



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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ATTORNEY GENERAL

March 25, 2025

Via electronic mail

Mr. Christopher Ward
People's Fabric
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Via electronic mail

Mr. Vaughn C. Ganiyu
Assistant General Counsel
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653
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RE: FOIA Request for Review – 2024 PAC 82383; FOIA P949217

Dear Mr. Ward and Mr. Ganiyu:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)). For the reasons discussed below, this office concludes that the Chicago Police Department (CPD) did not improperly deny Mr. Christopher Ward's May 24, 2024, FOIA request.

On that date, Mr. Ward, on behalf of People's Fabric, submitted a FOIA request to CPD seeking "[a]n instructional manual for the in-car usage of the ALPR [Automated License Plate Reader] system[.]"¹ On June 3, 2024, CPD denied Mr. Ward's request pursuant to section 7(1)(o) of FOIA.² On the same day, Mr. Ward submitted the above-referenced Request for Review challenging CPD's denial of his FOIA request.

¹FOIA portal message from Chicago Public Safety to Chris[topher] Ward (May 24, 2024).

²5 ILCS 140/7(1)(o) (West 2023 Supp.).

On August 7, 2024, and August 29, 2024, this office forwarded copies of Mr. Ward's Request for Review to CPD and asked it to provide a copy of the ALPR user manual for this office's confidential review, together with a detailed explanation of the legal and factual bases for the asserted 7(1)(o) exemption. On September 6, 2024, this office received CPD's response as well as a copy of the ALPR user's manual for this office's confidential review. On September 13, 2024, this office forwarded a copy of CPD's response to Mr. Ward. On October 1, 2024, this office received Mr. Ward's reply asserting that CPD "failed to communicate specifically which portions of the requested user manual 'would jeopardize the security of the system or its data or the security of materials exempt under this Section.'"³

DETERMINATION

"All 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 Dep't of Public Health*, 218 Ill. 2d 390, 415 (2006). A public body "has the burden of proving by clear and convincing evidence" that a record is exempt from disclosure. 5 ILCS 140/1.2 (West 2022). The exemptions from disclosure are to be narrowly construed. *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 407 (1997).

Section 7(1)(o) exempts from disclosure:

Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer abstracts, file layouts, source listings, object modules, load modules, **user guides**, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section. (Emphasis added.)

In *Chapman v. Chicago Department of Finance*, 2023 IL 128300, the Illinois Supreme Court analyzed the scope of section 7(1)(o) and concluded that the ten items listed in the exemption—software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, and employee manuals—are *per se* exempt from disclosure. *Chapman*, 2023 IL 128300, ¶ 41. In other words, the Court held that a public body need not demonstrate that the types of records expressly listed in section 7(1)(o) would jeopardize security if disclosed. *Chapman*, 2023 IL 128300, ¶ 40. The court emphasized that if "the General Assembly intended to require the government agency to show disclosure of

³E-mail from Chris [Ward] to Victoria [Frazier] (October 1, 2024).

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information would jeopardize the security of its system, the list of specific items would have been unnecessary." *Chapman*, 2023 IL 128300, ¶ 37. The Court explained that the phrase "and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section[]" in section 7(1)(o) "shows the legislature understood it could not specifically list every item that might fall within the exemption's scope and allowed for the protection of the system should it be proved that disclosure of a nonlisted item, *i.e.*, any other information, would jeopardize its security." *Chapman*, 2023 IL 128300, ¶ 38

CPD provided most of its response confidentially, and therefore, this office cannot disclose the substance of CPD's arguments.⁴ This office has reviewed the withheld user guide, however, and confirmed that it contains administrative and technical information associated with automated data processing operations, specifically, the AutoVu Patroller software application. Because such user guides are *per se* exempt from disclosure under section 7(1)(o), this office concludes that CPD did not improperly deny the user guide under that exemption.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, you may contact me by mail at the Springfield address listed on the first page of this letter, by phone at (217) 782-9054, or by e-mail at caleb.briscoe@ilag.gov. This letter serves to close this file.

Very truly yours,



CALEB L. BRISCOE
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Public Access Bureau

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⁴⁵ ILCS 140/9.5(d) (West 2023 Supp.).