



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

October 17, 2023

*Via electronic mail*



RE: FOIA Request for Review – 2023 PAC 78380

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 2022)). For the reasons set forth below, the Public Access Bureau has determined that no further action is warranted in this matter.

On September 25, 2023, you submitted a FOIA request to the Illinois Department of Human Services (Department) seeking copies of all records pertaining to yourself and "communications between my case worker, Tracey Thomas, and Iroquois Mental Health, as well as anyone else involved in my case[.]"<sup>1</sup> On October 2, 2023, the Department denied your request pursuant to section 7(1)(a) of FOIA,<sup>2</sup> which exempts from disclosure "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." In connection with section 7(1)(a), the Department cited provisions of the Illinois Public Aid Code (Public Aid Code) and six other state and federal laws governing public assistance programs. The Department asserted that it was prohibited from releasing information that would tend to identify an individual as a recipient of public assistance. The Department suggested you contact the local office where you received services to access records in your case file outside of FOIA. On September 29, 2023, this office received your complete Request for Review challenging the denial. You asserted that the requested records "do not pertain to anyone else but [yourself]."<sup>3</sup>

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<sup>1</sup>E-mail from [REDACTED] to IDHS (September 25, 2023).

<sup>2</sup>5 ILCS 140/7(1)(a) (West 2022), as amended by Public Act 103-154, effective June 30, 2023; 103-462, effective August 4, 2023.

<sup>3</sup>E-mail from [REDACTED] to Public Access Bureau (October 3, 2023).

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Section 11-9 of the Public Aid Code (305 ILCS 5/11-9 (West 2022)) provides, in pertinent part:

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, except as hereinafter provided, 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. (Emphasis added.)

The plain language of section 11-9 of the Public Aid Code prohibits the disclosure of records that concern applicants and recipients of public aid, except for purposes directly connected with the administration of public aid.

Although you only seek records related to yourself, your Request for Review does not indicate that you seek those records directly in connection with the administration of public aid. In particular, you explained that you believe the Department retaliated against you for filing a complaint related to inpatient services you received, and that you sought records related to your case in connection with that complaint. You also assert that the requested records should be in the possession of the "IDHS forensic department" rather than a particular local office, but your request nonetheless seeks records pertaining to your case. Those case-related records appear to be maintained in your customer case file. Because the Public Aid Code specifically prohibits the Department from disclosing the contents of a case file and any related communications, the Department did not improperly withhold records pursuant to section 7(1)(a) of FOIA, and this office has determined that no further action is warranted.

This letter serves to close this file. If you have questions, please contact me at the Chicago address on the bottom of the first page of this letter.

Very truly yours,

[REDACTED]

TERESA LIM  
Supervising Attorney  
Public Access Bureau

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