



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 10, 2025

Via electronic mail



RE: FOIA Request for Review – 2025 PAC 85152

Dear [REDACTED]:

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA).¹ For the reasons set forth below, the Public Access Bureau concludes that this Request for Review is unfounded.

On December 9, 2024, you submitted a FOIA request to the Columbia Police Department (Police Department) seeking copies of an "[i]ncident report, CAD notes, Full Body Camera Footage, 911 original audio file, DCFS notified or not?"² On December 17, 2024, the Police Department notified you that it was waiting to hear from the Monroe County State's Attorney's Office regarding the arrest. On December 19, 2024, you followed up on the status of the Police Department's response. The Police Department responded that it was working on the request. You followed up again with the Police Department on December 30, 2024. On January 3, 2025, the Police Department notified you that it would send you a copy of the incident report, a copy of the CAD notes, and proof that no 911 call was received. Additionally, the Police Department noted it did not appear that the Department of Children and Family Services (DCFS) was called and that it was still making redactions to the body camera footage. On January 7, 2025, the Police Department notified you that a DVD of an audio recording was available for pick up. On January 9, 2025, the Police Department notified you that a DVD of the body camera from the arresting officer was available for pick up.

¹5 ILCS 140/9.5(c) (West 2023 Supp.).

²Written Request for Inspections or Copying of Public Records submitted by [REDACTED] to Columbia Police Department (December 9, 2024).

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On January 10, 2025, you replied to the Police Department: "A letter inside along with the DVD of the body camera footage states much of the footage was withheld for personal privacy reasons. Before I appeal the denial, I have one question. if personal information was shared then couldn't the segment of just the private information be removed and not the whole clip be denied?"³ The Police Department responded to you that the redactions of the body camera footage were for when "the reporting Officer went into the house to speak to [named person]. The Body Cam Act states that if you are not on (subject) the cam at that time, you are not privy to the footage."⁴ Thereafter, you followed up with the Police Department regarding its responses to your request as well as access to other records not included in your initial FOIA request.

On February 6, 2025, you asked this office to review the Police Department's response to your request, but your submission was incomplete because it did not include a copy of the FOIA request you submitted to the Police Department; you provided a copy of only a one response letter, in which the Police Department that asserted that it was withholding portions of the incident report pursuant to sections 7(1)(b) and 7(1)(c) of FOIA.⁵ Section 9.5(a) of FOIA⁶ specifies the materials that a requester must submit to the Public Access Bureau to file a Request for Review: "The request for review must be in writing, signed by the requester, and include (i) a copy of the request for access to records and (ii) any responses from the public body." Accordingly, on February 7, 2025, the Assistant Attorney General (AAG) from the Public Access Bureau assigned to the matter e-mailed you to inform you the file was incomplete and that you needed to submit a copy of the FOIA request for this office to proceed. On February 18, 2025, you provided the AAG with a copy of the original FOIA request you submitted to the Police Department.

On February 24, 2025, the AAG e-mailed the Police Department's Records Clerk, Jennifer Woodcock, and asked her to provide a copy of the responsive report for this office's confidential review; Ms. Woodcock sent the AAG those records that same day, as well as her correspondence with you pertaining to this matter. Based upon the AAG's review of the correspondence, you did not provide this office with a copy of all of the Police Department's responses in this matter; on February 24, 2025, the AAG informed you that you must send a copy of *all* responses from the Police Department for this office to proceed in the matter. On February 25, 2025, you purported to do so but, again, did not provide copies of all of the Police Department's responses, because your e-mails with the Police Department referenced a separate

³E-mail from ██████████ to Jennifer [Woodcock] (January 11, 2025).

⁴E-mail from Jennifer Woodcock, Records Clerk, Columbia Police, to ██████████ (January 13, 2025).

⁵ILCS 140/7(1)(b), (1)(c) (West 2023 Supp.), as amended by Public Acts 103-605, effective July 1, 2024; 103-865, effective January 1, 2025.

⁶ILCS 140/9.5(a) (West 2023 Supp.).

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Police Department response regarding the body camera footage. On March 5, 2025, the AAG again informed you that the file was incomplete for that reason. You provided the AAG with a copy of the Police Department's missing response regarding body camera footage on March 10, 2025. The Police Department granted the request for body camera footage in part and denied the request in part pursuant to section 7.5(cc) of FOIA⁷ as well as sections 7(1)(b) and 7(1)(c) of FOIA.

