



Margaret Paul

City Clerk

(708) 788-2660

mpaul@ci.berwyn.il.us

6700 W 26th St., Berwyn IL 60402

REQUEST FOR PUBLIC RECORDS

Date September 22, 2021
Requestor MuckRock via email at 118700-56882618@requests.muckrock.com
FOIA # 21-757

DENIAL

Dear Requestor:

Thank you for writing to The City of Berwyn with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On **September 2, 2021**, you requested the following records: *All emails containing the following phrases in the Subject and Contents fields of the emails: Shift summary – Shift summaries for the following City email accounts – Michael Cimaglia. Search limited to January 1, 2021 through September 1, 2021.*

Your request was forwarded to the City of Berwyn IT and Legal Departments. The City Attorney advised our office that your request is being denied under Freedom of Information ACT 5ILCS 140/7(1)(v).

You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

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

You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Regards,

Sandra Anderson
Deputy City Clerk

sa

157-18

Request for public records in accordance with the Freedom of Information Act



City of Berwyn
Margaret Paul, City Clerk
6700 W 26th Street • Berwyn IL 60402
Ph: (708) 788-2660 Fax: (708) 788-2675
Berwyn-IL.gov
mpaul@ci.berwyn.il.us
sanderson@ci.berwyn.il.us

757
21-757

1 REQUESTOR	FULL NAME	Muckrock News	ORGANIZATION
	MAILING ADDRESS	Dept MR 118700	CITY/ZIP
	AREA CODE & PHONE	411A Highland Ave Somerville MA 02144-2516	FAX
	EMAIL	118700-56882618@requests.muckrock.com	

Be specific: Provide names, addresses, dates and any other information which will aid in responding to your request.

2 INFORMATION REQUESTED	<p>All emails cont. "shift summary" "shift summaries" Time frame 1/1/2021 through 9-1-2021 Please see attached email received 9/2/2021</p> <p style="text-align: center;">Is this request for commercial purposes? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p style="text-align: center;">Failure to disclose a request is for commercial purposes is against the law and violators may be prosecuted.</p>
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3 DELIVERY	<p><input type="checkbox"/> I will inspect the documents in the Clerk's Office.</p> <p><input checked="" type="checkbox"/> Deliver documents to me via: <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Call me for pick-up</p> <p><input type="checkbox"/> I request certification of these documents. \$1.00 fee.</p> <p>NOTE: The first 50 black & white, letter or legal size copies are free; additional pages are \$.15 each. Other sizes or color pages are charged at cost.</p>
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Rec'd by/Date: MPaul 9/2/21 **DUE DATE:** ~~9/10/2021~~ ~~Oct 9-17-21~~ ~~Oct 9-24-21~~

BLDG WATER FINANCE COLLECTOR FIRE POLICE ADMIN CLERK IT PW LEGAL OTHER

REMARKS

REVIEWED BY: Sanderson DATE: 9-22-21 Approved Denied

Denied

Section 7(D)(V)

also unduly burdensome

Anthony J. Bertuccio

City Attorney

FREEDOM OF INFORMATION ACT

(5 ILCS 140/7)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the

Section 7(1)(d)(v) Exemption (Protection of Special Investigative Techniques)

Under section 7(1)(d)(v) of FOIA (5 ILCS 14017(1)(d)(v)(West 2016), a law enforcement agency may withhold records to the extent disclosure would:

disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request[.]

The techniques must be "unique or specialized" and "other than those generally used and known." *See, e.g.*, III. Att'y Gen. PAC Req. Rev. Ur. 34304, issued July 6, 2010, at 2 (police reports relating to a prostitution sting did not contain any unique or specialized techniques). The administering of a polygraph test generally does not fall within this exemption. *See* III. Att'y Gen. PAC Req. Rev. Ur. 7909, issued July 21, 2010, at 3 (no indication that disclosure of polygraph test results would cause demonstrable harm to the public body).

