

October 13, 2014

Via Email

Mr. Kirk Allen
P.O. Box 593
Kansas, IL 61933
Kirk@illinoisleaks.com**Re: Freedom of Information Act Request**

Dear Mr. Allen:

This will respond to your Freedom of Information Act ("FOIA") request, dated Friday September 26, 2014 6:27 p.m., which was received by the College on September 29, 2014. On October 6, 2014, we advised you via email that the College was extending the time period for response to your FOIA request by an additional five business days, as authorized by Section 140/3(e) of the FOIA, because a substantial number of records need to be collected and examined by appropriate personnel to determine if any of the materials are exempt from disclosure or require redaction. 5 ILCS 140/3(e).

You requested the following:

1. Copy of invoices submitted for payment to COD from a company using the name "Broadcast Technologies", "1 Broadcast Technologies", Broadcast Technologies 1" since 1999.
2. Copy of any invoice submitted for payment to COD from John Valenta since 1999.
3. Copy of any expense reimbursement and/or claim turned into COD by John Valenta since 1999.
4. Copy of all payroll records and/or payments for services for John Valenta during his employment and/or contracted service to COD.
5. Copy of all titles assigned to John Valenta during his employment/business relationship with COD.
6. Copy of the employment application and resume submitted to COD by John Valenta prior to his employ with COD.
7. Copy of discipline records for the last 4 years of Mr. Valenta's employ with COD.

Please note that the College has renumbered your requests to eliminate duplicate numbers starting with #4 above.

The documents responsive to your requests are contained in the attached PDF file. The College has no documents responsive to your requests #2 and #7. Records responsive to your request #1 are exempt from disclosure under FOIA Section 7(1)(d) which exempts "Records in the possession of any public body created in the course of administrative enforcement proceedings, or any law enforcement or correctional agency for law enforcement purposes". 5 ILCS 140/7(1)(d).

In response to your request #4, the College has provided payroll records for the period January 2009 through March 2014, which was the last pay date for Mr. Valenta. Due to a change in the College's computer software systems in 2009, the College does not have electronic payroll records for earlier years. It would be unduly burdensome for the College to manually search 30 years of hard copy files from the commencement of Mr. Valenta's employment with the College, and then review such documents for necessary redactions, in order to attempt to provide you this information in hard copy form. Accordingly, we are extending you the opportunity to reduce the scope of this request to a manageable proportion by limiting the request to the period beginning in June 2009. If you are not willing to do so, the College will need to exercise its right under FOIA Section 3(g) to deny that portion of your request prior to June 2009. 5 ILCS 140/3(g).

Please be advised that certain private information has been redacted from the responsive documents including individual social security numbers, home addresses and signatures, as they are private information exempt from disclosure under the FOIA. The College has redacted this information pursuant to Section 7(1)(b) of the Freedom of Information Act which provides that the following shall be exempt from inspection and copying: "Private information, unless disclosure is required by another provision of the Act, a State or federal law or court order." 5 ILCS 140/7(1)(b). Private information under the Act means unique identifiers including, among other things, social security numbers, home addresses and signatures.

The name of the person responsible for preparing this response is Barbara Mitchell, the College's Freedom of Information Officer, who consulted with the College's legal counsel on this matter.

You may ask the Illinois Attorney General's Public Access Counselor (PAC) to review this decision concerning your records request, by submitting a Request for Review to the PAC by electronic mail or U.S. Mail within 60 days after this response. A request for Review by the PAC should be directed to:

Public Access Bureau
Office of the Attorney General
500 S. 2nd Street
Springfield, IL 62706
publicaccess@atg.state.il.us

The PAC's telephone number is (217) 558-0486.

You also have the right to administrative review by a court of law pursuant to Section 11 of the Illinois Freedom of Information Act.

Very truly yours,



Barbara Mitchell, FOIA Officer
College of DuPage
425 Fawell Blvd.
Glen Ellyn, IL 60137
Phone: (630) 942-2373

Attachments