



Lori E. Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

August 28, 2020

Mr. Jake Ader
101374-85620778@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
REQUEST RECEIPT DATE: August 21, 2020
FOIA FILE NO.: P598270

Dear Mr. Ader:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA), 5 ILCS 140/1, *et seq.*, request for the following:

"A copy of all First Amendment Worksheets created from May 28th, 2020 to August 20th, 2020."

As permitted by 5 ILCS 140/3(e), the time was extended in order to conduct a thorough search for these records. Your request was reviewed by the undersigned. A search was conducted based on the parameters provided. You are receiving the First Amendment Worksheet as responsive records to your request. However, please be aware that certain information has been redacted pursuant to 5 ILCS 140/7(1)(b), (d), (m), and (v).

The information that was redacted is signatures. The redacted information is exempt from disclosure under 5 ILCS 140/7(1)(b) of the Freedom of Information Act, which exempts "private information, unless disclosure is required by another provision of this Act, a State or federal law or court order." "Private information" is defined in section 2(c-5) as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." Therefore, these identifiers were properly redacted pursuant to Section 7(1)(b). Furthermore, signatures are unique identifiers and, therefore, an exempt form of private information. See 2010 PAC 9838 (Ill. Att'y Gen. PAC Req. Rev. Ltr. 9838, issued December 10, 2010, at 2).

Please be advised that under 5 ILCS 140/7(1)(v) of the Freedom of Information Act, "[v]ulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations." Therefore, this information is properly redacted pursuant to Section 7(1)(v).

In addition, pursuant to Section 7(1)(d)(v) (West 2010), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011; 97-452, effective August 19, 2011) which exempts records that would, "[d]isclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request." 5 ILCS 140/7(1)(d)(v). Therefore, records that document these specialized investigative techniques were properly redacted. Moreover, exemption 7(1)(d)(vi) (5 ILCS 140/7(1)(d)(vi) (West 2010), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011; 97-452, effective August 19, 2011), provides that a public body may withhold information if disclosure would endanger the life or physical safety of law enforcement personnel or any other person.

Furthermore, pursuant to 5 ILCS 140/7(1)(m) of the Freedom of Information Act, which exempts "[c]ommunications between a public body and an attorney or audit or representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies." Therefore, the General Counsel's Determination is properly redacted pursuant to 5 ILCS 140/7(1)(m).

You have a right of review by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, by telephone at (877)299-3642, fax at (217)782-1396, or email at publicaccess@atg.state.il.us. You also have the right to seek judicial review by filing a lawsuit in Cook County Circuit Court.

Sincerely,

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