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IN REPLY REFER TO FILE NO.

April 2, 2015

Ms. Jean de los Reyes
501 Folsom Street, 3rd Floor
San Francisco, CA 94105
jean@buildzoom.com

EP-1

Re: Freedom of Information Act Request

Dear Ms. de los Reyes:

On February 9, 2015, the Village of Elmwood Park received your Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"All building permits issued by the village with the following information: date issued, permit number, permit type, value of work, address of work and contractor name. PDF/XLS file[.]"

The Village of Elmwood Park has determined that compliance with your FOIA request is unduly burdensome. As a result, your FOIA request is denied pursuant to Section 3(g) of FOIA.

On February 9, 2015, the Village of Elmwood Park Freedom of Information Officer, Gina Pesko, sent you electronic correspondence indicating that your FOIA request was burdensome and extended you the opportunity to reduce the scope of your FOIA request to manageable proportions. On February 9, 2015, you reduced the scope of your FOIA request, requesting "permits for the past 10 years in an electronic file." On February 10, 2015, the Village of Elmwood Park Freedom of Information Officer informed you that there were over 19,000 records responsive to your reduced FOIA request for the requested ten year period and asked that you further narrow the scope of your FOIA request.

On February 10, 2015, you again narrowed the scope of your FOIA request, requesting "[p]ermits from 2009-present." The Village of Elmwood Park appreciates your efforts to confer in an attempt to reduce the scope of your original FOIA request to manageable proportions. However, the Village of Elmwood Park has determined that compliance with your reduced FOIA request for the requested nine year period remains unduly burdensome. There are approximately 11,000 building permits responsive to your reduced FOIA request that are contained in a Permit Listing totaling 706 pages. Compliance with your reduced FOIA request requires the Village of Elmwood Park to review this Permit Listing to ensure that information exempt from disclosure under Section 7(1)(b) of FOIA is redacted. The burden that your

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reduced FOIA request imposes upon the Village of Elmwood Park outweighs the public interest in the requested records. Consequently, your FOIA request is denied pursuant to Section 3(g) of FOIA.

Additionally, please be advised that the Village of Elmwood Park has determined that your FOIA request has been made for a commercial purpose. Section 2(c-10) of FOIA defines "commercial purpose" as "the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services."

The person responsible for the decision to deny your FOIA request is the Village of Elmwood Park Freedom of Information Officer, Gina Pesko. 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. Pursuant to Section 9.5(b) of FOIA, a person whose request to inspect or copy a public record is made for a commercial purpose as defined in subsection (c-10) of Section 2 of this Act may file a Request for Review with the Public Access Counselor for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose.

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