



CITY OF CHICAGO



DEPARTMENT OF FINANCE

October 22, 2024

Terry Newsome
630-235-5590
terrynewsome@protonmail.com

Mr. Newsome:

On behalf of the City of Chicago Department of Finance ("DOF"), I am responding to your Freedom of Information Act ("FOIA") sent to DOF on October 6, 2024, and received on October 7, 2024, seeking:

"Please provide me with any/all emails to or from the City of Chicago Finance staff and FEMA. And any financial reports or records that show payments to the City of Chicago by FEMA for immigration purposes. January 1st, 2021, through October 2nd, 2024.)"

Pursuant to 5 ILCS/140. You will find information pertaining to your request for documents that show payment to the City of Chicago regarding Immigration purposed enclosed in accordance with the FOIA request.

DOF has redacted certain material pursuant to Section 7(1)(b) of FOIA. That section exempts "private 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). Section 2(c-5) defines "private information" as: 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. 5 ILCS 140/2(c-5). The material we have redacted under this section is employee number, account number, bank account, and routing number. Because these items are specifically exempted under Section 7(1)(b), they have been properly withheld.

DOF has redacted certain material pursuant to Section 7(1)(c) of FOIA. That section exempts: [p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. 'Unwarranted invasion of personal privacy' means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right of privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. 5 ILCS 140/7(1)(c). The material that has been redacted under this section is employee number, account number, bank account, and routing number. The release of this information would constitute an unwarranted invasion of personal privacy. Therefore, this material has been properly redacted.

DOF has redacted certain material pursuant to Section 75 ILCS 140/7(1) (kk) of FOIA. That section exempts: "the public body's credit card numbers, debit card numbers, bank account



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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.” DOF properly redacted public body's account numbers pursuant to Section 7(1) (kk).

Please be advised that the part of your request regarding emails is unduly burdensome under Section 3(g) of FOIA. Section 3(g) of FOIA provides that “requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” Please be advised as your request that there are over 3.3 Million emails with the following search terms subject “FEMA” and/or “Immigration” executed on a citywide email search you have requested. Each record would then require an individual review to determine and later perform any necessary redactions before producing the record.

Based on allotting 3 minutes to review every email, this would take over 165,000 hours of staff time. Such an undertaking would pose an immense burden on the department's time. Thereby, as your FOIA request is currently written, the dedication of staff and/or resources is unduly burdensome on the daily operations of the DOF. It is necessary that your FOIA request be narrowed and clarified. If you would like assistance in narrowing your request, please contact me, and I will assist you. Otherwise, for the reasons provided above, DOF is unable to respond to your FOIA request as currently drafted. If you agree to narrow your request, you must submit a revised written request to my attention. DOF will take no further action or send you any further correspondence unless and until your current request is narrowed in writing.

Please note that each City department is a public body under Section 2 of FOIA, 5 ILCS 140/2(a). See *Duncan Publishing, Inc. v. City of Chicago*, 304 Ill. App. 3d 778, 784, 709 N.E.2d 1281, 1286 (1ST Dist. 1999) Clearly, each of the individual departments are subsidiary bodies of the City and are public bodies as defined by the FOIA. A FOIA request must be directed to the department that maintains the records you are seeking.

In the event that we do not receive a narrowed request and your current FOIA request is therefore denied, you have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court

Sincerely,

Frank Davis
FOIA Officer
Department of Finance
DOFFOIA@cityofchicago.org