



LEGAL DIVISION
400 S. VINE STREET
URBANA, IL 61801

217-384-2464

September 14, 2020

By electronic mail to

Joshua M. Jones
Deputy Bureau Chief
Public Access Bureau
Office of the Attorney General
100 West Randolph Street
Chicago, Illinois 60601
jjones@atg.state.il.us

Reference: Request for Review 2020 PAC 64442 [REDACTED]

Dear Deputy Bureau Chief Jones:

This letter responds to Request for Review 2020 PAC 64442, wherein [REDACTED] disputes the City of Urbana's response to his FOIA request of July 17, 2020, which Urbana has designated as number 2020-F-[REDACTED]. Your requests and Urbana's responses are below.

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2018)), please provide this office with a written explanation of the legal and factual basis for: (1) charging a fee of \$20 for data; and (2) requiring [REDACTED] to either pick up the records in person or pay for postage, and show government identification.

I understand that the issue of the fee for data is now resolved.

Urbana will not require [REDACTED] to either pick up the records in person or pay for postage. After providing its initial response to FOIA request 2020-F-[REDACTED] Urbana received guidance from the Public Access Counselor in another case indicating that FOIA requires a public body to mail copies of records when the requester has provided the public body with a mailing address. In such case, the public body may not impose a fee for the cost of the regular postage. PAC Req. Rev. Ltr. 2020 PAC 63412; 2020 PAC 63421 (Sep. 2, 2020) at 10. Based on that guidance, Urbana provided a supplemental response to [REDACTED] dated September 9. In that response, Urbana eliminated the mailing fee.

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Urbana also will not require [REDACTED] to pick up the records in person. At his request, Urbana will mail its response to [REDACTED] upon his payment for the USB flash drive.

Lastly, a FOIA requester's identity is relevant when determining applicable fees to be assessed. *Feinman v. F.B.I.*, 680 F. Supp. 2d 169, 175 (D.D.C. 2010). Accordingly, Urbana verifies requesters' identities to enforce FOIA's recurrent requester and voluminous request provisions. Having requesters show government identification is a means by which Urbana can ascertain their identities. Nevertheless, since [REDACTED] is now well-known to the staff members who will process his request, Urbana will not require [REDACTED] to present identification.

Please let me know if I can be of further assistance in your review. Please also direct any further correspondence concerning this matter to CityClerk@urbanaillinois.us.

Sincerely,

Curt Borman
Assistant City Attorney
Freedom of Information Officer