



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

February 15, 2024

Via electronic mail

[REDACTED]

RE: FOIA Request for Review – 2024 PAC 79945

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), as amended by Public Act 103-069, effective January 1, 2024). For the reasons set forth below, the Public Access Bureau has determined that no further action is warranted in this matter.

On January 28, 2024, you submitted a FOIA request to the Illinois Department of Human Rights (Department) stating: "This is a request for information of state judicial, local judicial, Rockford Illinois, state law enforcement, local law enforcement Rockford Illinois[.]"¹ You then stated "All FOIA" and listed variations of your name. On January 30, 2024, the Department responded by asserting that you did not request records that were maintained by or within the jurisdiction of the Department, and that it did not have documentation responsive to your request. On January 31, 2024, this office received your complete Request for Review challenging the Department's response. You appeared to assert that your request was for a personal purpose.

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); *see also Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415 (2006). However, "[a] request to inspect or copy must reasonably identify a public record and not general data, information, or statistics." *Chicago Tribune Co. v. Department of Financial & Professional Regulation*, 2014 IL App (4th) 130427, ¶33, 8 N.E.3d 11, 19 (2014). A FOIA request

¹E-mail from [REDACTED] to [IDHR FOIA] (January 28, 2024).

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"reasonably describes records if 'the agency is able to determine precisely what records are being requested.'" *Kowalczyk v. Dep't of Justice*, 73 F.3d 386, 388 (D.C. Cir. 1996) (quoting *Yeager v. Drug Enforcement Administration*, 678 F.2d 315, 326 (D.C. Cir. 1982)). Public bodies are not required to search beyond the four corners of a FOIA request, nor are they required to divine the requester's intent. *American Chemistry Council, Inc. v. U.S. Department of Health and Human Services*, 922 F. Supp. 2d 56, 62 (D.D.C. 2013).

Rather than reasonably describing records, your request vaguely stated that it sought "information of state judicial, local judicial * * * local law enforcement" entities and included your name. As explained above, a request must identify a record rather than general information. The Department is charged with administering the Illinois Human Rights Act,² which prohibits discrimination based on certain protected classes and, to that end, investigates complaints of discrimination.³ The judiciary and law enforcement agencies are separate entities. Your request did not reference any complaints or charges alleging discrimination, and FOIA did not require the Department to divine the intent of your request. Accordingly, this office has determined that no further action is warranted.

If you are seeking records of a discrimination charge that has been filed with the Department, you may wish to submit a new request to the Department specifying the charge that was filed and describing the particular records you are seeking related to that charge.

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,


TERESA LIM
Supervising Attorney
Public Access Bureau

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²775 ILCS 5/1-101 *et seq.* (West 2022).

³Illinois Department of Human Rights, <https://dhr.illinois.gov/> (last visited February 15, 2024).