



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 7, 2013

Mr. Mark T. Petty
Petty Law Office, P.C.
111 East Main Street
Box 128
Arcola, Illinois 61910

RE: FOIA Request for Review – 2013 PAC 25511

Dear Mr. Petty:

The Public Access Bureau has received a Request for Review pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2012)) concerning a FOIA request submitted by Mr. John Kraft to Arcola Township (Township). Enclosed for your information are copies of Mr. Kraft's FOIA request and his Request for Review by our office.

On July 21, 2013, Mr. Kraft requested from the Township the "names and dates of all Arcola Township employees that took any vacation days between May 28, 2011 thru June 28, 2011 [and] receipts for [a list of] credit card purchases on (Marathon) account number 1006268518[.]"¹ On July 30, 2013, the Township replied to Mr. Kraft stating:

The Freedom of Information Act does not require the Township to answer questions. They can produce public documents that are defined in the Act, but to actually answer a question about who was on vacation and when is not an appropriate request. If you want some documents that you think would give you this information[,] just let us know what they are.²

On August 1, 2013, this office received Mr. Kraft's Request for Review alleging that the Township improperly construed his FOIA request as a question and did not respond to his request within five business days.

¹FOIA request from John Kraft to Arcola Township (July 21, 2013).

²Letter from Mark T. Petty, Attorney for Arcola Township, to John Kraft (July 29, 2013).

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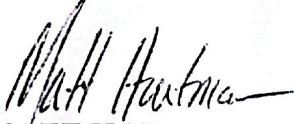
This office has determined that further action is warranted. This office requests that the Township provide an explanation for its assertion that Mr. Kraft's FOIA request poses questions to the Village. Similarly, this office requests that the Township provide a detailed legal and factual basis for its contention that a FOIA request must specify the specific documents that are responsive to the request. In your response, please clarify whether the Township possesses any records that reflect the names and dates of Township employees who took vacation from May 28, 2011, to June 28, 2011. In addition, please clarify if the Township possesses any records that reflect receipts for the seven purchases Mr. Kraft identified in his FOIA request. Please also clarify the date that the Township received Mr. Kraft's FOIA request and the date the Township sent its reply to Mr. Kraft.

As required under FOIA, please provide this information to our office within seven (7) working days after receipt of this letter (5 ILCS 140/9.5(c) (West 2011 Supp.)). As we review this matter, we will advise you if we require additional information. If you believe that other documents or information would help us as we review these issues, you may submit additional records or affidavits with the requested information.

Please note that, under FOIA, we are required to forward a copy of any response from a public body to the requester and provide the requester with an opportunity to reply (5 ILCS 140/9.5(d) (West 2011 Supp.)). The Act provides, however, that "[t]o the extent that records or documents produced by a public body contain information that is claimed to be exempt from disclosure under Section 7 of [the] Act, the Public Access Counselor shall not further disclose that information." 5 ILCS 140/9.5(c) (West 2011 Supp.). The Act also requires that we redact "any alleged confidential information to which the request pertains" when providing a copy of your written response to the requester (5 ILCS 140/9.5(d) (West 2011 Supp.)). **If your response contains information or documents you believe are confidential, you must clearly identify that specific information in your response.**

Please contact me at (217) 782-9054 if you have questions or would like to discuss this matter. Thank you.

Very truly yours,


MATT HARTMAN
Assistant Attorney General
Public Access Bureau

Enclosure

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cc: Mr. John Kraft (will receive letter only)
7060 Illinois Highway 1
Paris, Illinois 61914