

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

HUMAN RIGHTS DEFENSE CENTER,)
)
Plaintiff,)
)
v.)
)
ILLINOIS DEPARTMENT)
OF CORRECTIONS,)
)
Defendant.)

14471405

2021CH04102

COMPLAINT

NOW COMES Plaintiff HUMAN RIGHTS DEFENSE CENTER (“HRDC”), by the undersigned attorneys Loevy & Loevy, and brings this suit to overturn Defendant ILLINOIS DEPARTMENT OF CORRECTIONS’s (“IDOC”) willful violation of the Illinois Freedom of Information Act. Defendant IDOC failed to comply with HRDC’s FOIA request for 1) contracts between IDOC and Global Tel Link Corporations, 2) documents that would show the commissions paid to IDOC resulting from the video visitations services provided in the IDOC facilities, and 3) the allocations of these commission revenues. After blowing the statutory deadline to respond or extend its deadline, IDOC refused to produce the records by claiming that it is unduly burdensome to comply with HRDC’s FOIA request. In support of the Complaint, HRDC states as follows:

INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act (“FOIA”). 5 ILCS 140/1.

FILED DATE: 8/17/2021 4:27 PM 2021CH04102

2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. Under FOIA Section 1.2, “[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt.” 5 ILCS 140/1.2.

PARTIES

4. Plaintiff HUMAN RIGHTS DEFENSE CENTER (“HRDC”) is a non-profit organization and made the FOIA request at issue in this case.

5. Defendant ILLINOIS DEPARTMENT OF CORRECTIONS (“IDOC”) is a public body located in Cook County, Illinois.

JUNE 10, 2021 FOIA REQUEST

6. On June 10, 2021, HRDC submitted a FOIA request (“Request”) to IDOC for the following records: 1) “[d]ocuments detailing the contract between [Global Tel Link (GTL)] and the Illinois Department of Corrections for video visitation services, including overall income amounts and sources for each year, from January 1, 2019 to present”; 2) “[a]ll documents showing the amount of commission paid to the Illinois Department of Corrections or other appropriate agency resulting from services related to video visitation services in facilities within the DOC” from January 1, 2019 to present; and 3) “documents showing the allocation of this commission revenue from January 1, 2019 to present.” Exhibit A.

7. On June 21, 2021, IDOC assigned reference number 210610114 to the matter and sought an extension of five-business days. Exhibit B.

8. On June 28, 2021, IDOC purported that the request “as written” is “unduly burdensome.” IDOC stated that it has “approximately 5000 responsive records that need to be redacted” and asked HRDC to “narrow” the request “to make it more manageable for IDOC FOIA Unit staff.” Exhibit C.

9. IDOC waived its right to claim that the request is “unduly burdensome” under Section 3(g) of FOIA when it failed to comply with HRDC’s FOIA request within the statutory deadline.

10. Section 3(d) of FOIA states:

Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. ***Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request.*** A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. ***A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (g).***

5 ILCS 140/3(d). (Emphasis added).

11. Section 3(f) of FOIA states:

When additional time is required for any of the above reasons, the public body shall, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. A public body that fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records may not impose a fee for those copies. ***A public body that requests an extension and subsequently fails to respond to the request may not treat the request as unduly burdensome under subsection (g).***

5 ILCS 140/3(f). (Emphasis added).

12. IDOC’s deadline to comply with the request, extend the time for response, or deny the request was June 17, 2021.

13. Even if IDOC were within its statutory deadline to claim that the request is “unduly burdensome,” which it was not, IDOC did not extend an “opportunity to confer” with HRDC “in an attempt to reduce the request to manageable proportions.” 5 ILCS 140/3(g).

14. As of the date of this filing, IDOC has failed to comply with FOIA and has produced no records responsive to the request.

