OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 11, 2025

Via electronic mail
[redacted]

Via electronic mail
Ms. Alexandra Snodsmith
Deputy Village Clerk
Village of Orland Park
14700 South Ravinia Avenue
Orland Park, Illinois 60462
asnodsmith@orlandpark.org

RE: FOIA Request for Review – 2025 PAC 86566

Dear [redacted] and Ms. Snodsmith:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2024)).

On April 22, 2025, and April 23, 2025, [redacted] submitted FOIA requests to the Village of Orland Park (Village). On April 28, 2025, the Village notified [redacted] that his requests qualified as requests from a recurrent requester under section 2(g) of FOIA (5 ILCS 140/2(g) (West 2024)) and that it would respond to the requests in accordance with section 3.2 of FOIA (5 ILCS 140/3.2 (West 2024)). On May 6, 2025, this office received [redacted] complete Request for Review disputing his recurrent requester status.

On May 15, 2025, this office forwarded a copy of the Request for Review to the Village and asked it to provide a written response addressing how the Village determined that [redacted] met the threshold for qualifying as a recurrent requester under section 2(g) of FOIA. This office also requested copies of the requests used in its calculations or a log of the relevant FOIA requests. On May 22, 2025, this office received the requested response and a log of FOIA

requests; this office received an updated log of additional requests on June 6, 2025. On May 23, 2025, this office forwarded a copy of the Village's response to [redacted]; he replied that same day, maintaining that the Village improperly treated him as a recurrent requester.

DETERMINATION

Section 2(g) of FOIA defines a "recurrent requester" as a "person" who, "in the 12 months **immediately preceding** the request, has submitted to the same public body "(i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period." (Emphasis added.) A public body's time to respond to a request by a recurrent requester is extended to 21 business days after receipt of the request. 5 ILCS 140/3.2(a) (West 2024). Thus, each time a requester submits a FOIA request to a public body, the public body "may look back 52 weeks prior to the date" the request was received to determine whether the requester continues to qualify as a "recurrent requester." Ill. Att'y Gen. PAC Req. Rev. Ltr. 29472, issued October 23, 2014, at 2; *see also* Ill. Att'y Gen. PAC Req. Rev. Ltr. 77350 77529, issued September 18, 2023 (concluding that requester did not meet threshold for qualifying as a recurrent requester because he did not submit at least 50 requests in the 52 weeks immediately preceding his requests).

In its response to this office, the Village stated:

> On January 14, 2025, [redacted] met the criteria of a recurrent requester as he had submitted a minimum of 50 requests for records (enclosed for your review) within a 12 month time period. It is the Village's understanding that once a requester qualifies as recurrent, that designation remains for one year from the date on which the submitted request went over the threshold as defined in Section 3(g) of FOIA (5 ILCS 140/3(g). In this case, [redacted] recurrent requester status would remain in effect until January 14, 2026.[1]

Under the plain language of section 2(g), the recurrent requester designation does not automatically last for a year from the time that a requester previously met the threshold. Rather, a requester would continue to qualify as a recurrent requester if the person submitted at least 50 requests in the 12 months prior to the date of the request at issue (or if they submitted the requisite number of requests described in section 2(g)(ii) or 2(g)(iii) during the 12 months prior to the request at issue). Based on this office's review of the Village's FOIA log, [redacted] submitted a total of 49 requests in the 52 weeks preceding the April 22, 2025, request and 50 requests preceding the April 23, 2025, request. Accordingly, this office concludes that the

[1]Letter from Alexandra Snodsmith, Deputy Village Clerk, Village of Orland Park, to Teresa Lim, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General (May 22, 2025).

Village improperly designated [redacted] as a recurrent requester in connection with his April 22, 2025, request but that he submitted the requisite number of requests to qualify as a recurrent requester as of his April 23, 2025, request.

This office requests that the Village refrain from treating [redacted] as a recurrent requester unless he has submitted at least 50 requests in the 52 weeks immediately preceding the request.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter shall serve to close this matter. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,

[redacted]

TERESA LIM
Deputy Bureau Chief
Public Access Bureau

86566 f 2g recurrent req proper improper mun