



DEPARTMENT OF INNOVATION AND TECHNOLOGY
CITY OF CHICAGO

December 23, 2011

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

RE: FOIA Request dated December 16, 2011

Dear Mr. Newman,

This letter is in response to the Freedom of Information Act (FOIA) request received by the City of Chicago Department of Innovation and Technology (DOIT) on December 16, 2011, for the following documents:

*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*

The FOIA provides 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.

In order to be fully responsive to your request, a search would need to be done of Alderman Colon's email box, at a minimum. The City's e-mail search engine has the following requirements for a search: (1) the e-mail address of the account you wish searched; (2) words you wish to search for; and (3) the e-mail address of each individual's mailbox, if you seek e-mail correspondence to and from two individuals. Your request does not contain all of this information. Additionally, your request is unrestricted as to time. Without the required information, DOIT would need to recreate the email boxes and, after recreating each of these e-mail boxes, each and every e-mail message received or sent would have to be downloaded and reviewed to determine it is responsive to your request or is exempt from disclosure.

Therefore, it is necessary that your FOIA request seeking be narrowed and clarified. If you would like assistance in narrowing your request, please contact me and I will assist.

Otherwise, as explained above, as your FOIA request is currently drafted, DOIT is unable to respond to the request.

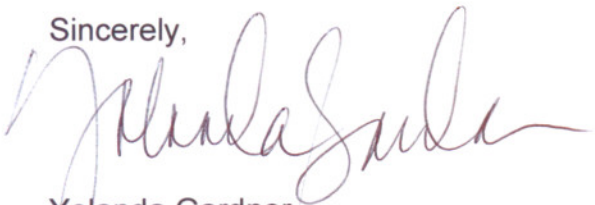
If you agree to narrow this portion of your request, you must submit a revised written request. The DOIT will take no further action or send you any further correspondence unless and until your current request is narrowed in writing. If we do not receive your narrowed request within fourteen (14) calendar days of the date of this letter, your current request will be denied.

Though we invite you to narrow your request, keep in mind that it is our belief that the majority of the documents that deal with this issue would be predecisional in nature, and therefore exempt under 5 ILCS 140/7(1)(f).

Also, please be advised that, to the extent that you are seeking emails related to the Alderman's Ward office activities, DOIT would not have these documents. Though the Alderman may have such documents, the Alderman is not a public body and therefore not subject to the Freedom of Information Act. Quinn v. Stone, 570 N.E.2d 676 (Il. 1991) is directly on point. In that case, the court set forth the definition of public body under FOIA and found that "[a]n exhaustive review of both state and federal law defining 'public body' reveals no case which would include an individual alderman in that definition."

In the event that we do not receive a narrowed request and your current FOIA request is therefore denied, 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,

A handwritten signature in dark ink, appearing to read 'Yolanda Gardner', written in a cursive style.

Yolanda Gardner
Freedom of Information Officer
Department of Innovation & Technology