



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 3, 2023

Via electronic mail

[REDACTED]

RE: FOIA Request for Review – 2023 PAC 76927

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 2020)). For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted in this matter.

On May 28, 2023, you submitted a FOIA request to the City of Chicago Office of the Mayor (Mayor's Office) seeking records related to the removal of homeless individuals from O'Hare Airport. On June 6, 2023, the Mayor's Office extended its time to respond to your request by five business days pursuant to section 3(e) of FOIA (5 ILCS 140/3(e) (West 2020)). On June 13, 2023, you submitted a Request for Review alleging that the Mayor's Office belatedly requested an extension and had not otherwise responded to your FOIA request.

Under section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2020)), only "[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.**" (Emphasis added.) Section 3(d) of FOIA (5 ILCS 140/3(d) (West 2020)) provides that "[e]ach public body shall, promptly, either comply with or deny a request for public records within **5 business days** after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section." (Emphasis added.) Section 3(e) of FOIA (5 ILCS 140/3(e) (West 2020)) permits a public body to extend the time for responding to a request by five business days under certain enumerated circumstances. "[T]he plain language of FOIA gives a public body in receipt of a records request the unilateral ability to extend its own response deadline by five days." *Sargent Shriver National Center on Poverty Law, Inc. v. The*

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Board of Education of the City of Chicago, 2018 IL App (1st) 171846, ¶25, 122 N.E.3d 729, 735 (2018).

You submitted your FOIA request on May 28, 2023, which was a Sunday. The next day, May 29, 2023, was the Memorial Day holiday, and the Mayor's Office was closed.¹ Thus, the City received your request on May 30, 2023, which set the fifth business day after receipt to June 6, 2023. The Mayor's Office properly extended its time to respond to your request by five business days on June 6, 2023. Following this extension, the Mayor's Office was required to respond by the end of the day on June 13, 2023. Because you submitted your Request for Review on the morning of June 13, 2023, this Request for Review is premature. Accordingly, we have determined that no further inquiry is warranted.

This letter closes this file. If you have any questions, please contact me at benjamin.silver@ilag.gov.

Very truly yours,

[REDACTED]
BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
Mr. Tom Skelton
FOIA Officer
Office of the Mayor
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¹See City Holidays (Offices Closed), City of Chicago, *available at* <https://www.chicago.gov/city/en/narr/misc/city-holidays.html> (last visited June 30, 2023).