OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 15, 2023

Via electronic mail
Mr. Nick Hunley
EKN Holdings, LLC
11902 North Penn Avenue, Suite C-1
Oklahoma City, Oklahoma 73120
nhunley@eknholdings.com

RE: FOIA Request for Review – 2023 PAC 79254

Dear Mr. Hunley:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2022)). For the reasons explained below, this office has determined that no further action is warranted in this matter.

On December 4, 2023, you submitted a FOIA request to the Illinois Department of Human Rights (Department) seeking the meaning of six specified abbreviations from the "Division of Oil and Gas List of Wells in Plugging Fund," a document attached to your request.[1] Your request also sought "the meaning of references in the 'Memo' column that begin with 'PRF-R No.5', PRF-R No. 12', etc."[2] On December 6, 2023, the Department responded that it had no records responsive to your request, noting that you had not requested public records of the Department. On that same date, you submitted the above-referenced Request for Review contesting the Department's response.

Under FOIA, "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying." 5 ILCS 140/1.2 (West 2022); *see also Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415 (2006). However, "[a] request to inspect or copy must reasonably identify a public record and not general data,

[1]E-mail from Nick Hunley to [Freedom of Information Act Officer], [Illinois Department of Human Rights] (December 4, 2023).

[2] E-mail from Nick Hunley to [Freedom of Information Act Officer], [Illinois Department of Human Rights] (December 4, 2023).

information, or statistics." *Chicago Tribune Co. v. Department of Financial & Professional Regulation,* 2014 IL App (4th) 130427, ¶33, 8 N.E.3d 11, 19 (2014). Further, a public body is not required to answer questions or create new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (4th Dist. 1989). *See also* 5 ILCS 140/3.3 (West 2022) (FOIA "is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of the public records.").

Instead of reasonably identifying a public record, you asked the Department to define or explain the meaning of abbreviations and specific entries within a document created by the Division of Oil and Gas. FOIA did not require the Department to answer questions or create a new record in response to your request. Additionally, this office notes that the Division of Oil and Gas is a subunit of the Illinois Department of Natural Resources rather than the Department of Human Rights. Requests for records maintained by the former may be submitted to dnr.foia@illinois.gov. The Department of Natural Resources may answer questions in response to a request, but it is not required by FOIA to do so. Accordingly, this office has determined that no further action is warranted.

This letter serves to close this file. Please contact me at benjamin.silver@ilag.gov or (773) 590-7878 if you have any questions.

Very truly yours,

BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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