57.
- Any and All Investigative Reports of [REDACTED] discovered in the Illinois State Police's electronic database.
- Any and All Field Reports of [REDACTED] currently under the Illinois State Police's Department control.
- Any and All Records of [REDACTED] related to electronic surveillance under Title III of the Omnibus Crime Control and

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

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Safe Streets Act of 1968 (18 U.S.C. §§ 2510-2522)^[1]
(Emphasis in original.)

On December 27, 2024, ISP responded and informed you that "[a] reasonable search for the requested records was conducted with the information provided and no responsive records were located."² On that same date, you submitted a Request for Review with this office.

On January 13, 2025 and January 15, 2025, after being contacted by a Senior Assistant Attorney General with this office, ISP provided an additional explanation for its response. ISP provided further clarification on January 23, 2025.

For the first part of the request, ISP stated that any responsive ALPR data would be exempt from disclosure under section 7(1)(d-7) of FOIA, which applies to "[i]nformation gathered or records created from the use of automatic license plate readers in connection with Section 2-130 of the Illinois Vehicle Code."³ Correspondingly, section 2-130(d) of the Illinois Vehicle Code (625 ILCS 5/2-130(d) (West 2023 Supp.)) states that "ALPR information shall be held confidentially to the fullest extent of the law." Neither that provision nor the exemption in section 7(1)(d-7) of FOIA contains an exception that permits individuals to obtain ALPR information about their own vehicles. The ALPR hits you requested constitute information gathered or records created from the use of ALPRs. Because such information must be kept confidential under section 2-130(d) of the Illinois Vehicle Code, and because that statute provides no exception that would allow an individual to obtain ALPR information for their own vehicle pursuant to FOIA, any records responsive to the first part of your request would be exempt from disclosure under section 7(1)(d-7) of FOIA.

For the second part of the request seeking reports of yourself "considered on the **Hot List or Hot Plates**," ISP stated that its "records management section performed a search of the requester's name and dob and no reports were located. Also, the Division of Patrol advised they've had no interaction with this requester, and the Division of Criminal Investigation found nothing within their search."⁴ ISP further explained that "[n]o reports were located within any

¹Letter from ██████████ to Illinois State Police (December 15, 2024).

²Letter from Sarah Wheeler, Illinois State Police, Freedom of Information Act Officer to ██████████ (December 27, 2024).

³5 ILCS 140/7(1)(d-7) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024).

⁴E-mail from Rhiann M Martynowski, [FOIA Appeals Manager, Freedom of Information Act Office Illinois State Police] to Matthew Rogina [Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (January 23, 2025)

case management systems utilized within the years requested."⁵ ISP also noted that any underlying data Hot List or Hot plates data that would be included in reports generated in its case management system or that could otherwise be considered responsive to the second part of the request would derive from exempt ALPR information discussed above or the Law Enforcement Agency Data System (LEADS). Data maintained in LEADS is exempt from disclosure under section 7(1)(a) of FOIA, which applies to "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law."⁶ Section 1240.80(d) of title 20 of the Administrative Code (20 Ill. Adm. Code §1240.80(d) (2022), last amended at 42 Ill. Reg. 775, "effective December 27, 2017) provides that "LEADS data shall not be disseminated to any individual or organization that is not legally authorized to have access to the information."⁷ *See also Better Gov't Ass'n v. Zaruba*, 2014 IL App (2d) 140071, ¶27 ("The regulations make clear that the public is not entitled to view or possess data that is transmitted through, received through, or stored in LEADS."). Members of the public, such as yourself, are not among the parties authorized to access LEADS data under section 1240.30(c) of title 20 of the Administrative Code (20 Ill. Adm. Code §1240.30(c) (2017), last amended at 23 Ill. Reg. 7521, effective June 18, 1999).

Finally, for the third, fourth, and fifth parts of your request, ISP states that "[a] search was performed by ISP's Records Management Section, Division of Criminal Investigation and Division of Patrol [DOP] with negative results. No records were located, and DOP further commented they have no record of ever having contact with the requester."⁸ ISP further detailed its search in a separate January 14, 2025, e-mail to this office, explaining "a search was completed using the requester's name and date of birth. Further, a search was conducted in the following databases that were/are used in the years 2018-present: TraCS, Indices, and Docuware."⁹

⁵E-mail from Rhiann M Martynowski, [FOIA Appeals Manager, Freedom of Information Act Office Illinois State Police] to Matthew Rogina [Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (January 23, 2025)

⁶5 ILCS 140/7(1)(a) (West 2023 Supp.), as amended by Public Act 103-605, effective July 1, 2024).

⁷That provision implements section 7 of the Illinois Criminal Identification Act (20 ILCS 2630/7 (West 2022)).

⁸E-mail from Rhiann M Martynowski, FOIA Appeals Manager, Freedom of Information Act Office Illinois State Police to Matthew Rogina [Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (January 13, 2025).

⁹E-mail from Rhiann M Martynowski, FOIA Appeals Manager, Freedom of Information Act Office Illinois State Police to Matthew Rogina [Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (January 15, 2025).

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January 27, 2025

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ISP's explanations demonstrate that it took measures that were reasonably-calculated to locate non-exempt responsive records. This office has not received any information indicating that ISP did not adequately search for records or that it is withholding responsive records subject to disclosure under FOIA. If ISP maintains any ALPR information or LEADS data that concerns you, that information is exempt from disclosure for the reasons explained above. Accordingly, this office concludes that your Request for Review is unfounded.

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

Very truly yours,

[REDACTED]

MATTHEW C. ROGINA
Senior Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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