



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 25, 2024

Via electronic mail
Mr. Noel Manley
[REDACTED]

RE: FOIA Request for Review – 2024 PAC 81001

Dear Mr. Manley:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA).¹ For the reasons explained below, the Public Access Bureau concludes that no further action is warranted in this matter.

On April 8, 2024, the Hinsdale Public Library (Library) received your FOIA request seeking a "list of the names of all persons over the age of 18 who currently hold a Library Card issued by the Hinsdale Library Public Library."² Later that day, the Library denied your request pursuant to section 7(1)(a) of FOIA³ citing the Library Records Confidentiality Act (Confidentiality Act).⁴ On April 11, 2024, you submitted a Request for Review contesting the denial.

Section 7(1)(a) of FOIA allows a public body to withhold "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law[.]" Section 1(a) of the Confidentiality Act⁵ is a provision of

¹ 5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024.

² E-mail from Noel Manley to foia-requests@hinsdalelibrary.info (April 7, 2024).

³ 5 ILCS 140/7(1)(a) (West 2022), as amended by Public Acts 103-154, effective June 30, 2023; 103-423, effective January 1, 2024; 103-462, effective August 4, 2023; 103-446, effective August 4, 2023; 103-540, effective January 1, 2024; 103-554, effective January 1, 2024.

⁴ 75 ILCS 70/1 *et seq.* (West 2022).

⁵ 75 ILCS 70/1(c)(i), (c)(ii) (West 2022).

State law that provides "[t]he registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless" certain conditions are met. (Emphasis added.) The conditions under which a person may be permitted access to those records are then enumerated.⁶ Section 1(c) of the Confidentiality Act⁷ defines the term "library" to include "any public library" and defines "registration records" as "any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials."

The Library is a public library,⁸ and therefore, meets the threshold requirement of the Confidentiality Act. Further, the Library's response to your FOIA request indicated that "[i]n order for a person to become eligible to borrow books and other materials, the person is required to provide a name."⁹ Therefore, the Library card holders' names you seek meet the definition of "registration records" and any records that may exist containing those names fall within the scope of the Confidentiality Act. No provision of the Confidentiality Act permits a person to receive a library's registration records in response to a FOIA request, and you have not indicated that you have received a court order requiring the release of such information. Therefore, you are not among the individuals authorized to obtain copies of those records.

Because the information you requested is subject to the confidentiality provisions of the Confidentiality Act, which specifically prohibits disclosure to an unauthorized party, this office concludes that the record is exempt from disclosure pursuant to section 7(1)(a) of FOIA. Accordingly, this office has determined that no further action is warranted as to this matter.

This file is closed. If you have a FOIA question, my e-mail address is Shannon.Barnaby@ilag.gov.

Very truly yours,

Shannon Barnaby
SHANNON BARNABY
Senior Assistant Attorney General
Public Access Bureau

⁶The conditions include a court order requiring the release of the information or the information is requested by law enforcement officers under certain circumstances. 75 ILCS 70/1(a)(1), (1)(a)(2) (West 2022).

⁷75 ILCS 70/1(a) (West 2022).

⁸Hinsdale Public Library, Learn About the Library, The History <https://hinsdalelibrary.info/about/> (last visited April 12, 2024).

⁹Email from Karen Keefe, Executive Director, Hinsdale Public Library, to noel.manley@sbcglobal.net (April 8, 2024).

Mr. Noel Manley
April 25, 2024
Page 3

81001 f no fi war lib

cc: *Via electronic mail*
Ms. Karen Keefe
Executive Director
Hinsdale Public Library
20 East Maple Street
Hinsdale, Illinois 60521
kkeefe@hinsdalelibrary.info