

River Forest
Public Schools

Administration Building
7776 Lake Street
River Forest, IL 60305
Phone: 708-771-8282
Fax: 708-771-8291

April 12, 2021

Vince Espi
foia2@locallabs.com

VIA EMAIL

Re: March 29, 2021 FOIA Request

Dear Mr. Espi:

River Forest School District 90 (the "District") is in receipt of your FOIA request received by the District on March 29, 2021. Pursuant to an extension, this letter serves as the District's response to your FOIA request which seeks the following:

1. Copies of all email correspondence since Jan 1, 2020, that contain the string "Scott Hall."
2. Log of phone calls (date and time, number, duration of call) made by Superintendent Ed Condon on Wednesday February 24th, Thursday February 25th, Friday February 26th, and Monday March 1st.

Partial Response

In response to the second portion of your FOIA request concerning logs of phone calls, please see the attached record responsive to your FOIA request. Please note, the record contains redactions for private information including but not limited to home or personal phone numbers pursuant to FOIA Sections 5 ILCS 140/7(1)(b) and 5 ILCS 140/2 (c-5). In addition, the District has redacted cell phone numbers used for work purposes pursuant to FOIA Section 5 ILCS 140/7(1)(c) as disclosure of this information would constitute an unwarranted invasion of personal privacy (see, PAC Preauthorization Request 2010-8685).

I am the person responsible for the partial denial of your request. You may ask the PAC to review this decision concerning your records request, by submitting a Request for Review to the PAC by electronic mail or U.S. Mail within 60 days after this response. A Request for Review by the PAC should be directed to: Public Access Counselor, Office of the Attorney General, 500 S. 2nd Street, Springfield, IL 62701, publicaccess@atg.state.il.us, 1-877-299-FOIA. You also have the right to review by a court of law pursuant to FOIA Section 11.

Partial Unduly Burdensome Designation

In response to the first part of your FOIA request concerning copies of all email correspondence, to determine whether complying with your categorical request spanning sixteen months would unduly

burden the operations of the District, the District conducted an initial investigation and preliminary search for responsive records using terms from your request. The preliminary search, utilizing terms from your request, yielded over 2,800 pages of records which may be potentially responsive to your requests. Based on scope of the search efforts that would need to be undertaken in order to determine if additional records are responsive to any of the FOIA request and whether the records contain any exempt information, your request as now phrased would unduly burden the District's operations.


The PAC has previously determined that a request seeking all records within a category over an extended period of time, which would require the public body to conduct an extensive search for and review of responsive records, is unduly burdensome under FOIA § 3(g) in the absence of an identifiable public interest in disclosure of all of the records that outweighs the burden of compliance with the request. See, e.g., Ill. Att'y Gen. PAC Req. Rev. Ltr. 20002, issued August 29, 2012, at 3 (determining a request for all grievance records spanning a 12-month period was unduly burdensome); Ill. Att'y Gen. PAC Req. Rev. Ltr. 21102, issued November 19, 2013, at 3-4 (determining a request for financial records spanning a 5-year period was unduly burdensome); Ill. Att'y Gen. PAC Req. Rev. Ltr. 40245, issued April 21, 2016 (determining that a request for all school district employee emails pertaining to referendums over a ten-month period was unduly burdensome); Ill. Att'y Gen. Req. Rev. Ltr. 57226, issued May 30, 2019 (determining that public body met the burden for denial as unduly burdensome in connection with a request for all emails between two individuals over a six month period of time where no subject or discernible public interest could be identified); see also, *National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill. App. 3d 1, 17 (1st Dist. 2010) ("A request that is overly broad and requires the public body to locate, review, redact and arrange for inspection a vast quantity of material that is largely unnecessary to the [requester's] purpose constitutes an undue burden.").

In addition to the extensive search efforts described above, the District would also have to examine and evaluate each and every part of the record identified to determine whether it was responsive to your request and whether part or all of each is exempt from disclosure under FOIA Sections 7 or 7.5. This review could only be conducted by an administrator and/or the District's legal counsel, as they would be the only individuals who have the necessary competence and discretion to determine what FOIA exemptions may apply to these records. Further, it is reasonable to anticipate that any responsive records may contain exempt content, including but not limited to FOIA Sections 7(1)(b) and 7(1)(c). The District estimates that it would take additional time to conduct a review of the potentially responsive documents and analyze whether to redact or withhold exempt content. Such a review conducted by an administrator would gravely disrupt the work of the District, as this would prevent the staff from attending to critical duties for extended periods of time, contrary to the intent of FOIA. Alternatively, if the District's legal counsel conducts the review, the District would incur substantial legal fees, to be paid from public funds. The District would then have to prepare a written response in support of any exempt content contained within the records.

In view of all of the above, the District believes your categorical request would be unduly burdensome for the District to comply with and the burden on the District outweighs any possible public interest in the information. Therefore, in compliance with FOIA Section 3(g), the District is extending you an opportunity to narrow your request to a manageable proportion or to confer about

the same. If you do not reduce your categorical request to a manageable scale, as determined by the District, the District will exercise its right under Section 3(g) of FOIA to deny your records request.

Sincerely,

A handwritten signature in black ink, appearing to read "EJ. Condon". The signature is written in a cursive, somewhat stylized font.

Edward J. Condon, Ph.D.
Superintendent