



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

August 13, 2024

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 81197

Dear [REDACTED]:

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA).¹ For the reasons stated below, the Public Access Bureau has determined that your Request for Review is unfounded.

On March 28, 2024, you submitted a FOIA request to the Village of Woodridge (Village) seeking "[c]urrent maps and other records identifying the location of stopcock chambers (water shutoff valves) for all residence[s] on Carolwood Lane, Gatewood Lane, Westview Lane, Edgewood Parkway, Lindenwood Lane, and Eastwood Lane."² On April 4, 2024, the Village informed you that you met the definition of a recurrent requester and you would receive a response to your FOIA request within 21 business days. On April 26, 2024, the Village denied your request pursuant to section 7(1)(k) of FOIA.³ Later the same day, you submitted this Request for Review challenging the Village's denial.

Under FOIA, "[a]ll 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). Any public body that denies a record "has the burden of proving by clear and convincing evidence" that the record is exempt from disclosure. 5 ILCS 140/1.2 (West 2022). The exemptions from disclosure are to

¹5 ILCS 140/9.5(c) (West 2023 Supp.).

²E-mail from [REDACTED] to FOIA, [Village of Woodridge] (March 28, 2024).

³5 ILCS 140/7(1)(k) (West 2023 Supp.).

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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be narrowly construed. *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 407 (1997).

Although the Village cited section 7(1)(k) of FOIA to deny the request, section 7(1)(x) of FOIA⁴ is more applicable. Section 7(1)(x) of FOIA exempts from disclosure "[m]aps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency." See Ill. Att'y Gen. PAC Req. Rev. Ltr. 77360, issued September 27, 2023, at 4 (concluding that locations of combined sewer outfall points constituted records regarding the location of a utility's transmission and treatment facilities).

In a May 21, 2024, telephone call with an Assistant Attorney General in the Public Access Bureau, the Village FOIA officer informed this office that the only responsive records were maps identifying the locations of the water shut-off valves. The FOIA officer further explained that the shut-off valves are located where the municipality's water utility line connects with a private residence's plumbing, and with the use of a "key" can be used to allow or restrict water from the municipality to the individual's residence.

The requested records are maps that show the specific locations of shut-off valves used by the Village's water utility to distribute water to the Village's residents. Based on the plain language of section 7(1)(x), maps regarding the location of the Village's water distribution facilities, which include the locations of residential shut-off valves, are exempt from disclosure under FOIA. Accordingly, your allegation that the Village improperly responded to your FOIA request is unfounded.

This file is closed. If you have any questions, please contact me at (217) 685-4237 or victoria.frazier@ilag.gov. Thank you.

Very truly yours,

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VICTORIA FRAZIER
Assistant Attorney General
Public Access Bureau

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⁴⁵ ILCS 140/7(1)(x) (West 2023 Supp.).

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cc: *Via electronic mail*
Ms. Peggy Halik
FOIA Officer
Village of Woodridge
5 Plaza Drive
Woodridge, Illinois 60517
phalik@woodridgeil.gov