



October 3, 2023

Sandra Tilmon

Dear Ms. Tilmon:

This letter is in response to your Freedom of Information Act (“FOIA”) request received by the Department of Human Resources (“DHR”) on September 19, 2023. An extension was sought on September 26, 2023, and we are now timely responding to your request seeking:

*A count by census tract of home address of all City of Chicago employees (sworn and non-sworn) by department of employment for the years 2010, 2015, and 2019 (three years, separately). They could have been employed anytime in the year; it does not need to be continuous. Specifically, for each year, please provide a spreadsheet including data under the following fields (count of employees is grouped by census tract, year, and department): Census\_tract, Year, Department, Employee\_count*

In response to your request, please note that the DHR neither tracks nor maintains its employee data relative to census tracts. Therefore, the DHR has no responsive documents to your request. Please also note that FOIA requires the City to produce documents. See 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 provide answers to questions or create documents. In fact, 5 ILCS 140/3.3 provides that FOIA “is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of public records. The Court, in *Kenyon v. Garrels*, 184 Ill. App. 3d 28 (4th Dist. 1989) noted that FOIA “does not compel the agency to provide answers to questions posed by the inquirer.” Therefore, the DHR is not required to provide answers to questions, offer interpretations of public records, or create documents beyond what is available within existing public records.

Further, under Section 8.5 of the FOIA, a public body is not required to copy a public record that is published on the public body’s website. See 5 ILCS 140/8.5. Pursuant to Section 8.5, the DHR is providing you with a link to the website which provides the type of information you are requesting. However, the data dashboard found at this link is refreshed each day.

<https://igchicago.org/information-portal/data-dashboards/city-active-employees-map-and-census-data/>

To the extent another City department or agency maintains historical records of this dataset, please note that each City agency is a “public body” under Section 2 of FOIA, 5ILCS 140/2(a). See *Duncan Publishing, Inc. v. City of Chicago*, 304 Ill. App. 3d 778, 784, 709 N.E.2d 1281, 1286 (1st Dist. 1999) (“Clearly, each of the individual departments are subsidiary bodies of the City and are ‘public bodies’ as defined by the FOIA.”). A FOIA request must be directed to the department or agency that maintains the records you are seeking.

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, Leah Bartelt, who may be contacted at

500 South 2<sup>nd</sup> Street, Springfield, IL 62701, by telephone at (877) 299-3642, or via email at [public.access@ilag.gov](mailto:public.access@ilag.gov). You may also seek judicial review of a denial under 5 ILCS 140/11 of FOIA.

Sincerely,

A handwritten signature in black ink that reads "Melissa Nunchuck". The signature is written in a cursive, flowing style.

Melissa Nunchuck  
Compliance Officer  
Department of Human Resources