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Responding to Bulk FOIA & OMA Requests in Township Government

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THE SCALE OF THE PROBLEM

Why this session

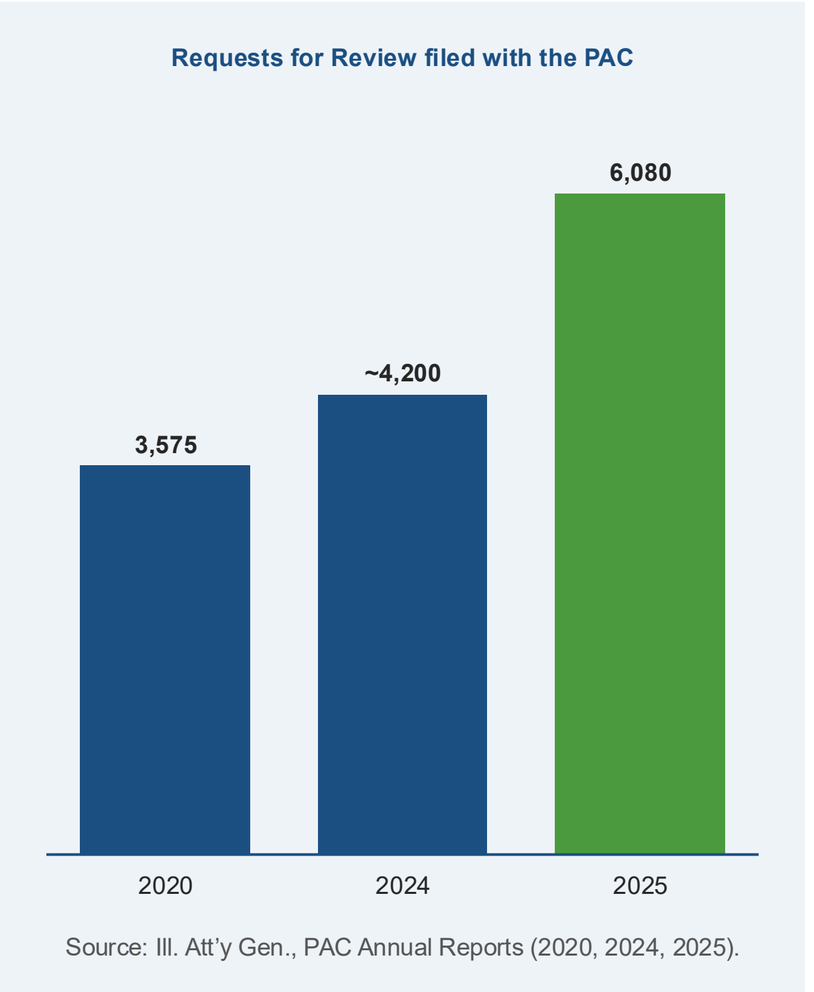
6,080

Requests for Review filed with the PAC in 2025, its “busiest year ever”

5,592 FOIA / 488 OMA (about 500 a month)

Up about **70%** since 2020 (3,575)

“Fiscal obligations notwithstanding”



Source: Ill. Att’y Gen., PAC Annual Reports (2020, 2024, 2025).

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THE SCALE OF THE PROBLEM

“Too many requests” is not a defense

A state agency: “a large volume of such requests,” 12 weeks late

State Police: 550 requests a month, and a “waitlist” is not a response

Chicago PD: ~300,000 pages, $750,000 , and no burden defense

Metra: one day late, and it lost

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THE FIVE-DAY CLOCK

Every request: one of four moves by day five

- Produce the records
- Deny in writing
- Extend in writing, once, up to 5 more business days
- Agree with the requester, in writing, on a later date

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Extensions that actually work

Sent, not just dated, within 5 business days

State the reason that is actually true
Give a firm date
No rolling “we’re working on it” and no waitlists
Better: a written agreement with the requester

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When does the clock start?

