



Lori E. Lightfoot
Mayor

Department of Police • City of Chicago
3510 S. Michigan Avenue • Chicago, Illinois 60653

David O. Brown
Superintendent of Police

May 6th, 2020

Via Email:

Emma Best
75668-67079294@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO: P578566

Dear Ms. Emma Best;

This notice is in response to your request received by the Chicago Police Department on April 23rd, 2020 for the following records and information under the Freedom of Information Act (FOIA), 11 ILCS 140 et seq:

*“Pursuant to the Illinois Freedom of Information Act., I hereby request the following records: * Records mentioning, describing or generated in response to CISA Alert AA20-099A, FBI/IC3 Alert I-032020-PSA, or the CDC alert titled "COVID-19-Related Phone Scams and Phishing Attacks"*
** Records mentioning, describing or generated in response to COVID-19 related phishing attempts, such as those described in the CDC alert, FBI/IC3 Alert I-032020-PSA and CISA Alert AA20-099A*
** Records mentioning, describing or generated in response to fake CDC emails, such as those described in FBI/IC3 Alert I-032020-PSA*
** Records mentioning, describing or generated in response to APT groups using the COVID-19 pandemic as part of their cyber operations, such as those described in CISA Alert AA20-099A*
** Records mentioning, describing, or generated as part of or in response to the assessment that the above activities' "goals and targets are consistent with long-standing priorities such as espionage and "hack-and-leak" operations", as described in CISA Alert AA20-099A”*

Your request was reviewed by CPD and a thorough, diligent search of records was conducted utilizing the provided search parameters. Be advised, as permitted by 5 ILCS 140/3 (e), the time may have been extended in order to conduct a thorough search for these records. Your request was interpreted as seeking: all physical and electronic records from notes, documents, emails, and attachments associated with many broad key words and phrases as well as searching for records categorically using the aforementioned several key words/phrases.

Be advised that after careful review and collaboration with our Information Services Division, CPD has determined that your request is extremely broad, voluminous, vague, and has an unlimited amount of timeframe and unknown amount of emails in regards to the amount of records requested. Therefore, CPD has determined

Emergency and TTY: 9-1-1 • **Non Emergency and TTY:** (within city limits) 3-1-1 • **Non Emergency and TTY:** (outside city limits) (312) 746-6000

E-mail: police@cityofchicago.org • **Website:** www.cityofchicago.org/police

that your request is denied. Please see below for an explanation.

After review of your FOIA request, be advised that your request is vague overall. You have not provided any specific email search parameters and CPD has no automatic process to query for records categorically as you are seeking through your FOIA request from CPD. Please be advised that under the FOIA, CPD is not required to conduct research. Please note that FOIA requires the City to provide existing documents, according to Section 5 ILCS 140/3(a) (Each public body shall make available all public records, except as otherwise provided in section 7 of this act).

FOIA does not require the public body to create new records, conduct research, analyze data, interpret, answer questions or advise requesters as to the meaning or significance of public records. Thus, your request is overly broad, vague, and unduly burdensome as currently written. Given the scope of your request, processing such a request would be unduly burdensome as written. Especially since you have provided no timeframe, no specific email search parameters, and are asking for CPD to search all records by category, and ask for all documents in both physical and electronic format, even with the slightest mention of several key search words by direct or indirect mentioning of several general key words/phrases.

Be advised that FOIA provides in 5 ILCS 140/3(g) that requests 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. CPD has a vast amount of data in the current pandemic situation the City of Chicago currently faces. Not only would all emails and all documents/reports regarding or merely mentioning Covid-19 or all of the key words and phrases you seek be voluminous, but such records are ever changing in amount in both physical and digital format, and CPD does not have a method to automatically search by category as you are asking CPD to do. In addition, as the City of Chicago is currently facing a City-wide Pandemic and Shelter In-Place situation, CPD manpower is severely limited. The Chicago Police Department (CPD) has deployed vast resources through our officers who serve as front-line First Responders throughout the vast City of Chicago, in an effort to serve and protect the citizens of Chicago throughout this pandemic. Your voluminous, vague, and burdensome FOIA request would require substantial collection, redaction, the creation of new categorical search methods and the creation of new databases by CPD, and review of documents (both physical and electronic) for responsive and exempt information. Even assuming that CPD could gather the resources during this city-wide pandemic to review for responsive documents/emails based on the aforementioned overly broad, vague, and voluminous search criteria and key words, it has been determined that this task represents an unduly burdensome request for action on behalf of CPD.

Based on similar past requests, it would be reasonable to expect a seasoned FOIA officer to take at-least three minutes to review one page for possible responsive documents. Reviewing an unknown amount of documents that are in constant change and growth for an endless timeframe would require at-least 50 hours to review, which is not inclusive of the time necessary to retrieve the documents or emails, to the exclusion of all other tasks. These facts, paired with the short response time allowed by FOIA, make the task of identifying, collecting, and reviewing potentially responsive records in a timely manner unduly burdensome upon CPD. As a result, CPD has determined that compliance with your request is unduly burdensome and that CPD's burden to process your request outweighs the public's interest.

At this time your request as currently written is unduly burdensome. Pursuant to Section 3(g) of FOIA, we would like to extend to you an opportunity to substantially modify your request to make it more manageable, clear, and reasonable. CPD encourages you to review your request to ascertain the details to your query. For example, you have provided neither a time-frame, nor specific email parameters/addresses while providing several general searches terms/phrase that are voluminous in nature.

CPD would like to provide some helpful and constructive suggestions for future FOIA request. For example: providing substantially narrowed parameters may assist with substantially narrowing the request. In order to effectively run an email search, it is recommended that you provide CPD with (1) the specific email address(es) or employee name(s) of the account(s) you wish searched; (2) a very narrow list of key words you wish to search for, in your case, substantially less key words; and (3) the timeframe to be searched, in your case, substantially less of a timeframe. Unless and until a new, separate FOIA request is submitted that specifies and narrows the records you are seeking as previously explained, CPD will be unable to provide further records.

To the extent that you consider this a denial of your FOIA request, you have a right of review by the Illinois Attorney General's Public Access Counselor. If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of a denial letter 5 ILCS 140-9.5(a).

When filing a Request for Review, you must include a copy of the original FOIA request and a denial letter. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court. You can file a request for review by writing to the following:

Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Phone: 312-814-5526 or 1-877-299-FOIA (1-877-299-3642) Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If I can be of further assistance, you may contact me at (312) 745-5308, or by mail at the following address:

Chicago Police Department
Attn: Freedom of Information Officer
Office of Legal Affairs, Unit 114
3510 S. Michigan Ave.
Chicago, IL 60653

Sincerely,

R. Carrillo
Freedom of Information Act Officer
Chicago Police Department
Office of Legal Affairs, Unit 114
3510 S. Michigan Ave.
Chicago, IL 60653