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May 8, 2017

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IN REPLY REFER TO FILE NO.

EP-1

Ms. Alexandra Sherry
asherry@ordrmail.com

Re: Freedom of Information Act Request

Dear Ms. Sherry:

The Village of Elmwood Park is in receipt of your April 5, 2017, Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"I am writing today to submit a request for public records. More specifically, I am looking for electronic records (most likely a report or export) (nothing scanned or printed) of all residential and commercial building and sub/trade mechanical, electrical, plumbing, hvac, etc.) permits issued from January 1, 1990, to present, or as far back as electronically possible.

The information I am seeking would include permit number, issue date, location, permit type, a description of the work done, contractor details, and valuation, and any other typically tracked information[.]"

On May 5, 2017, you were informed by the Village of Elmwood Park FOIA Officer, Gina Pesko, that compliance with your April 5, 2017, FOIA request was unduly burdensome. As a result, you narrowed the scope of your above-referenced FOIA request to the following:

"I am only looking for electronic records so not looking for each individual application to be copied. I originally asked for 1990-present. I can narrow this to 2010-present if your electronic records go back that far. And make a few smaller requests to get older information if necessary. Of course depending on the system in place I may also be able to name a report to request, but I am looking for the electronic permit information."

Please be advised that the Village of Elmwood Park has determined that compliance with your modified FOIA request remains unduly burdensome. Accordingly, your FOIA request is denied pursuant to Section 3(g) of FOIA. Section 3(g) of FOIA provides that:

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“Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.”

On May 5, 2017, you were informed that the Village of Elmwood Park generates approximately 150 permits each month. A report containing every permit issued from 2010 to the present would include approximately 12,600 permits. Before providing you with a report containing the information from the requested permits, the Village of Elmwood Park would need to review the report to ensure that information exempt from disclosure pursuant to Section 7 of FOIA was redacted. Due to the amount of permits responsive to your FOIA request and the time it would take to review the information contained therein, compliance with your modified FOIA remains unduly burdensome. Therefore, your FOIA request is denied pursuant to Section 3(g) of FOIA.

The person responsible for the decision to deny your FOIA request is the Village of Elmwood Park Freedom of Information Officer. In accordance with Section 9(a) of FOIA, you are hereby notified that you have the right to file a Request for Review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer with the Public Access Counselor at the Illinois Attorney General's Office. You can file your Request for Review with the Public Access Counselor by writing to:

Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If you choose to file a Request for Review with the Public Access Counselor, you must do so within 60 calendar days of the date of this letter. Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the Public Access Counselor.

You are also notified that you have the right to judicial review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer pursuant to Section 11 of FOIA.

Sincerely,

STORINO, RAMELLO & DURKIN
Attorneys for the Village of Elmwood Park


Erin C. Tinaglia