



DEPARTMENT OF FINANCE
CITY OF CHICAGO

April 25, 2012

Justin B. Newman
2900 N. Woodard St.
Chicago, Illinois 60618
justin@ejtown.org

Dear Mr. Newman:

This letter is in response to the Freedom of Information Act ("FOIA") request received by the City of Chicago Department of Finance ("the Department") on April 18, 2012. In your FOIA request, you seek and state the following:

- 1) *A current list of all records prepared, received, or maintained by the Department of Finance. This list should be reasonably detailed, to aid in obtaining access to public records.*
- 2) *For records kept through electronic data processing, the manner in which the public records can be obtained by the public.*
- 3) *Please provide copies of the records in electronic form. If they are available in a format other than PDF (plain text, Microsoft Word, Excel, etc.), this would be preferable.*

In response to item 1 of your request, the Department is providing you with a list of records maintained by the Department.

- Payrolls
- Cancelled checks
- Expenditure reports
- Revenue reports
- Employee benefit records
- Annuitant benefit records

In response to item 2 of your request, please note that the FOIA requires a public body, such as the Department to produce documents. See 5 ILCS 140/3(a) ("Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in section 7 of this Act."). FOIA does not require the public body to provide answers to questions or create documents. In fact, 5 ILCS 140/3.3. provides that

FOIA “is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of the public records.” In Kenyon v. Garrels, 184 Ill. App. 3d 28 (4th Dist. 1989), the Illinois Appellate Court noted that FOIA “does not compel the agency to provide answers to questions posed by the inquirer.”

Therefore, the Department is under no obligation to answer questions. However, to obtain public records kept through electronic data processing, a FOIA request could be submitted to the public body for those records.

In response to item 3 of your request, the request is overly broad and therefore unduly burdensome on the Department. 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.

Your request for copies of the records maintained by the Department is unduly burdensome. All records maintained by the Department would include a myriad of documents, presumably including, all records and reports, payrolls, cancelled checks, expenditure reports, revenue reports, employee benefit records, and annuitant benefit records. Moreover, because the Department has approximately 462 employees the amount of documents maintained are extensive. Also, the myriad of documents maintained by the Department would include documents that are exempt from disclosure. Because of the vast amount of records maintained by the Department, as your FOIA request is currently written, the dedication of staff and/or resources necessary is unduly burdensome on the daily operations of the Department.

Your FOIA request is also unduly burdensome because it presumably includes e-mails. It is onerous to conduct an e-mail search given the parameters set forth in your request. 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) key words you wish to search for; (3) the e-mail address of each individual’s mailbox, if you seek e-mail correspondence to and from two individuals; and (4) the timeframe to be searched. Your request does not contain any of the requirements for the e-mail search.

Without the required information, the Department would need to recreate each and every mailbox for every Department employee, approximately 462 employees, which is both unduly burdensome and costly. That aside, after recreating each of these e-mail boxes, each and every e-mail message a Department employee received or sent would have to be downloaded and reviewed to determine if it is responsive to your request or is exempt from disclosure. If any exemptions were to apply, we would then need to redact such information covered by an exemption. The entire process of downloading, reviewing for exempt information, and redacting materials would be onerous.

Therefore, it is necessary that your FOIA request seeking “copies of the records” be narrowed. 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, the Department is unable to respond to the request.

If you agree to narrow your request, you must submit a revised written request to my attention. The Department 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, this portion of your request will be denied.

In the event that we do not receive a narrowed request and a portion of your 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 cursive script that reads "Sandra Collins".

Sandra Collins
Freedom of Information Officer
Department of Finance
312-744-7140