



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 14, 2024

Via electronic mail

[REDACTED]

RE: FOIA Request for Review – 2024 PAC 80487; CPD no. P916400-020524

Dear [REDACTED]:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA).¹ For the reasons explained below, this office has determined that no further action is warranted in this matter.

On February 5, 2024, you submitted a FOIA request to the Chicago Police Department (CPD) asking:

How many times has the name [REDACTED]
DOB [REDACTED] and [REDACTED] DOB [REDACTED]
background been requested/queried by police officers or detectives
starting from February 2014 to the date of this request.

Who are the officers and or detectives that have requested
that information.

Why was that information requested.^[2]

¹5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024.

²FOIA portal message from Chicago Public Safety to [REDACTED] (February 5, 2024).

[REDACTED]
March 14, 2024

Page 2

On February 14, 2024, CPD responded that it had no records responsive to your request and that the records requested are maintained by a different department, the Office of Public Safety Administration (OPSA). CPD provided an e-mail address to direct a FOIA request to OPSA. On March 6, 2024, you submitted the above-referenced Request for Review contending that you had submitted a FOIA request to OPSA as well, and that OPSA had referred you back to CPD. You asked for "a review of these requests to determine who has these records for release and that they be released."³

The requirements of FOIA apply to requests for "public records," which are existing records "pertaining to the transaction of public business, * * * 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 2022). In contrast, a public body is not required to answer questions or create new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (1989). Additionally, "[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.

Rather than requesting copies of records, you asked a series of questions about searches performed for both of your names, who performed those searches, and why such searches were performed. FOIA does not require a public body to answer questions or create a new record in response to a request. Although CPD referred you to OPSA, and you state that OPSA referred you to CPD, your February 5, 2024, submission to CPD did not request to inspect or obtain copies of public records as is necessary to constitute a valid FOIA request. Therefore, this office has determined that no further action is warranted in this matter.

This letter serves to close this file. Please contact me at katherine.goldsmith@ilag.gov if you have any questions.

Very truly yours,

[REDACTED]
KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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³E-mail from [REDACTED] to Public Access [Bureau] (March 6, 2024).

[REDACTED]
March 14, 2024

Page 3

cc: *Via electronic mail*
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