



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 24, 2014

Via electronic mail
Ms. Patti Taves
Records Supervisor
Glen Ellyn Police Department
ptaves@glenellyn.org

RE: FOIA Request for Review – 2014 PAC 31285

Dear Ms. Taves:

Pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2012)), the Public Access Bureau has received a Request for Review concerning a FOIA Request submitted to the Glen Ellyn Police Department (Department) by Mr. John Kraft. Enclosed is a copy of the Request for Review.

On September 8, 2014, Mr. Kraft submitted a FOIA request to the Department seeking copies all police reports for the last 24 months involving DUI/DWI arrests. On September 15, 2014, the Department asked Mr. Kraft to narrow his request. On September 15, 2014, Mr. Kraft narrowed his request to the last 12 months. On September 15, 2014, the Department asserted that compliance with Mr. Kraft's request was still excessive. On September 15, 2014, the Public Access Bureau received the enclosed Request for Review contesting the response from the Department.

We have determined that further inquiry is warranted. Please provide a detailed explanation for the assertion that compliance with Mr. Kraft's narrowed September 15, 2014, FOIA request would be unduly burdensome. In particular, please describe the extent to which compliance with the request would burden the operations of the Department.

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2012)), please provide this information to our office within seven (7) business days after receipt of this letter. 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.

Ms. Patti Taves
September 24, 2014
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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 2012)). 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 2012). 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 2012). **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 (312) 814-8413, jjones@atg.state.il.us, or at the Chicago address above if you have questions or would like to discuss this matter. Thank you.

Very truly yours,



JOSH JONES
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*
Mr. John Kraft (will receive letter only)
7060 Illinois Highway 1
Paris, Illinois 61944
john@illinoisleaks.com

Access, Public

From: John Kraft <john@illinoisleaks.com>
Sent: Monday, September 15, 2014 4:59 PM
To: Access, Public; Access, Public
Subject: FOIA Request for Review (Glen Ellyn)
Attachments: Kraft-Sept 8.pdf

RECEIVED

SEP 16 2014 31285

Public Access
Counselor

Public Access Counselor,

Please consider this a request for review of a FOIA request denial.

Name of Public Body: Glen Ellyn Police Department

Date of Original Request: September 8, 2014

In my original request I asked for 24 months worth Police Reports of DUI/DWI arrest. The public body replied on day 5 that it was excessive without providing a reason that it was excessive. I then asked them to just provide 12 months worth instead. They replied that was still excessive without providing anything that would lead me to believe it was actually excessive and would unduly burden them. I then asked them to provide the requested records.

What I then received was a denial. This denial leads me to believe that it is not excessive, but instead the Glen Ellyn Police Department is simply not wanting to produce public records to someone who is "not from there". This is evidenced in their last sentence on page 1:

"The burden on the agency to produce such a high volume of records to a single individual who resides in Paris, IL (194 miles away from the municipality) far outweighs any purported public interest".

This tells me that if I did not live in Paris, Illinois, but instead lived in Glen Ellyn where they could bully me, follow me around, and intimidate me in general, I would either not dare to make such a request or they would comply with the request since I would live closer than 194 miles from the municipality. How close to Glen Ellyn do I need to live to make it a request of "public interest"? I could not find that listed anywhere in the Freedom Of Information Act as a reason for being burdensome.

Please review this denial of records, where the denial is based on where I choose to reside, and direct the public body to comply with the request.

The original FOIA request and all correspondence are contained within this email string.

Electronic communications requested.

Thanks,
John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

ph: 217-808-2527
e-mail: john@illinoisleaks.com

From: Patti Taves <ptaves@glenellyn.org>
Sent: Monday, September 15, 2014 4:34 PM
To: John Kraft
Subject: RE: FOIA Request (Glen Ellyn) 9-8-2014

Please see the attached response.

From: John Kraft [mailto:john@illinoisleaks.com]
Sent: Monday, September 15, 2014 11:27
To: Patti Taves
Subject: RE: FOIA Request (Glen Ellyn) 9-8-2014

You have not stated anything proving it would be excessive.
Please provide the requested records.

