

## Kirk Allen

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**From:** Kirk Allen <KAllen@1ststriketech.com>  
**Sent:** Friday, November 15, 2013 10:41 AM  
**To:** 'Abinoja, Allan'  
**Subject:** RE: Emailing: FOIA\_140148796\_Ltr

I am in receipt of your demand letter for the return of documents that included implied threats of a criminal act.

I would encourage further review of the FOI Act and if you feel it spells out you have the authority to make demands of citizens under FOIA for the return of documents that have not been properly redacted then please cite that section for my review and consideration.

I appreciate you citing the **Illinois Identity Protection Act** however I fail to see how that applies to me as I am not a "Person" as defined in that statute. **"Person" means any individual in the employ of a State agency or local government agency."**

Considering you have acknowledged the error committed by your FOIA officer I would like to direct you to the very statute that you are attempting to intimidate me with.

### **(5 ILCS 179/15)**

Sec. 15. Public inspection and copying of documents. Notwithstanding any other provision of this Act to the contrary, a person or State or local government agency must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number. **A person or State or local government agency must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.** (Source: P.A. 96-874, eff. 6-1-10.)

Considering there has been a clear acknowledged failure to comply with the statute by the FOIA officer I direct you to section 45 of the statute.

### **(5 ILCS 179/45)**

Sec. 45. Violation. **Any person who intentionally violates the prohibitions in Section 10 of this Act is guilty of a Class B misdemeanor.**  
(Source: P.A. 96-874, eff. 6-1-10.)

Now that you are aware of a potential criminal act by a person employed with your state agency do you intend to initiate the appropriate criminal investigation and pursue prosecution?

I have forwarded your demand letter to the Public Access Counselor and requested a review as outlined in the FOI Act. I await their response to that request and will not take any action until hearing back from that agency.

If you have any questions please feel free to e-mail them anytime.

Sincerely,

Kirk Allen  
PO Box 593  
Kansas, IL 61933  
217-508-0564

-----Original Message-----

From: Abinoja, Allan [<mailto:Allan.Abinoja@Illinois.gov>]

Sent: Thursday, November 14, 2013 3:30 PM

To: [kallen@1ststriketech.com](mailto:kallen@1ststriketech.com)

Cc: Linxwiler, Darlene

Subject: Emailing: FOIA\_140148796\_Ltr

Please see attached. A paper copy is also being mailed to you.

If you have any questions, please contact the Department of Public Health, Division of Legal Services, at (312) 814-6033

Allan Abinoja  
Deputy General Counsel  
Illinois Department of Public Health

The message is ready to be sent with the following file or link attachments:

FOIA\_140148796\_Ltr

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