OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 9, 2025

Via electronic mail
[redacted]

RE: FOIA Request for Review – 2025 PAC 86704

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 2023 Supp.)). For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted in this matter.

You sent a letter, dated March 31, 2025, to the Illinois Department of Financial and Professional Responsibility (Department) seeking, in relevant part, the names of all Department parties associated with the adjudication of your complaint number [redacted]. On April 10, 2025, the Department responded to your request, which it received on April 8, 2025, stating that it could not locate responsive records. Additionally, the Department asserted that it was not required to create or prepare any records that it does not maintain. In letters dated April 21, 2025, and April 24, 2025, you submitted this Request for Review contesting the failure by the Department to provide you with the information you sought.

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, 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). In addition, FOIA does not require a public body to create new records or answer questions in response to a request. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (1989).

In *Judicial Watch, Inc. v. Department of State*, 177 F. Supp. 3d 450, 455 (D.D.C. 2016), a federal district court considered whether a request seeking "'records that identify the number and names of all current and former' State Department officials 'who used email addresses other than their assigned 'state.gov' email addresses to conduct official State Department business'" constituted a proper request for records under FOIA. The court held that the request "is really a question that asks 'who at the State Department used private email for conducting official business?' A question is not a request for records under FOIA and an agency has no duty to answer a question posed as a FOIA request." *Judicial Watch*, 177 F. Supp. 3d at 455-56; *see also Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985) (FOIA does not require "an agency to answer questions disguised as a FOIA request").

Rather than reasonably describing and asking for copies of records that may contain the information you are seeking, your letter to the Department sought the identities of Department employees generally involved with the processing and review of a complaint you previously submitted to the Department. As discussed above, the requirements of FOIA do not apply to such a question that asks for a discrete piece of information. Accordingly, this office has determined that no further action is warranted in this matter.

This file is closed. If you have any questions, please contact me at the Springfield address on the first page of this letter.

Very truly yours,

[redacted]

CHRISTOPHER R. BOGGS
Deputy Public Access Counselor
Public Access Bureau

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cc: *Via electronic mail*
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