OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 1, 2024

Via electronic mail
[redacted]

RE: FOIA Request for Review – 2024 PAC 81259

Dear [redacted]

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024). For the reasons set forth below, the Public Access Bureau concludes that no further inquiry is warranted as to this matter.

On April 24, 2024, you submitted a FOIA request to the Illinois Human Rights Commission (Commission) informing the Commission that "[m]y Freedom of Information Act Request for information and clarification of the IHRC Request for Review requirements begins immediately below. **The questions that need answers appear in bold print.**"[1] (Emphasis in original.) You then proceed to ask the Commission twenty-six questions -- for example you asked the Commission:

> Exactly how many copies of the 45-page limit Request for Review am I required to send to the IHRC?
>
> * * *
>
> Do I need to verify my husband's disabilities as a requirement for the IDHR accepting my Request for Review or will the IHRC dismiss my Request for Review without this verification?

[1]E-mailed letter from [redacted] to Illinois Human Rights Commission at 2 (April 24, 2024).

* * *

> What sections of my Charge Investigation File did the IDHR send to the IHRC?

* * *

> What does the term 'under similar circumstances' mean and how does this differ from the term 'similarly situated[']?

* * *

> Am I required to provide full patient names or, in order to protect the privacy of each patient, is it allowable for me to provide only partial patient names, for example, "John S." as long as the patient is verifiable, if necessary?[2]

On May 1, 2024, the Commission denied your request "because it asks a series of questions rather than asking for copies of records in the custody or possession of the Commission."[3] On May 1, 2024, you submitted a Request for Review to this office contesting the Commission's response. In your Request for Review, you first complain that the Commission did "not respond to my questions[,]" and then assert that your questions are actually for documents because the answers to your questions "must appear on documents in possession of the [Commission,]" and that the Commission "knows exactly the documents to which I refer."[4]

The requirements of FOIA apply to "public records," which are existing records "having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." 5 ILCS 140/2(c) (West 2022), as amended by Public Act 103-554, effective January 1, 2024. A public body is not required to answer questions or generate new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (1989). Nor does FOIA compel a public body to search, collect, extract, and compile information manually scattered throughout records to answer questions. *See Martinez v. Cook County State's Attorney's Office*, 2018 IL App (1st) 163153, ¶ 25 (request that would have required public body to manually review its files and compile each "instance" in which it "used" specific information did not reasonably describe a record but instead was a general request for

[2]E-mailed letter from [redacted] to Illinois Human Rights Commission at 2-3 (April 24, 2024).

[3]E-mailed letter from Adrian Atwater, Assistant General Counsel, Illinois Human Rights Commission (May 1, 2024).

[4]E-mail from [redacted] to Public Access Counselor (May 2, 2024).

data that was "scattered throughout [the public body's] records"). Instead, a FOIA request "must reasonably identify a public record and not general data, information, or statistics." *Chicago Tribune Co. v. Department of Financial and Professional Regulation*, 2014 IL App (4th) 130427, ¶ 33.

Although your Request for Review asserts that the questions you asked the Commission to answer are requests for records because the Commission must have records that contain answers to the questions, FOIA does not require a public body to answer a variety of questions by searching for and compiling information from various unspecified records that it may maintain. Further, while you assert that the Commission knows what documents you are looking for, public bodies are not required to search beyond the four corners of a FOIA request, nor are they required to divine the requester's intent. *Manna v. U.S. Department of Justice*, 106 F. Supp. 3d 16, 19 (D.D.C. 2015). A public body is also not required to conduct legal research in order to respond to a FOIA request, such as researching and providing the legal definition of words in a statute or administrative rule. *See Lamb v. I.R.S.,* 871 F. Supp. 301, 304 (E.D. Mich. 1994). Because your request did not reasonably describe records, FOIA did not require the Commission to answer your questions or provide records that may contain the answers you are seeking. Accordingly, this office will take no further action in this matter.

The Public Access Counselor also is charged with providing advice and education to public bodies and members of the public. 15 ILCS 205/7(a), (c) (West 2022). To that end, this office notes that you may wish to submit a new FOIA request to the Commission seeking copies of records, such as procedures, protocols, directives, definitions, or rules pertaining to its review procedures, its patient privacy protections during its review process, or for records the Commission received from the Illinois Department of Human Rights pertaining to the review at issue.

This file is closed. If you have any questions, please contact me at 312-814-5201, edie.steinberg@ilag.gov, or at the Chicago address listed on the bottom of the first page of this letter.

Very truly yours,

[redacted]

EDIE STEINBERG
Senior Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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