OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 17, 2025

Via electronic mail
[redacted]

Via electronic mail
The Honorable John McPeek
Mayor
City of Harrisburg
110 East Locust Street
Harrisburg, Illinois 62946
mayormcpeek@cityofharrisburgil.com

RE: FOIA Request for Review – 2024 PAC 84510

Dear [redacted] and Mr. McPeek:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)).

On December 17, 2024, [redacted] submitted a FOIA request to the City of Harrisburg (City) seeking: "a copy of all sources of income and amounts from those sources of income to the city in 2022/2023/2024"[1] On December 23, 2024, the City responded by stating that the requested information was available within "financial statements" on the City's website, but that information for 2024 was not yet available. That same day, [redacted] submitted the above-referenced Request for Review contesting the City's response. Specifically, [redacted] contended that he should not have to search through the City's records and that the City should e-mail him the records.

Section 8.5(a) of FOIA (5 ILCS 140/8.5(a) (West 2022)) provides that "a public body is not required to copy a public record that is published on the public body's website. The

[1]E-mail from [redacted] to John McPeek, [Mayor], [City of Harrisburg] (December 17, 2024).

public body shall notify the requester that the public record is available online and direct the requester to the website where the record can be reasonably accessed."

On December 30, 2024, a Supervising Attorney in the Public Access Bureau attempted to access records responsive to [redacted] request on the City's website, but was unable to discern the records to which the City's response referred. On January 7, 2025, the City explained in an e-mail to this office that the information requested by [redacted] could be found within the audit reports on its website at https://www.harrisburgillinois.com/public-notices. The City further identified two portions of the reports which would contain the information: Statement of Activities, and Statement of Revenues, Expenditures, and Changes in Fund Balances. This office's review of the 2022 and 2023 audit reports confirmed that each document provides information regarding the City's sources of income and the amount of revenue from those sources. In an e-mail to [redacted], a Supervising Attorney in the Public Access Bureau described the location of the responsive information within the documents on the City's website.

Because FOIA does not require a public body to e-mail copies of records that are posted online and because [redacted] has been advised of the responsive information contained within the posted records, the allegation that the City failed to provide the requested information has been resolved. *See Duncan Publishing, Inc. v. City of Chicago*, 304 Ill. App. 3d 778, 782 (1999) ("Once an agency produces all records related to a plaintiff's request, the merits of a plaintiff's claim for relief, in the form of production of information, becomes moot.").

Nonetheless, this office reminds the City that, by its plain language, section 8.5 of FOIA imposes certain obligations for a public body that responds to a request by stating that responsive records, to the extent that they exist, are on its website. Section 8.5(a) expressly requires that "[t]he public body shall notify the requester that the public record is available online and *direct the requester to the website where the record can be reasonably accessed*." (Emphasis added.) The City's December 23, 2024, response did not direct [redacted] to the location of the records responsive to his request, nor did it reasonably identify those records. The City should be mindful of its obligation to provide the proper location of records available on its website in response to future FOIA requests.

This letter serves to close this matter. If you have any questions, please contact me at (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,

[redacted]

BENJAMIN J. SILVER
Supervising Attorney
Public Access Bureau

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