Thanks,
John Kraft

From: Patti Taves <ptaves@glenellyn.org>
Sent: Monday, September 15, 2014 11:03 AM
To: John Kraft
Subject: RE: FOIA Request (Glen Ellyn) 9-8-2014

That will still be excessive. Perhaps if you can articulate what you're looking for, we can work toward a reasonable number of reports and/or information you're seeking.
Thank you,

Patti Taves

From: John Kraft [mailto:john@illinoisleaks.com]
Sent: Monday, September 15, 2014 10:23
To: Patti Taves
Subject: RE: FOIA Request (Glen Ellyn) 9-8-2014

Reduce it to 12 months then,

Thanks,
John Kraft

From: Patti Taves <ptaves@glenellyn.org>
Sent: Monday, September 15, 2014 10:22 AM
To: John Kraft
Subject: RE: FOIA Request (Glen Ellyn) 9-8-2014

Mr. Kraft:

Your request to the Glen Ellyn Police Department for all police reports for the **past 24 months that were DUI/DWI arrests** cannot be completed as it is excessive in volume. Please consider reducing the request to a manageable size.

Patricia Taves
Records Supervisor
Glen Ellyn Police Department
630-469-1187 (Main)
630-547-5276 (Direct)
ptaves@glenellyn.org

From: John Kraft [mailto:john@illinoisleaks.com]
Sent: Monday, September 08, 2014 17:11
To: Patti Taves
Subject: FOIA Request (Glen Ellyn) 9-8-2014

In accordance with the Illinois Freedom Of Information Act, please provide the following:

1. Copy of all Police Reports for the **past 24 months that were DUI/DWI arrests** by the Glen Ellyn PD.

If you are not the FOIA officer responsible for any part of this request you are required by law to forward it to the appropriate FOIA officer.

The purpose of the request is to access and disseminate information regarding the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

As outlined in FOIA, documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

I am requesting the records be provided in electronic format if that is the method in which they are stored. If they are in paper form and the copier can convert them to electronic format I would appreciate receiving them electronically.

Thanks,
John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

217-808-2527



VILLAGE OF GLEN ELLYN
DENIAL OF RECORDS DISCLOSURE REQUEST

Name/Organization: John Kraft
Date/Time Received: September 8, 2014
Received By: Taves
Number of Pages: 0
Date/Time of Village Response: September 15, 2014
Contacted via Phone: _____
Response: Picked Up FAX Emailed Mailed
Response by: Police - Taves

Your request for copies of all Glen Ellyn Police Department DUI/DWI reports within the last twelve months has been reviewed. Release of the records is denied as authorized under 5 ILCS 140/3(g). There are 117 Glen Ellyn DUI/DWI arrests within the last twelve months and any obligation to furnish those records is unduly burdensome.

In your initial request you asked for the last two years of DUI/DWI reports. When solicited to narrow the scope of the request, your revised request was to obtain 12 months of reports. A second solicitation was sent to asking you to articulate what information you are seeking, with the hope of arriving a manageable number of reports that might meet your needs. Your response, in part, was "Please provide the requested records."

This agency performs its due diligence with respect to FOIA requests and the records it releases. Each report must be reviewed and any appropriate redactions made. Compliance with this request, made to this small law enforcement agency, would significantly impact our ability to complete other critical, timely functions, and therefore significantly disrupt normal operations.

This is a categorical request for public records which, if the agency were required to produce, would constitute 117 separate case reports for the twelve month period. The burden on the agency to produce such a high volume of records to a single individual who resides in Paris, IL (194 miles away from the municipality) far outweighs any purported public interest.

Appeals.

A requestor receiving a partial or full denial may appeal the decision of the Village in one of two ways:

Submit a written appeal to:

- Public Access Bureau
Illinois Attorney General's Office
500 South 2nd Street
Springfield, IL 62706
Phone - (217) 558-0486. Email – publicaccess@atg.state.il.us
- File suit for injunctive or declaratory relief.