



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 25, 2016

[REDACTED]

RE: FOIA Request for Review – 2015 PAC 38676

Dear [REDACTED]

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 2014)). For the reasons set forth below, the Public Access Bureau concludes that no further action on this matter is warranted.

On November 12, 2015, you submitted a FOIA request to the Illinois Department of Human Services (Department) seeking copies of records concerning your receipt of public aid assistance and interactions with certain Department employees regarding your eligibility to continue receiving public aid assistance. On November 18, 2015, the Department denied your request in its entirety citing sections 7(1)(a) and 7(1)(dd) of FOIA (5 ILCS 140/7(1)(a), (1)(dd) (West 2014), as amended by Public Act 99-298, effective August 6, 2015). On November 18, 2015, you filed this Request for Review contesting the denial.

Section 7(1)(a) of FOIA 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." Here, the Department cited a confidentiality provision of the Medicaid Act (42 U.S.C. §1396a (a)(7)(A) (West 2014)), as the federal law that prohibited the disclosure of the responsive records. Section §1396a (a)(7)(A) of the Medicaid Act requires a State medical assistance plan to provide, "safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with (i) the administration of the plan."

Similarly, section 7(1)(dd) of FOIA exempts from disclosure, "[c]orrespondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code." Section 11-9 of the Public Aid Code (305 ILCS 5/11-9 (West 2014)) provides, in pertinent part:

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For the protection of applicants and recipients, the Illinois Department, the county departments and local governmental units and their respective officers and employees are prohibited, * * * from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of public aid under this Code.

The plain language of section 1396a (a)(7)(A) of the Medicaid Act specifically prohibits the Department from disclosing information regarding applicants and recipients of a state medical assistance program, such as Illinois Medicaid, to anyone other than to individuals who need the information to administer the plan. Likewise, section 7(1)(dd) of FOIA and section 11-9 of the Public Aid Code exempts from disclosure records that concern applicants and recipients of public aid, except for purposes directly connected with the administration of public aid. Your Request for Review indicates that you are seeking the records because you want to ensure that all policies and procedures were followed in the processing of your case. Your stated purpose is clearly not directly connected with the administration of Medicaid or public aid. Accordingly, because the aforementioned federal and State laws specifically prohibit the Department from disclosing the records you are seeking, we have determined that no further action is warranted.

This letter serves to close this file. If you have questions, you may contact me at (312) 814-5383 or the Chicago address on the first page of this letter.

Very truly yours,


SHANNON BARNABY
Assistant Attorney General
Public Access Bureau

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