

The Law Firm of  
**MAHONEY, SILVERMAN & CROSS, LLC**

822 129<sup>th</sup> INFANTRY DRIVE  
JOLIET, ILLINOIS 60435  
(815) 730-9500  
FAX: (815) 730-9598  
[www.msclawfirm.com](http://www.msclawfirm.com)

KENDALL COUNTY OFFICE  
126 S. MAIN STREET  
OSWEGO, IL 60543  
(630) 554-7800

COOK COUNTY OFFICE  
180 N. LASALLE ST.  
SUITE 3700  
CHICAGO, IL 60601  
(312) 216-5101

ASHLEY E. BECHTOLD  
SEAN D. BRADY  
THOMAS H. CROSS III  
ERIC P. HANSON  
HOWARD L. HUNTINGTON  
JEAN A. KENOL  
GEORGE F. MAHONEY III  
LAURA L. MALINOWSKI  
JAMES A. MURPHY  
DAVID J. SILVERMAN  
MARJI A. SWANSON

---

Counsel to the Firm  
R. PETER GROMETER  
GRANT S. WEGNER  
ROBERT J. BARON

PLEASE REPLY TO JOLIET OFFICE

**MEMORANDUM**

TO: Illinois Public Housing Authorities

FROM: Eric Hanson

DATE: June 24, 2014

RE: FOIA Request

---

I recently reviewed the Freedom of Information Act (FOIA) Request filed with several Illinois Housing Authorities by Mr. Adam Andrzejewski at [illinois@OpenTheBooks.com](mailto:illinois@OpenTheBooks.com). I understand several housing authorities may have already consulted spoken with their general counsel who advised that because you are a public body, you will need to comply with the request. I am not suggesting that you disregard your attorney's advice. Nevertheless, there are some troubling issues with this FOIA request that should not be ignored.

In responding to the request, your first step should be to determine whether or not you can provide the records requested by Mr. Andrzejewski. Keep in mind that the Illinois Freedom of Information Act (the "Act") does not require a public body to create entirely new documents that do not already exist. Rather, a public body is required to provide copies of and/or inspection of existing public documents, subject to any exceptions under the Act.

Here, Mr. Andrzejewski is asking for a significant amount of information, but wants it produced in a specific form which may or may not be available for your housing authority. Some housing authorities may have software that will allow them to easily provide the information. However, for those of you that do not - you are not required to input data into an Excel spreadsheet or create some other document that does not already exist, simply because Mr. Andrzejewski has requested the information in this format. You merely need to provide existing documents that satisfy his request.

I am also concerned with the broad, categorical request of what could be thousands of documents in some cases. Again, if you are able to provide the requested information easily, you should do so. For example, you may be able to provide Mr. Andrzejewski with copies of the monthly check registers relating to the housing authority's bills. However, I doubt those records contain the vendors' addresses, descriptions of the products or services and the purpose behind each payment.

Therefore, due to the potentially large number of documents requested and the questionable format, you may provide the attached draft correspondence (Exhibit A) which will give you additional time to review your files and determine whether you can comply with the request. In addition, I have attached a draft correspondence (Exhibit B) to address the large number of documents in an attempt to have that reduced. At this point, I am not suggesting that you deny the request, but rather that you attempt to work with Mr. Andrzejewski to provide him with the documents he has requested – in a manner that is not unduly burdensome to your agency.

Please call me if you have any questions.

## **EXHIBIT A**

DATE

**Via Email at [illinois@openthebooks.com](mailto:illinois@openthebooks.com)**

Mr. Adam Andrzejewski

RE: FOIA Request – June 17, 2014

Dear Mr. Andrzejewski:

I am in receipt of your FOIA request dated June 17, 2014 (attached hereto). Pursuant to Section 3 of the Illinois Freedom of Information Act (5 ILCS 140/3), the Housing Authority is hereby extending its response for an additional five (5) business days for the following reasons:

1. The request requires the collection of a substantial number of records;
2. The request is couched in categorical terms and requires an extensive search for the records responsive to it; and
3. The request for records requires examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the Illinois Freedom of Information Act or should be revealed with the appropriate deletions.

Please call me if you have any questions.

Sincerely,

---

## **EXHIBIT B**

DATE

**Via Email at [illinois@openthebooks.com](mailto:illinois@openthebooks.com)**

Mr. Adam Andrzejewski

RE: FOIA Request – June 17, 2014

Dear Mr. Andrzejewski:

I am in receipt of your FOIA request dated June 17, 2014 (attached hereto). Please contact me to clarify your request, as it is categorical and would be unduly burdensome to the Authority under Section 3(g) of the Illinois Freedom of Information Act. Hence, we request an opportunity to confer with you to clarify and/or reduce the request to manageable proportions.

Also, please note that under the law, a public body is not required to create new documents that do not already exist in order to provide information that can be found in existing records. Your request that numerous records be consolidated into a single Excel format spreadsheet is also unduly burdensome.

Please contact me at your earliest convenience to discuss some other method of reducing your request or to make arrangements for a physical inspection of the documents. I look forward to hearing from you.

Sincerely,

---