



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 1, 2024

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 81942; University no. 24-962

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 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 June 18, 2024, you submitted a FOIA request to the University of Illinois (University) asking:

- [The University] discontinued a public records search in responding to a FOIA 24-889 request. [The University] stated, "Due to workloads affiliated with the primary duties of University staff and limited FOIA personnel and resources, the amount of time that would be required to complete this request would substantially interfere with the normal conduct of public business."
- I respectfully request electronic copies of the following University of Illinois (UI) records:
 1. Records that quantify and corroborate what UI characterized as limited FOIA personnel;
 2. Records that quantify and corroborate what UI characterized as limited FOIA resources;
 3. Names and titles of UI personnel who are tasked with present-day FOIA-related duties; and

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4. Hours devoted, respectively, by UI personnel tasked with present-day FOIA-related duties.^[1]

On June 23, 2024, University responded by listing its FOIA personnel and providing copies of certain job description and appointment records pertaining to them. The University stated that it located no records responsive to parts one, two, and four of your request.

In your Request for Review, submitted June 25, 2024, you explain that because you question whether the University is allocating appropriate resources to FOIA, you want the University to "disclose present-day records that quantify times and monies allocated to respective [University] personnel dedicated to the fulfillment of [the University's] obligation to accommodate public records requests."²

FOIA applies to requests for existing public records. 5 ILCS 140/3(a) (West 2022) ("Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act."). FOIA defines "public records" as "all records * * * 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), as amended by Public Act 103-554, effective January 1, 2024. A FOIA request "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. Moreover, a public body is not required to answer questions or generate new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (1989).

Here, in asking the University to "quantify and corroborate" particular characterizations about staffing and resources, you sought explanations rather than copies of existing public records. Thus, although you couched the first two parts of your request as seeking records, the rest of those two parts asked the University to set forth evidence and justifications. Granting such a request would require the University to do more than what FOIA demands, which is simply to provide copies of the public records in its possession that are reasonably described in a FOIA request. Similarly, your request for hours devoted to FOIA-related duties by each staff member who has FOIA responsibilities does not reasonably identify public records, as it instead seeks calculations, explanations, and/or sums that do not appear to be set forth in any existing public records in the University's possession. Accordingly, the Public Access Bureau has determined that no further action is warranted in this matter.

¹E-mail from njs to FOIA professional (June 18, 2024).

²E-mail from ██████████ to Illinois Attorney General, Public Access Counselor (PAC) (June 25, 2024).


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This file is closed. If you have any questions, please contact me at
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Very truly yours,


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Deputy Bureau Chief
Public Access Bureau

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