



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 29, 2025

Via electronic mail



Via electronic mail

Mr. Michael S. Hampleman
Senior Assistant Corporation Counsel
City of Springfield
800 East Monroe Street, Room 313
Springfield, Illinois 62701
michael.hampleman@springfield.il.us

RE: FOIA Request for Review – 2024 PAC 84026

Dear [REDACTED] and Mr. Hampleman:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2024)).

On November 14, 2024, [REDACTED] submitted a FOIA request to the Springfield Police Department (Department) seeking a copy of footage from the camera located on the south side of the main police building covering the main entrance on September 9, 2024, between 12 p.m. and 4 p.m. On November 15, 2024, the Department denied the request pursuant to section 7(1)(v) of FOIA¹ and cited the court's opinion in *Chicago Sun-Times v. Chicago Transit Authority*, 2021 IL App (1st) 192028. On November 21, 2024, this office received [REDACTED] Request for Review challenging the denial.

On December 10, 2024, this office forwarded a copy of the Request for Review to the Department and asked it to provide a copy of the withheld footage, together with a detailed

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

500 South 2nd Street
Springfield, Illinois 62701
(217) 782-1090 • Fax: (217) 782-7046

115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-3000 • Fax: (312) 814-3806

1745 Innovation Drive, Suite C
Carbondale, Illinois 62903
(618) 529-6400 • Fax: (618) 529-6416

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explanation of the factual and legal bases for the applicability of the asserted exemption. On December 19, 2024, this office received the requested materials. On December 20, 2024, this office forwarded a copy of the Department's response to ██████████; he did not reply.

DETERMINATION

"All records in the custody or possession of a public body are presumed to be open to inspection or copying." 5 ILCS 140/1.2 (West 2022); *see also Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415 (2006). A public body that withholds records "has the burden of proving by clear and convincing evidence" that the records are exempt from disclosure. 5 ILCS 140/1.2 (West 2022). The exemptions from disclosure are to be narrowly construed. *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 407 (1997).

Section 7(1)(v) of FOIA exempts from disclosure:

Vulnerability assessments, security measures, and response policies or plans that **are designed** to identify, prevent, or respond **to potential attacks** upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but **only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public**. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations. (Emphasis added.)

By its plain language, section 7(1)(v) applies to records that are devised and crafted to identify, prevent, or respond to potential attacks. The legislative history behind the exemption further confirms that the exemption concerns records involved in homeland security and emergency preparations rather than routine monitoring. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 48212, issued November 2, 2017, at 7 (quoting House Sponsor James H. Meyer explaining that the bill "exempts documents prepared for emergency and security procedures from being disclosed from homeland security where that would be compromised.").

In *Chicago Sun-Times v. Chicago Transit Authority*, 2021 IL App (1st) 192028, the Illinois Appellate Court concluded that the Chicago Transit Authority (CTA) met its burden of demonstrating that video recordings of a train platform from several camera angles fell within

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the scope of the section 7(1)(v) exemption. The CTA showed that surveillance cameras were installed at its rail stations after the September 11, 2001, terrorist attacks with funds from a U.S. Department of Homeland Security program designed to protect the public and critical infrastructure. *Chicago Sun-Times*, 2021 IL App (1st) 192028, ¶¶ 48-51. The CTA also presented an affidavit from a homeland security expert averring that the requested recordings "revealed the quality, resolution, field of view, and blind spots of the CTA's surveillance cameras, and that information could enable individuals to evade these security devices when targeting passengers, planning attacks, or evading capture by law enforcement." *Chicago Sun-Times*, 2021 IL App (1st) 192028, ¶ 49. In concluding that the footage was exempt from disclosure, the court further observed that section 7(1)(v) "is worded broadly and requires a government agency to demonstrate that release of a document 'could reasonably be expected to' jeopardize the effectiveness of its security measures—not that it *would* jeopardize them." (Emphasis in original.) *Chicago Sun-Times*, 2021 IL App (1st) 192028, ¶¶ 43-45.

The Public Access Bureau has previously concluded that a public body could properly withhold records listing the locations of all of its cameras and other details about them pursuant to section 7(1)(v) because "[d]isclosure of these locations would allow the entire network of cameras to be pieced together, undermining the effectiveness of the system by revealing areas where surveillance cameras are highly concentrated and exposing areas that are not covered by surveillance cameras." Ill. Att'y Gen. PAC Req. Rev. Ltr. 62247, issued April 20, 2020, at 2-3 (noting that the cameras were funded by the U.S. Department of Homeland Security to reduce crime and protect critical infrastructure); *see also* Ill. Att'y Gen. PAC Req. Rev. Ltr. 65558, issued September 30, 2022, at 4 (determining that office of emergency management had established that disclosure of all surveillance footage of looting incidents that occurred on a certain date at 20 specified times and block locations in downtown Chicago could jeopardize overall effectiveness of its security network).