When the request reaches your designated FOIA address, not when you see it

Spam filters and quarantine folders don’t stop the clock
Every official forwards requests immediately

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TRIAGE

Eight tracks: pick one on the day it arrives

Track	Deadline
Ordinary request	**5 business days**
Not in the email body	**notify within 5**
Maybe not a person	**verify within 5**
Commercial	**21 working days**
Recurrent requester	**notice within 5, respond within 21**
Voluminous	**notice within 5, 10-day narrowing window**
Same person, same unchanged records already fully given or properly denied	**deemed burdensome**
Questions, not records	**answer in writing and offer what exists**

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TRIAGE

Recurrent requesters and voluminous requests

Recurrent: **50 requests in 12 months / 15 in 30 days / 7 in 7 days** , to the same body, counted back from each new request

Voluminous: **more than 5 categories** within 20 business days, or **more than 500 pages**

Not counted: news media, nonprofit, scientific, academic, when the principal purpose is news, opinion, or research

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TRIAGE

Commercial requests

Commercial = sale, resale, solicitation, or advertising

You may ask the purpose, but only for this (or a fee waiver)

21 working days; non-commercial requests go first

The only track with staff-time fees: **$10/hour after 8 free hours**

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TRIAGE

New for 2026: bots, attachments, junk mail

Emailed requests must be **entirely in the body** ; tell them within 5 business days

Never ask for **ID or personal information**

Reasonable belief it’s not a person? Ask them to **verify within 5 business days**

PAC (nonbinding): the requester picks oral or written verification; accept a written **“I am a person”**

The **clock stops** until they verify; you may deny after 30 days of silence

Unanswered, unsolicited commercial mail and email is **not a public record**

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TRIAGE

Questions are not records, but database pulls and working files are

“How many…?” or “Why did…?” asks a **question**, not for a record

“Send me the data in that field” is a **records request**

Asked for Excel? Send the **unlocked, working file**

Answer **in writing** and offer what exists

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FREQUENT REQUESTERS

Three published cases, three lessons

Edgar County Watchdogs v. Joliet Township:

a hard drive, a $350 quote, $50 allowed

Edgar County Watchdogs v. Will County Sheriff:

narrowed to seven incidents

Garlick v. Bloomingdale Township:

serial suits, **$31,336.50** in sanctions, against the requester

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Rules of the road for frequent requesters

Every request gets its own answer

Motive is never a ground for denial

“Repeat” = same person, same unchanged records, all already given or properly denied

A follow-up letter is usually a new request

Your request file is your defense, and it’s a public record

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UNDULY BURDENSOME

Section 3(g): the four-step test

1. Offer to confer, and follow through
2. There is no way to narrow the request
3. The burden outweighs the public interest
4. Written denial, on time: the reasons and the extent of the burden

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Burden records that won and lost

Won:

9,200 files to hand-review, written offer to narrow, requester refused

Lost: “a week per query” that was really a day

Lost: 44,536 hits claimed; the real search was 1,783

Lost: insisting the requester name the employees whose email to search

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Build the burden record before you need it

Run the reasonable search first, then count

Honest hours, this request only

Tell the requester the real numbers

Every narrowing offer and reply, in writing

Then a timely written denial if it’s still too big

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Every response letter, every time

Match what you produce to each part of the request

Denying or redacting? **The exemption, the facts, and the law**

Names and titles of the people who decided

PAC review (address and phone) and **court review**

No records? Say so, and know why

A copy of every denial in the **central denial file**

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Redact, don’t withhold, and keep the schedule

Redact the exempt part; release the rest

- “Too much to redact” is a 3(g) argument, not an exemption
- Explain every redaction
- More than 5 extra business days? **Get it in writing**
- If the schedule slips, say so in writing **before** the date

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Organize once, answer faster

A list of every category of records you keep **(required)**

An immediate-disclosure list **(required)**

A request log with tracking numbers

A central denial file, open to the public **(required)**

A search sheet for every request

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Records you hold through others, and records you must not lose

Your contractors’ records are your records

- You can’t pass their labor on to the requester
- Sending records to your attorney doesn’t make them privileged
- Once a record is requested, **it’s frozen**

