

LAW OFFICES
STORINO, RAMELLO & DURKIN
9501 WEST DEVON AVENUE
ROSEMONT, ILLINOIS 60018

DONALD J. STORINO
MICHAEL K. DURKIN
RICHARD J. RAMELLO
NICHOLAS S. PEPPERS
THOMAS M. BASTIAN
ANGELO F. DEL MARTO
JAMES E. MACHOLL
BRIAN W. BAUGH
ANTHONY J. CASALE
ANDREW Y. ACKER
PETER A. PACIONE
MELISSA M. WOLF
MATTHEW G. HOLMES
MICHAEL R. DURKIN

(847) 318-9500

FACSIMILE (847) 318-9509

July 28, 2015

THOMAS J. HALLERAN
ERIN C. TINAGLIA
ADAM R. DURKIN

JOSEPH G. KUSPER
MARK R. STEPHENS
BRYAN J. BERRY
ANN M. WILLIAMS
LEONARD P. DIORIO
RICHARD F. PELLEGRINO
DONALD J. STORINO II

OF COUNSEL

IN REPLY REFER TO FILE NO.

Mr. John Simpson
8400 W. 26th Street
North Riverside, Illinois 60546

EP-1

Re: Freedom of Information Act Request

Dear Mr. Simpson:

On June 3, 2015, the Village of Elmwood Park received your Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

- "1) Any and all payroll records for former employee Pasquale Martorana, 2526 Oak Street, River Grove, Illinois.
- 2) Any and all documents related to private work done on Village time by Pasquale Martorana, 2546 Oak Street, River Grove, Illinois.
- 3) Any and all inspection reports performed solely by Pasquale Martorana, 2546 Oak Street, River Grove, Illinois.
- 4) Any and all building permits applied for and issued to contractor Pasquale Martorana, 2546 Oak Street, River Grove, Illinois.
- 5) Any and all records related to properties owned by Pasquale Martorana 2546 Oak Street, River Grove, Illinois, including but not limited to building permits, citations, etc.
- 6) Any and all records related to properties currently owned by Pasquale Martorana 2546 Oak Street, River Grove, Illinois.

STORINO, RAMELLO & DURKIN

Mr. John Simpson
July 28, 2015
Page 2

7) Settlement agreement for Case #2012CV6051 Martorana v. Village of Elmwood Park.”

On June 18, 2015, the Village of Elmwood Park provided you with the records responsive to your June 3, 2015, FOIA request. After providing you with these responsive records on July 10, 2015, the Village of Elmwood Park became aware of the inadvertent disclosure of certain information contained within the records provided to you. As soon as the Village of Elmwood Park discovered this unintentional disclosure of information, the Village of Elmwood Park contacted you and requested that you return the records that had been provided to you.

The Village of Elmwood Park has reevaluated the records responsive to your June 3, 2015, FOIA request to ensure that information which is exempt from disclosure under FOIA has not been mistakenly provided. Enclosed please find a CD-ROM containing the records responsive to your June 3, 2015, FOIA request. The records contained within the enclosed CD-ROM shall serve to replace those records previously provided to you by the Village of Elmwood Park on June 18, 2015, which you subsequently returned to the Village of Elmwood Park. However, please be advised that certain information in the records being provided has been determined to be exempt from disclosure under FOIA. Accordingly, information that has been determined to be exempt from disclosure under FOIA has been redacted from the records being provided.

Section 7(1)(b) of FOIA provides that “private information” is exempt from disclosure. “Private information” is defined in FOIA 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.” 5 ILCS 140/2(c-5). Consequently, certain unique identifiers, including personal financial information, home or personal telephone numbers, home addresses, names attributable to home addresses, and signatures, have been redacted from the records being provided.

Section 7(1)(d)(iv) of FOIA provides that, “[r]ecords in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes ...” are exempt from disclosure, “but only to the extent that disclosure would: ... unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies” Consequently, information that would reveal the identity of persons who have filed complaints with or who have provided information to the Village of Elmwood Park Code Administration Department has been redacted from the records being provided.

STORINO, RAMELLO & DURKIN

Mr. John Simpson
July 28, 2015
Page 3

The person responsible for the decision to deny a portion of 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
Acting 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.

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.

On behalf of the Village of Elmwood Park, I would like to thank you for your understanding in regards to this matter. When responding to requests for public records under FOIA, the Village of Elmwood Park takes seriously its obligation to prevent the inadvertent disclosure of certain information. This error should not have occurred and the Village of Elmwood Park appreciates your cooperation to allow the Village of Elmwood Park to take the necessary steps to remedy this situation.

Sincerely,

STORINO, RAMELLO & DURKIN
Attorneys for the Village of Elmwood Park


Erin C. Tinaglia

Enclosure