

Subject: PAC Appeal - Urbana FOIA request 2020-F-
From: Tracy Chong
To: publicaccess@atg.state.il.us
Date Sent: Thursday, April 30, 2020 1:47:16 PM GMT-05:00
Date Received: Thursday, April 30, 2020 1:47:16 PM GMT-05:00
Attachments: PAC Appeal- Urbana FOIA request 2020-F-.pdf

Dear Public Access Counselor,

I'm writing to appeal the withholding of records by Charlie Smyth, City of Urbana City Clerk.

I submitted a FOIA request for emails sent and received by Todd Rent in November-December 2018 and October-December 2019 on April 10, 2020 (assigned FOIA number 2020-F-).

On April 15, Smyth declared the request unduly burdensome because he "expected" that the search will generate a voluminous number of records, and that City employees who can search or review the records are sheltering in place. He mentioned that I could narrow the scope of the request.

I wrote back asking for clarification on how sheltering in place would prevent employees from searching or reviewing records, especially since the Governor's Executive Order specifically mentions government services as an essential service. On April 17, Smyth wrote back but without offering any explanation to why employees were unable to perform the tasks while sheltering in place.

In my next email on April 19, I tried to work with Smyth, saying that the emails could be narrowed down to a two week period, which would provide an estimate of how many emails there are and how many hours it would take for staff to process and redact the documents. I suggested starting with just a small amount (two weeks) and once we have an actual idea of the scope of the request we can plan how to move forward.

However, on April 23 and 30, Smyth wrote back saying that the response does not constitute a narrowing of search terms and is unduly burdensome.

I find this response by Smyth very alarming as firstly, he immediately "expects" the request to be burden some, without even performing a preliminary search to back up his claims. Secondly, from requesting 5 months worth of emails, I have narrowed down the request to two weeks so that we can have an idea of the scope of work involved. Smyth is adamant in his reply that he just will not comply with the FOIA law, giving the excuse that I did not narrow the search terms.

Moreover, Smyth even cites the statute, saying that "accordingly, pursuant to Section 140/3(g), the City invites you to narrow the scope of your request such that it would be manageable". To be clear, I did narrow the scope fo the request from 5 months of emails to 2 weeks but Smyth imposed his own rules that the "search terms" had to be narrowed. Smyth's refusal to work with citizens concerning FOIA issues is of concern.

Attached are correspondence between Smyth and myself, including the original FOIA request.

I hope PAC can assist with this blatant disregard of FOIA law by City of Urbana City Clerk Charles Smyth. Thank you very much for your review of this case.

Best regards,
Tracy Chong

Subject: RE: PAC Appeal - Urbana FOIA request 2020-F-
From: "Hartman, Matthew" <MHartman@atg.state.il.us>
To:
Date Sent: Monday, June 8, 2020 9:59:08 AM GMT-05:00
Date Received: Monday, June 8, 2020 9:59:11 AM GMT-05:00

Ms. Chong,

This matter has been assigned appeal number 2020 PAC 62648. Our office received your May 12, 2020, reply to the City of Urbana's response to your Request for Review. This matter is currently under review by this office and is pending determination. Once a determination is issued, a copy will be sent to you and the City.

Matt

Matthew S. Hartman
Assistant Attorney General
Public Access Bureau
Office of the Attorney General
500 S. Second Street
Springfield, Illinois 62701
(217) 782-9054
FAX: (217) 782-1396
mhartman@atg.state.il.us

From: Tracy Chong []
Sent: Thursday, June 4, 2020 2:30 PM
To: Public Access <PAccess@atg.state.il.us>
Subject: Re: PAC Appeal - Urbana FOIA request 2020-F-

Dear Public Access Counselor,

I'm following up on this appeal. Has it been assigned an appeal number and what is the status of the appeal?

Thank you very much for looking into this.

Best regards,
Tracy

On Thu, Apr 30, 2020 at 1:47 PM Tracy Chong <tchong3642@gmail.com> wrote:

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