

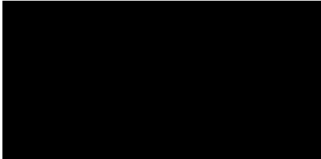


OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 18, 2018

*Via electronic mail*



RE: FOIA Request for Review – 2018 PAC 52886

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 2016)). For the reasons set forth below, the Public Access Bureau concludes that no further action in this matter is warranted.

On April 3, 2018, an anonymous individual submitted a FOIA request via e-mail to the Atlanta Public Library District (Library) seeking records pertaining to a bank account. On April 10, 2018, the Library responded that it does not maintain those records because the account does not belong to the Library. On April 27, 2018, the Public Access Bureau received your submission disputing the Library's response. In your correspondence, you informed this office that you were "submitting a request for review on behalf of a local resident \* \* \* who wishes to remain anonymous[.]"

Section 9.5(a) of FOIA provides, in pertinent part, that "[a] *person whose request to inspect or copy a public record is denied by a public body \* \* \* may file a request for review with the Public Access Counselor \* \* \* not later than 60 days after the date of the final denial. The request for review must be in writing, signed by the requester*, and include (i) a copy of the request for access to records and (ii) any responses from the public body." (Emphasis added). Black's Law Dictionary defines a signature, in pertinent part as: "[a] person's name or mark written by that person \* \* \*; one's handwritten name as one ordinarily writes it, as at the end of a letter or a check, to show that one has written it. \* \* \* The act of signing something; the handwriting of one's name in one's usual fashion." Black's Law Dictionary (10th ed. 2014), available at Westlaw BLACKS.

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Furthermore, section 2(b) of FOIA (5 ILCS 140/2(b) (West 2016)) defines "person" as "any individual, corporation, partnership, firm, organization or association, acting individually or as a group." Therefore, filing a Request for Review requires the individual whose FOIA request was denied, or an individual designee from an organization whose FOIA request was denied, to sign the Request for Review with his or her first and last name. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 35802, at 2-3, issued October 14, 2015 (first and last name of the person whose FOIA request was denied, rather than a pseudonym for that person, required to submit a Request for Review); Ill. Att'y Gen. PAC Req. Rev. Ltr. 23977, issued August 23, 2013 (first and last name of an individual designee from an organization filing Request for Review required to submit Request for Review).

The anonymous person who filed the FOIA request with the Library did not submit this Request for Review or sign it. Moreover, you have not asserted that the anonymous person submitted the request on behalf of a partnership, firm, organization or association that you are designated to represent. Because you rather than the person whose FOIA request was denied signed the Request for Review, it does not meet the requirements of section 9.5(a) of FOIA. Thus, we have determined that no further action is warranted in this matter.

If the person who submitted the FOIA request wishes to file a Request for Review of the denial, he or she may do so not later than 60 days after the date of the denial of the request. 5 ILCS 140/9.5(a) (West 2016). This office notes, however, that the requirements of FOIA are limited to "public records," which are defined as:

all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body. 5 ILCS 140/2(c) (West 2016).

It is unclear how the requested bank signature card and bank statements would constitute "public records" of a public body if, as the Library appeared to assert in its response to the request, the signature card and statements are not in the public body's possession and concern an account maintained by another party.

[REDACTED]  
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This letter closes this file. If you have any questions, please contact me at 312-814-5201 or at the Chicago address listed on the bottom of the first page of this letter.

*Very truly yours,*

[REDACTED]  
EDIE STEINBERG  
Assistant Attorney General  
Public Access Bureau [REDACTED]

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cc: *Via electronic mail*  
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