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PROACTIVE POSTING

Post it once, answer with a link

If it’s on your website, send the link

Required: description of the township, FOIA officer, how to request, fees

OMA: agendas and approved minutes

Best candidates: bill lists, budget and levy, ordinances, contracts, payroll, settlements

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When a personal phone or account holds public records

Officials who act alone (supervisor, clerk, highway commissioner): public-business messages in personal accounts

Trustees: under court decisions, messages during a meeting or sent to a quorum; under PAC opinions, any public-business message

Purely personal messages: never

Three trustees on a thread can be a “meeting”; one-on-one calls are not

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How to search officials' accounts

Ask each official who may have records, in writing

Good-faith search + written answer back, even if it's "nothing"

Produce, redact, or deny like any other record

Policy: township accounts for township business; no personal devices at the table

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FEES

Fees in two minutes

Paper: first **50** black-and-white pages free; then no more than **15¢** a page

Electronic: cost of the medium only, usually nothing

No staff time or software costs (commercial requests excepted)

Your fee ordinance doesn’t change this

Late response = no fees

Post your fee schedule

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REPEAT OMA COMPLAINTS

Minutes and recordings drive both OMA complaints and FOIA volume

Approve minutes within **30 days** or by the second regular meeting (whichever is later)

Open for inspection within **10 days** of approval; on the website too if full-time staff maintain it (regular board meetings)

Summarize the discussion; a list of topics isn't minutes

Open-meeting audio is a public record from day one

Closed-session recordings: confidential if you stay inside the exception; destroy only on **3 votes**

Never delete after a request

New: no meetings held or scheduled on election days

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The easy targets: agendas, committees, and the pre-meeting

Agendas: say what you're voting on — "Supervisor's Report" or "Personnel" isn't enough

Rescheduled meeting? Post notice and agenda 48 hours ahead

Committees the board creates are public bodies, whatever you call them

A quorum hearing a developer's pitch or reviewing bills **is a meeting**

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REPEAT OMA COMPLAINTS

Public comment, access, and recording

Public comment: only limits in rules the board adopted and recorded, not the chair's "guidelines"

Comment is heard **in open session** , not "email it" and not "tell us in closed session"

No residency test, no home address; keep the sign-up sheet open until the meeting starts

Overflow room only if the main room is full, and people there must be able to hear

Recording: no advance-notice rules, and staff can't shut it down

Disruption and profanity can be stopped; **criticism can't**

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REPEAT OMA COMPLAINTS

When the same person keeps filing

No “frequent filer” screen in OMA review

60 days to file; 2 years only if the facts weren’t discoverable with reasonable diligence

7 working days to send the PAC what it asks for

Answer briefly and factually

Fix it: re-vote before anything is carried out

Private plaintiffs pay your fees only if the suit is malicious or frivolous

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WHAT A MISTAKE COSTS

Litigation exposure

PAC review: send the records within **7 business days**, privileged ones too; binding opinion; **35 days** to comply or appeal

In court, **the township carries the burden**

Attorney fees are **mandatory** if the requester prevails, even if you produce after suit

Penalty: **$2,500–$5,000** per occurrence for willful violations or bad faith

Disclosing as an AG opinion directs = **immunity**

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Tools that help, and what may be coming

A request log or portal with due-date alerts

Redaction software; redactions must be **permanent**

AI-drafted open-session minutes, with human review; **never closed-session audio**

Watch list: "mass" and "vexatious" requester bills; none passed

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TAKEAWAYS

Ten rules for responding to high-volume FOIA

1. Calendar day five the day it arrives, and never let a request go silent
2. Sort every request on day one; send any track notice within five business days
3. Confer, in writing, and follow through before calling anything burdensome
4. Never deny because of who is asking or why
5. Write down your search
6. Every denial: the exemption, the facts, the names, and the review rights
7. Redact the exempt part; release the rest
8. Post frequently requested records; answer with the specific link
9. Ask officials, in writing, to search their personal accounts
10. Once it’s requested, never delete it

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Questions

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