



DEPARTMENT OF INNOVATION AND TECHNOLOGY
CITY OF CHICAGO

January 5, 2012

Via Email
justin@ejtown.org
Justin B Newman
2900 N Woodard St
Chicago, IL

RE: FOIA Request dated December 28, 2011

Dear Mr. Newman,

This letter is in response to your original FOIA request dated December 23, 2011 and your amended FOIA request dated December 28, 2011

By way of background, your original FOIA request dated December 23, 2011 asked the Department of Innovation and Technology for the following:

*“electronic mail messages to or from Rey Colon or any staff member in the Ward 35 offices of Rey Colon, relating to any of:
2701 N Milwaukee Ave, 2707 N Milwaukee Ave McDonalds Pedestrian Street Designation A7761Franchise Realty”*

We responded to your original request, informing you that your request was burdensome. We requested that you narrow your request and offered you assistance in narrowing your request.

On December 28, 2011, you sent an amended FOIA request in email in which you requested that the City:

*Electronic mail messages sent or received by:
ward35@cityofchicago.org
reycolon@cityofchicago.org
rey@reycolon.org
or any other email account utilized by
Alderman Rey Colon while conducting public
business, including (but not limited to):
rey_colon@msn.com
This request is limited to messages dated May 25 – December 25, 2011.*

DOIT does not have access to the MSN and reycolon.org email boxes that you requested. However, the City's technology department ran this search for the remaining emails and determined the following:

For Rey Colon from May 25-December 25, 2011, 11,940 email hits for the search terms.

For Ward 35 from May 25-December 25, 2011, 17,964 email hits for the search terms.

Your request remains burdensome. There are over 29,000 email hits. To produce these emails, all of the emails would need to be transferred from the archive system into a reviewer's email system, and then each and every email would need to be reviewed to determine if the emails were exempt under FOIA. For instance, the emails could contain predecisional material or be exempt from disclosure under the attorney-client privilege. Because DOIT is merely the holder of these records, rather than the creator, it would be dependent on input from the creator of the emails to make determinations as to exemptions. This will add to the burden of review. The City has conducted these types of reviews in the past and estimates that it would take approximately 8 hours to review 100 emails in circumstances where there is non need to consult with the creator of the email. Extrapolating therefrom, it would take a minimum of 2,320 hours to conduct this search.

The FOIA provides in 5 ILCS 140/3(g) that requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. For the reasons stated above, fulfilling this request would be burdensome. Though FOIA does not provide you with multiple opportunities to narrow your request, we nevertheless extend another invitation for you to do so. We suggest you consider limiting the search to a smaller time frame. We are also willing to work with you to develop other suggestions as to narrowing your search.

To the extent you consider this a denial of your request, you will have a right of review by the Illinois Attorney General's Public Access Counselor, who can be contacted at 500 S. Second St., Springfield, IL 62706 or by telephone at (217) 558-0486. You may also seek judicial review of a denial under 5 ILCS 140/11 of FOIA.

Sincerely,



Yolanda Gardner
Freedom of Information Officer
Department of Innovation & Technology