



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 1, 2012

Via electronic mail
FOIA Officer
Clark-Edgar Rural Water District
clarkedgarwater@yahoo.com

RE: FOIA Request for Review – 2012 PAC 20613

Dear FOIA Officer:

The Public Access Bureau has received the enclosed Request for Review from Mr. Kirk Allen pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5) (West 2011 Supp.). Mr. Allen's Request for Review involves a June 19, 2012, FOIA request that Mr. Allen submitted to the Clark-Edgar Rural Water District (District) for various records related to District operations. The Request for Review includes a copy of the following June 29, 2012, e-mail from Mr. Allen to what appears to be the District's e-mail account: "Are you telling me you don't have ANY of our requests in electronic format?" In e-mail correspondence the same day, "Jennifer" sent the following response: "That is correct and I stated that in the email on June 22 when I requested the additional 5 business days. Due to the fact that the bookkeeper is out due to surgery and I am unfamiliar with the software I have had to pull our paper records and copy them."

Mr. Allen's Request for Review asserts that the District improperly charged him \$253.30 for paper copies of records responsive to his FOIA request. He asserts that the District has the requested records in electronic format and that "the fact that personnel are unavailable or unfamiliar with the software is not grounds to charge me for copies that are in fact in electronic format as pointed out in their response."

We have determined that **further inquiry is warranted** with regard to this matter. 5 ILCS 140/9.5(c) (West 2011 Supp.). First, please provide our office with the name of the District's FOIA officer and a telephone number where the FOIA officer may be reached. Additionally, in the form of a written response, please clarify whether the records responsive to Mr. Allen's FOIA request exist in electronic form. 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 2010). As we review this matter, we will advise you if we require additional


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information. If you believe that other documents or information would help us as we review this issue, 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 2010)). FOIA 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 2010). FOIA 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 2010)). **If your response contains information or documents you believe are confidential, you must clearly identify that specific information in your response.**

Should you have further questions, you may contact me at (312) 793-0865.

Very truly yours,


SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

Enclosures

cc: *Via e-mail*
Mr. Kirk Allen
KAllen@1ststriketech.com