

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 7, 2013

Mr. Paul Scharff
5740 Dunraven Trail
Fort Worth, TX 76244

RE: FOIA Request for Review – 2013 PAC 23896

Dear Mr. Scharff:

The Office of the Attorney General, Public Access Bureau, has received the enclosed response to your Request for Review from the McHenry County Sheriff's Office (McHenry).

You may, but are not required to, reply in writing to the public body's enclosed response. If you choose to reply, you must submit your reply to this office within 7 business days of your receipt of this letter. 5 ILCS 140/9.5(d) (West 2011 Supp.). Please send a copy of your reply to McHenry as well.

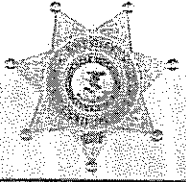
If you have any questions about this matter, please contact me at 100 West Randolph Street, Chicago, Illinois 60601.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dushyanth Reddivari".

DUSHYANTH REDDIVARI
Assistant Attorney General
Public Access Bureau

Cc: Mr. Donald P. Leist (will receive letter only)
EEO Legal Affairs Officer
McHenry County Sheriff's Office
2200 North Seminary Avenue
Woodstock, Illinois 60098



McHenry County Sheriff's Office
2200 N. Seminary Avenue, Woodstock, IL 60098 / (815)338-2144

EEO/LEGAL AFFAIRS OFFICER

Donald B. Leist
(815)334-4793 / dbleist@ca.mchenry.il.us

May 3, 2013

Dushyanth Reddivari, Esq.
Assistant Attorney General
Public Access Bureau
Office of the Attorney General State of Illinois
100 W. Randolph St.
Chicago, IL 60601

RECEIVED

MAY 07 2013

Public Access
Counselor

RE: FOIA Request for Review – 2012 PAC 223896

Dear Mr. Reddivari,

This correspondence shall serve as the McHenry County Sheriff's Office's response to your letter of April 11, 2013 regarding the McHenry County Sheriff's partial denial of Mr. Paul Scharff's Freedom of Information Act (hereinafter "Act") request of December 17, 2012. A copy of said request is attached hereto as Exhibit "A".

On January 24, 2013, Jan Weech, the McHenry County Sheriff's Office Act Officer granted in part and denied in part, Mr. Scharff's request. In denying a portion of the request Ms. Weech cited the exemptions provided by Sections 7 (1) (b), 7 (1) (d) (iv), 7 (1) (c) and 7 (1) (a) of the Act. A copy of Ms. Weech's response is attached hereto as Sheriff's Office Exhibit "B" which explains in detail the reasons for the denial.

To expound upon the citation to 7 (1) (a) of the Act, which exempts information prohibited from disclosure by Federal or State law, the Sheriff's Office specifically references 20 ILCS 2605/2605-375 which created the Law Enforcement Data Access System commonly known and hereinafter referred to herein as "LEADS." The above statute restricts access to LEADS to "law enforcement agencies" and is further regulated by 20 Ill. Adm. Code 1240.80 which provides as follows:

- a) The LEADS network and LEADS data shall not be used for personal purposes.
- b) Personal or unofficial messages shall not be transmitted.
- c) LEADS data shall not be sold.
- d) LEADS data shall not be disseminated to any individual or organization that is not legally authorized to have access to the information.

Furthermore, if the Sheriff's Office knowingly and voluntarily released this information in contravention of the above statute and regulation the McHenry County Sheriff's Office's license to use LEADS pursuant to 20 Ill. Adm. Code 1240.140 could be revoked.



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Finally, pursuant to your request I have enclosed a full un-redacted and complete copy of the records in the Sheriff's possession responsive to Mr. Scharff's request. The Sheriff's Office understands and trusts that the un-redacted copy will be held in confidence by the Public Access Counselor and yourself and by complying with this request the Sheriff's Office is expressly not waiving its claim that this file is confidential and exempt from further disclosure.

Please do not hesitate to contact me should you wish to discuss any of the above.

Sincerely,

A handwritten signature in cursive script that reads "Donald B. Leist".

Donald B. Leist
EEO/Legal Affairs Officer
McHenry County Sheriff's Office

DBL/jm