By contrast, this office has previously concluded that routine surveillance footage and other videos that are not used for homeland security purposes or emergency preparations do not fall within the scope of section 7(1)(v). *See, for example*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 72032, issued October 20, 2022, at 4 (dispatch center did not establish that interior security cameras were intended for a homeland security purpose and thus camera footage did not fall within the scope of section 7(1)(v)); Ill. Att'y Gen. PAC Req. Rev. Ltr. 70528, issued November 29, 2021, at 8 (footage of room improperly withheld pursuant to section 7(1)(v) because village failed to show that "the camera was installed for the purpose of identifying, preventing, or responding to potential attacks, rather than for the purpose of video recording meetings held in that room.").

In its denial letter to ██████████, the Department stated that the camera at issue "is a security camera for Municipal Center East which houses the Springfield Police Department,

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several other City departments, and City employees."² The Department asserted that the footage shows "the quality, resolution, field of view and blind spots of the City's surveillance camera, and such information could enable individuals to evade the security device in the event of targeting City employees, a planned attack on the building, or evading capture by law enforcement."³ In his Request for Review, ██████████ contended that the footage would not reveal information that was not already known to the public. He argued that the brand of the camera, Axis, is a commonly used camera brand, and that information about the technical features of the Axis camera are already publicly available on the Axis website, "including the commonly used 110 degree field of view for fixed lens cameras and up to roughly 60 foot IR capabilities."⁴

The Department's answer to this office argued that the footage is comparable to the platform footage at issue in *Chicago Sun-Times*. The Department reiterated that the "footage requested covers the *main entrance* of a municipal building that houses critical City functions, including the police department, city officials, and city employees."⁵ The Department contended that, like the platform footage in *Chicago Sun-Times*, the footage of the entrance "would expose the cameras' positioning, fields of view, and blind spots, allowing bad actors to exploit these vulnerabilities."⁶ The Department further contended that the footage captured an active protest against the police department and City officials, which could be exploited or "facilitate targeted criminal acts[.]" thus jeopardizing the safety of protesters and City personnel.⁷ Additionally, the Department argued that the "camera system is part of a broader effort to ensure public safety, funded and designed for security purposes."⁸

Having reviewed the footage and the Department's response, the Department did not provide sufficient evidence to establish that the camera is used as a security measure that is

²Letter from Ava Cox, FOIA Officer, Police, City of Springfield, to ██████████ (November 15, 2024).

³Letter from Ava Cox, FOIA Officer, Police, City of Springfield, to ██████████ (November 15, 2024).

⁴E-mail from ██████████ to [Public Access Bureau] (November 21, 2024).

⁵Letter from Michael Hampleman, Senior Asst. Corporation Counsel/Police Advisor, City of Springfield, to Teresa Lim, Illinois Attorney General's Office, Public Access Bureau (December 19, 2024), at [3].

⁶Letter from Michael Hampleman, Senior Asst. Corporation Counsel/Police Advisor, City of Springfield, to Teresa Lim, Illinois Attorney General's Office, Public Access Bureau (December 19, 2024), at [3].

⁷Letter from Michael Hampleman, Senior Asst. Corporation Counsel/Police Advisor, City of Springfield, to Teresa Lim, Illinois Attorney General's Office, Public Access Bureau (December 19, 2024), at [3].

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designed to prevent the types of harm that the section 7(1)(v) exemption is intended to prevent. The City's response to this office focused on how disclosure of the recording could reasonably be expected to jeopardize the effectiveness of the surveillance camera but failed to establish that the camera is the type of security measure discussed in that exemption. In contrast to how the CTA demonstrated the homeland security purpose and role of the surveillance camera system at the rail platforms in *Chicago Sun-Times*, the Department did not explain specifically how the camera was a component of a broader security network aimed to prevent potential terrorist attacks, disasters, or emergencies; instead, the Department simply asserted that the camera was part of a broader effort to ensure public safety. The footage captures the outside area around the building's entrance, which is generally viewable to the public. The footage shows a crowd of people and officers. Although the building houses several city departments, the Department did not show with detail how its camera is designed to address potential attacks on the City's population or systems. The fact that the specific footage ██████████ sought depicts a protest against the City's police department and civil unrest does not transform a security camera that appears to be generally used for routine monitoring into a "security measure" that is "designed to identify, prevent, or respond to potential attacks upon a community's population or systems[.]" Under these circumstances, this office concludes that the Department did not demonstrate by clear and convincing evidence that the requested footage is exempt from disclosure pursuant to section 7(1)(v). This office requests that the Department provide ██████████ with a copy of the footage.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter shall serve to close this matter. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,

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TERESA LIM
Deputy Bureau Chief
Public Access Bureau

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