



OFFICE OF MAYOR BRANDON JOHNSON
CITY OF CHICAGO

November 21, 2024

VIA ELECTRONIC CORRESPONDENCE

Terry Newsome
terrynewsome@protonmail.com

**RE: Notice of Response to FOIA Request
FOIA File No.: F087957**

Dear Terry Newsome,

On behalf of the City of Chicago Office of the Mayor, I am responding to your Freedom of Information Act request received by this department on October 30, 2024, requesting:

Please provide any and all emails from Cristina Pacione-Zayas and Beatriz Ponce DeLeon that mention Thomas Sivak and Jason Gamble. This request includes any associated PowerPoint presentations, charts, or graphs. The desired time frame is from January 1, 2022, to October 30, 2024. If this request is too burdensome, please shorten the time frame to January 1, 2023, through October 30, 2024.

As permitted by Section 5 ILCS 140/3(e) of the Act, the time was extended to conduct a thorough search for these records. Your request was reviewed by the undersigned and a search of the Mayor's Office records was conducted based upon the parameters provided. Information responsive to your request is available and attached.

Please be advised that certain information has been redacted from the enclosed responsive records pursuant to 5 ILCS 140/7(1)(b), 5 ILCS 140/7(1)(c), 5 ILCS 140/7(1)(kk), and 5 ILCS 140/7(1)(f). Details of the redactions are set forth below:

Section 7(1)(b) exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." 5 ILCS 140/7(1)(b). The FOIA, in 5 ILCS 140/2(c-5), defines "private information" as follows:

"Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license

plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.”

Therefore, redacted information includes personal telephone numbers. Such information is exempt and was properly redacted pursuant to Section 7(1)(b).

Moreover, please be advised that City issued cell phone numbers were redacted pursuant to 5 ILCS 140/7(1)(c) of FOIA. Section 7(1)(c) exempts from inspection and copying the following:

“[P]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy... ‘Unwarranted invasion of personal privacy’ means the disclosure of information is that highly personal or objectionable to reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

As publicly available City issued cell phone numbers would subject these employees to invasive and unsolicited communications, the disclosure of this information would burden employees’ privacy interest. Additionally, access to this information would not advance the public interest in understanding “the affairs of government and the official acts and policies of those who represent them[.]” 5 ILCS 140/1. Further, the landline numbers and other email addresses for these employees is available to the public, which further limits the de minimis public interest in the contact information of the requested employees. See *Shurtleff v. United States Environmental Protection Agency*, 991 F. Supp. 2d 1, 18 (D.D.C. Sept. 30, 2013) (“The EPA has proffered a substantial privacy interest at stake in disclosing the official internal email address of the EPA Administrator and the work email address of employees at the EOP: these few individuals have ‘a significant personal interest in preventing the burden of unsolicited emails and harassment.’”); *Buckovetz v. U.S. Department of the Navy*, Case No. 14-cv-2115-BEN, 2016 WL 4801335 at *2-3 (S.D. Cal. Apr. 7, 2016) (affirming the redaction of an employee’s cell phone number, because “the [employee’s] privacy rights in this information outweigh the public’s interest in disclosure”).

In addition, please be advised that any pre-decisional and draft materials are exempt and were redacted from the records pursuant to Section 7(1)(f). Section 7(1)(f) exempts from copying and inspection the following:

“[P]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the body.”

5 ILCS 140/7(1)(f). The U.S. Supreme Court has determined that the deliberative process exemption under FOIA focuses on documents that reflect “advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated.” *NLRB v. Sears and Roebuck*, 421 U.S. 132, 150-151 (1975). The purpose is to encourage “frank discussion of legal or policy matters” such that employees in government feel free to express their opinions before a final legal or policy decision is made. “Deliberative” has



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CITY OF CHICAGO

been found to mean being a direct part of the process where recommendations and opinions are expressed. *Vaughn v. Rosen*, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975). Records where preliminary opinions are expressed and policies and actions are formulated are therefore exempt from production under Section 7(1)(f) of the Illinois FOIA, and have been properly redacted.

Lastly, section 7(1)(kk) exempts from disclosure “The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

Therefore, unique meeting passcodes, and ID’s have been redacted from the records pursuant to Section 7(1)(kk).

You have the right to a review under 5 ILCS 140-9.5(a) by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 South 2nd Street, Springfield, Illinois 62706, Phone: (877)299-3642, Fax: (217)782-1396, E-mail: public.access@ilag.gov. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court.

Sincerely,

Hibo Aden
FOIA Officer