



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 20, 2017

Via electronic mail
Ms. Ann Pistone
Investigative Producer
ABC7 News
190 North State Street
Chicago, Illinois 60601
ann.c.pistone@abc.com

RE: FOIA Request for Review – 2017 PAC 47258

Dear Ms. Pistone:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/ 9.5(c) (West 2014)). For the reasons set forth below, we have determined that no further action on this matter is warranted.

On March 31, 2017, Ms. Madeline Scott, on behalf of ABC7 News, submitted a FOIA request to the City of Park Ridge (City) seeking various records relating to the City's red-light camera program. The request asked the City to grant a waiver of any applicable copying fees that may apply. On April 4, 2017, the City responded to ABC7 News' request by stating that there were 254 pages of responsive records. The response letter stated that the first 50 pages have been provided free of charge, and that a fee of \$30.60 was due for the remaining 204 pages. On April 5, 2017, this office received your Request for Review, submitted on behalf of Ms. Scott and ABC7 News, disputing this charge and asserting that you are entitled to a fee waiver. On April 6, 2017, the City sent a letter to you indicating that it declined to grant the requested fee waiver because ABC7 News failed to provide any details supporting the reason for the fee waiver request, and because FOIA provided the City with discretion to approve or deny such a request.

Section 6(c) of FOIA (5 ILCS 140/6(c) (West 2014)), which addresses the waiver or reduction of copying fees, provides that "[d]ocuments shall be furnished without charge or at a reduced charge, *as determined by the public body*, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the

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public interest." (Emphasis added.) Under the plain language of section 6(c), FOIA does not require a public body to grant fee waivers; instead, FOIA provides a public body the discretion to decide whether it will waive or reduce copying fees. *See, e.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 22787, issued July 17, 2013, at 2. Because the Public Access Counselor does not have authority to direct the City to grant ABC7 News' request for a fee waiver, we conclude that no further action is warranted as to this matter.

This letter serves to close this file. If you have any questions, you may contact me by mail at the Chicago address listed on the first page of this letter, by e-mail at sbarnaby@atg.state.il.us, or by phone at (312) 550-4480.

Very truly yours,



SHANNON BARNABY
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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