FOIA provides that "[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). Under FOIA, the adequacy of a public body's search for responsive records is judged by a standard of reasonableness and depends upon the particular facts of the case. *Better Government Ass'n v. City of Chicago*, 2020 IL App (1st) 190038, ¶ 31. However, "[a] requester is entitled only to records that an agency has in fact chosen to create and retain." *Yeager v. Drug Enforcement Administration*, 678 F.2d 315, 321 (D.C. Cir. 1982). Further, FOIA does not require a public body to answer questions or create new records in response to a request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (1989).

As an initial matter, the latter part of your request for "DCFS notified or not?" is a question rather than a request to inspect or copy public records. FOIA did not require the Police Department to answer that question, but the Police Department did answer that question during the course of your correspondence. As to your request for the 911 audio file, the Police Department informed you that no 911 call was made and provided a screenshot of calls made to the Police Department. You responded via e-mail to the Police Department that you understood there were no 911 calls.

As to your request for the report and CAD notes, the Police Department provided you with copies of those records without redacting the narratives. The Police Department made only discrete redactions pursuant to sections 7(1)(b) and 7(1)(c) of FOIA. The Police Department explained that it redacted addresses, phone numbers, and driver's license numbers pursuant to section 7(1)(b) of FOIA and dates of birth pursuant to section 7(1)(c) of FOIA.

Section 7(1)(b) of FOIA exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2023 Supp.)) defines "private information" to include:

[U]nique identifiers, including a person's social security number,
driver's license number, employee identification number,

⁷5 ILCS 140/7.5(cc) (West 2023 Supp.), as amended by Public Acts 103-592, effective June 7, 2024; 103-605, effective July 1, 2024; 103-636, effective July 1, 2024; 103-724, effective January 1, 2025; 103-786, effective August 7, 2024; 103-859, effective August 9, 2024; 103-991, effective August 9, 2024; 103-1049, effective August 9, 2024.

biometric identifiers, personal financial information, passwords or other access codes, medical records, **home or personal telephone numbers**, and personal email addresses. Private information also includes **home address** and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Emphasis added.)

Based on this office's confidential review of the unredacted report and CAD notes, the Police Department properly redacted driver's license numbers, personal telephone numbers, and home addresses pursuant to section 7(1)(b) of FOIA.

Additionally, section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information[.]" and this office has consistently determined that disclosure of a person's date of birth would constitute a clearly unwarranted invasion of personal privacy. *See, e.g.*, Ill. Att'y Gen. Pub. Acc. Op. No. 16-009, issued November 7, 2016, at 12. Accordingly, the Police Department properly redacted dates of birth.⁸

The last record that you requested from the Police Department was the body camera footage for the incident. Section 7.5(cc) of FOIA exempts from disclosure "[r]ecordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act." Section 10-20(b) of the Body Camera Act⁹ provides, in relevant part:

Recordings made with the use of an officer-worn body camera **are not subject to disclosure under the Freedom of Information Act**, except that:

(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, **arrest** or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

⁸This office advises the Police Department that driver's license expiration dates and persons' ages are not exempt from disclosure under section 7(1)(b) or 7(1)(c) of FOIA. Additionally, in CAD notes, nondescript notations such as "Person Phone changed from" or "Person Address set to" do not fall within the scope of the exemptions, though the ensuing personal phone numbers and home addresses are exempt from disclosure.

⁹50 ILCS 706/10-20(b) (West 2022).

(A) the subject of the encounter captured on the recording is a victim or witness; and

(B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;

(2) except as provided in paragraph (1) of this subsection (b), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act; and

(3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, **the recording to the subject of the encounter captured on the recording** or to the subject's attorney, or the officer or his or her legal representative.

* * *

* * * Any recording disclosed under the Freedom of Information Act shall be redacted to remove identification of any person that appears on the recording and is not the officer, a subject of the encounter, or directly involved in the encounter. Nothing in this subsection (b) shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under the Freedom of Information Act. (Emphasis added.)

Based on the police report, the footage is flagged for purposes of section 10-20 of the Body Camera Act because you were arrested. However, the person other than you who is a subject of the footage had a reasonable expectation at the time of the recording, because it occurred inside her residence. Therefore, the footage of that individual falls within the first of the three subsections of the Body Camera Act set out above: section 10-20(b)(1). Under the plain language of that provision, the footage of the other subject of the recording—who is described in the report as a victim and/or witness—may be disclosed by the Police Department only if that subject provides written consent to disclosure. There is no indication that this other subject has provided written consent to disclosure. Because any body camera recording from the incident depicting the other subject is not subject to disclosure to you under the Body Camera Act, such footage is exempt from disclosure under section 7.5(cc) of FOIA.


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Under these circumstances, this Request for Review is unfounded. This file is closed. If you have any questions, you may contact me at the Chicago address on the first page of this letter.

Very truly yours,


KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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