



DEPARTMENT OF INNOVATION AND TECHNOLOGY  
CITY OF CHICAGO

January 30, 2015

Via Electronic Mail

[foiarequesterchicago@gmail.com](mailto:foiarequesterchicago@gmail.com)

FOIA Requester

RE: FOIA Request dated December 19, 2014

Dear FOIA Requester,

On behalf of the Department of Innovation and Technology ("DOIT"), I am responding to your Freedom of Information Act ("FOIA") request dated December 19, 2014. DOIT sought an extension on December 29, 2014, and is now responding to your request seeking:

*"All VoIP server logs that would contain phone numbers dialed between the dates of 11/24/14 and 12/04/14 for the location of 121 N La Salle St #507, Chicago, IL 60602 (mayor's office)."*

Please see attached responsive document.

Be advised the last four digits of the telephone numbers contained on the logs were withheld. We have redacted the digits because providing them makes it possible to attribute each telephone number to a person. An unredacted log would contain personal, home, and other non-public numbers that are exempt from disclosure pursuant to 5 ILCS 140/7(1)(b) and 140/2(c-5). Section 7(1)(b) exempts from disclosure "Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Section 2(c-5) includes home and personal telephone numbers in the definition of "private information."

The log potentially includes, for example, personal and other non-public phone numbers of business and community leaders, City employees, public officials and other individuals that were called by those in office #507 during the period covered by your request. Among other things, individuals in #507 hold positions that require they work late at night, early in the morning, on weekends, and at other times when the only way to reach the individuals they need to talk to is on those individuals' personal, home or non-public numbers.

In addition, City employees often call other City employees with whom they need to speak using non-public numbers to ensure that their call is taken and/or promptly returned and to avoid the delay of going through receptionists, personal assistants and the like. City employee work cell phone numbers have been redacted and withheld from the responsive document pursuant to 5



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ILCS 140/7(1)(c). Work cell phones are issued to certain City staff for use at work and during non-work hours, thus enabling staff to be contacted when they are out of the office both during work and non-work hours. The Public Access Counselor has determined that disclosure of work cell phone numbers “would result in a clearly unwarranted invasion of personal privacy” as disclosure:

could subject the staff to excessive phone calls from the public at all times of the day, even when they are at home and not working. Furthermore, if the employees are forced to turn off their phones while they are not at work to reduce intrusion into their lives, they would not be readily available in the event ... management contacts them for a work emergency. The result would be to impair (the) ability to access critical staff during emergencies, and would defeat the primary purpose in issuing the cell phones.

(2010 PAC 8685, Ill. Att’y Gen. PAC Opinion Ltr., issued September 30, 2010.) Since the public can access City staff through their office landlines and email accounts, as with the situation covered in that PAC opinion letter, “the public’s interest in disclosure of the cell phone numbers does not outweigh the personal privacy interests at stake” here. Id.

It would be extremely burdensome for the employees working in room #507 during the timeframe covered by your request and/or their staff to review each of the calls on the log to determine whether it was made to a personal, home or other non-public number that is exempt from disclosure pursuant to 5 ILCS 140/7(1)(b) and 2(c-5) or under 7(1)(c). Making such a determination would require telephoning the number in question and, even that effort would likely identify only the individuals called. In many cases, further investigation would be required to determine whether the numbers were personal, home or other non-public numbers.

The FOIA provides in 5 ILCS 140/3(g) that requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. For the reasons stated above, it would be unduly burdensome to determine for each of the 83 calls you have requested whether the number was personal or otherwise private and non-public.

Therefore, it is necessary for this portion of your request to be narrowed. If you would like assistance in narrowing your request, please contact me and we will assist you. Otherwise, as explained above, we will be unable to respond to this portion of your request.



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If you wish to narrow your request, please submit a revised written request to our attention. DOIT will take no further action or send you any further correspondence unless and until your current request is narrowed in writing. If we do not receive your narrowed request within fourteen (14) calendar days of the date of this letter, your current request will be denied.

In the event that we do not receive a narrowed request and your request is therefore denied, you will have a right of review by the Illinois Attorney General's Public Access Counselor, who can be contacted at 500 S. Second St., Springfield, IL 62706 or by telephone at (217) 558-0486. You may also seek judicial review of a denial under 5 ILCS 140/11 of FOIA.

Sincerely,

Yolanda Gardner  
Freedom of Information Officer  
Department of Innovation and Technology