Sandra Anderson

From: Margaret M. Paul
Sent: Monday, September 20, 2021 4:43 PM
To: 118700-56882618@requests.muckrock.com
Cc: Sandra Anderson; Anthony T. Bertuca
Subject: Your Freedom of Information Act Records Request (FOIA 21-757) Received on September 2, 2021

Dear Records Requestor: Additional time to review the records you asked for is needed. You requested "All emails containing the following phrases in the Subject and Contents fields of the emails: Shift summary and Shift summaries from the City of Berwyn email account of Berwyn Police Chief Michael Cimaglia. My office is currently waiting to hear from City Attorney Anthony Bertuca concerning his review of the records. Mr. Bertuca has been out of the office on September 17 and today, September 20, 2021 resulting in our delay to respond to your request. We expect to have a response from Mr. Bertuca soon. However, we ask your consideration to allow us and additional five business days to respond.

Thank you in advance for this consideration. We regret the delay.

Margaret Paul, Berwyn City Clerk
(She, Her, Her's)
6700 W. 26th St.
Berwyn, IL 60402
708-749-6451

Sandra Anderson

From: 118700-56882618@requests.muckrock.com
Sent: Wednesday, September 1, 2021 7:31 PM
To: Sandra Anderson
Subject: Illinois Freedom of Information Act. Request: Emails referencing Shift summary

City of Berwyn
FOIA Office
6700 West 26th Street
Berwyn, IL 60402

September 1, 2021

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

All emails containing the following phrases in the Subject and Contents fields of the emails:

- Shift summary
- Shift summaries

For the following City email accounts:

- Michael Cimaglia

Please limit your searches to the following dates:

- January 1, 2021- September 1, 2021

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Berwyn FOIA Requests

View request history, upload responsive documents, and report problems here:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fcity-of-berwyn-6247%252Femails-referencing-shift-summary-

118700%252F%253Femail%253DSAnderson%252540ci.berwyn.il.us&url_auth_token=AAEQvIDkhOogTweH2WA8rHsekGE%3A1mLacl%3AV-Y1_QWSEiXoSh5k9rOfEgV6ano

Filed via MuckRock.com

E-mail (Preferred): 118700-56882618@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 118700
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

NOTICE: EXTERNAL EMAIL

This email was sent to you from outside the City of Berwyn network.

- * If this message concerns your ILLINOIS DRIVERS LICENSE, SOCIAL SECURITY, DEPT OF LABOR, or IDES/UNEMPLOYMENT ASSISTANCE, it is most likely fraudulent. Delete immediately.
- * Do not rely on the sender's name to verify this message's legitimacy.
- * Please verify the sender's email address is legitimate before opening attachments or links.
- * Use caution when opening attachments or links from unknown senders.
- * Contact the HelpDesk before clicking links or opening attachments if you need to confirm this message's legitimacy.
- * The HelpDesk will never send external emails, so if you are reading this disclaimer on an email from HelpDesk or any other IT support, it is not genuine.

Sandra Anderson

From: Sandra Anderson
Sent: Wednesday, September 22, 2021 10:06 AM
To: '118700-56882618@requests.muckrock.com'
Cc: Margaret M. Paul
Subject: FOIA 21-757
Attachments: 21-757 Denied.pdf

Tracking:	Recipient	Read
	'118700-56882618@requests.muckrock.com'	
	Margaret M. Paul	Read: 9/22/2021 11:14 AM

Dear Records Requestor:

This communication is in response to your FOIA request submitted on September 2, 2021 and then extended on September 10, 2021 for "All emails containing "shift summary, shift summaries" with a timeframe of 01/01/21 thru 09/01/21 from Berwyn Police Chief Michael Cimaglia City of Berwyn

Your request was forwarded to our IT and Legal Departments. On Monday September 20, 2021 City Clerk Margaret Paul sent an electronic communication advising you that our City Attorney had been out of the office. At that time she asked for additional time to respond. The file was noted that we would respond on or before September 24, 2021.

The City Attorney has advised our office that your request is being denied under the Freedom of Information Act 5ILCS 140/7(1)(v).

Thank you,
Sandra Anderson - Deputy City Clerk
6700 W 26th Street
Berwyn IL 60402
Direct (708) 749-6453, Fax (708) 788-2675



City of Berwyn
The City of Homes