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**From:** John Kraft [mailto:john@heirloomvideography.net]  
**Sent:** Thursday, September 06, 2012 10:11 PM  
**To:** 'llavine@atg.state.il.us'  
**Subject:** Response to FOIA Request for Review – 2012 PAC 20669

September 6, 2012

Lindsay H. Lavine  
Assistant Attorney General  
Public Access Bureau  
100 West Randolph Street  
Chicago, Illinois 60601

RE: FOIA Request for Review – 2012 PAC 20669

Dear Ms. Lavine,

After reading the response from the Edgar County 911 Director, it is clear there is a lack of training in FOIA policies and procedures in this department.

The bottom line is that personal “feelings” have nothing to do with whether or not to comply with a FOIA request, generated after the Illinois Attorney General’s office issued an opinion on the contents of that particular request, and directed them to provide it.

I will attempt to address these issues with the following facts:

- 2011 PAC 17699 specifically confirmed the following issues:
  - The cell phone was considered a County-issued phone after reviewing materials provided (from me and from the Board) for review.
  - The records pertaining to that cell phone were public information.
  - The records of the cell phone were considered public record deemed to be in the custody of the board (contracted with the carriers), and pursuant to 7(2) of FOIA the board must take appropriate steps to obtain the records in order to satisfy this request.
  - That section 7(1)(b) exempts only “home or personal telephone numbers” and that the board may redact from the list all home or personal telephone numbers.
  - This information is not an unwarranted invasion of personal privacy, as the board was directed to provide these records to me.
  - That the board’s denial of my FOIA request failed to comply with section 9(a) of FOIA.
- The issue of “Private Information”:

- Date, Time, Usage Type, Origination, Destination, and Minutes (of calls) do not meet the definition of "Unique Identifiers".
  - "Unique Identifiers" are items that, by themselves, could identify a person. Please explain how "24 minutes" or "July 15", or "8:30 a.m." could even come close to identifying a number called or a person called.
  - It would be impossible to ascertain the cell phone number called or received using any or all of this information in any way.
- The issue of fees:
    - The \$5.00 per month is what the cell phone companies are charging the Public Body to provide the information – it has no bearing on what the Public Body can charge per page to the Public
    - Full or partial denial of a FOIA request constitutes a denial.
    - 2011 PAC 17699, by directing the board to provide the information, confirmed the denial was an improper denial
    - The consequence, for Failure to respond to a FOIA request or improper denials of FOIA requests, the Public Body waives that ability to impose fees for copying those records.

I will be happy to provide more information if requested.

Thanks for your consideration,  
John Kraft  
7060 IL HWY 1  
Paris, IL. 61944