**COUNT I – JUNE 10, 2021 FOIA REQUEST,
FAILURE TO PRODUCE RECORDS**

15. The above paragraphs are incorporated by reference.

16. IDOC is a public body under FOIA.

17. The records sought in the FOIA request are non-exempt public records of IDOC.

18. IDOC violated FOIA by failing to produce records responsive to the request.

**COUNT II – JUNE 10, 2021 FOIA REQUEST,
FAILURE TO PERFORM AN ADEQUATE SEARCH**

19. The above paragraphs are incorporated by reference.

20. IDOC is a public body under FOIA.

21. IDOC bears the burden of proving beyond material doubt that it performed an adequate search for records responsive to the request.

22. IDOC has failed to come forward with sufficient evidence to carry this burden.

23. IDOC has violated FOIA by failing to adequately search for records responsive to the request.

**COUNT III – JUNE 10, 2021 FOIA REQUEST,
WILLFUL AND INTENTIONAL VIOLATION OF FOIA**

24. The above paragraphs are incorporated by reference.

25. IDOC is a public body under FOIA.

26. The records sought in the FOIA request are non-exempt public records of IDOC.

27. IDOC willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, HRDC asks that the Court:

- i. declare that IDOC has violated FOIA;
- ii. order IDOC to conduct an adequate search for the requested records;
- iii. order IDOC to produce the requested records;
- iv. enjoin IDOC from withholding non-exempt public records under FOIA;
- v. order IDOC to pay civil penalties;
- vi. award HRDC reasonable attorneys' fees and costs; and
- vii. award such other relief the Court considers appropriate.

Dated: August 17, 2021

RESPECTFULLY SUBMITTED,
/s/ Matthew Topic

Attorneys for Plaintiff,
HUMAN RIGHTS DEFENSE CENTER

Matthew Topic
Joshua Burday
Merrick Wayne
Shelley Geiszler
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
312-243-5900
foia@loevy.com
Atty. No. 41295

From: [FOIA General Mailbox](#)
To: doc.foiarequest@illinois.gov
Subject: Public Records Request from the Human Rights Defense Center
Date: Thursday, June 10, 2021 10:36:26 AM
Attachments: [image001.png](#)
[Illinois DOC - GTL Contracts - HRDC Records Request 6-10-21.pdf](#)

To the Freedom of Information Act Officer,

Attached, please find a public records request from the Human Rights Defense Center; the text of this request is duplicated in the body of this message.

The Human Rights Defense Center (HRDC) makes this request pursuant to the Freedom of Information Act, 5 ILCS 140/1.

DOCUMENTS REQUESTED

We are requesting the following documents regarding contracts with Global Tel*Link Corporation (GTL):

1. Documents detailing the contract between GTL and the Illinois Department of Corrections for video visitation services, including overall income amounts and sources for each year, from January 1, 2019 to present.

We are requesting the following documents regarding commissions:

2. All documents showing the amount of commission paid to the Illinois Department of Corrections or other appropriate agency resulting from services related to video visitation services in facilities within the DOC. In addition, documents showing the allocation of this commission revenue from January 1, 2019 to present.

HRDC is a nonprofit organization and the requested records will be used for the benefit of the public through our non-commercial news reporting, and will contribute significantly to public understanding of government operations and activities at the Illinois Department of Corrections. Given this public benefit, we request a waiver of all fees.

Pursuant to IL ST CH 5 § 140/11, HRDC requests a summary of any applicable charges be provided before any copies are made.

If this request is denied in whole or part, please justify all denials by reference to specific exemptions. If any records responsive to this request are denied in part, we expect the release of all segregable portions of those records. Additionally, please outline any administrative appeals process available.

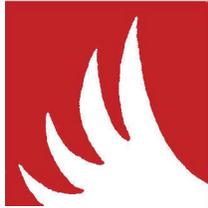
Please contact me via email, FOIA@humanrightsdefensecenter.org, should you require any additional information. Thank you for your time and attention in this matter.

Sincerely,

Samantha Beauvais
*Public Records Manager &
Development Coordinator*
[Human Rights Defense Center](#)
[Prison Legal News](#)
M: 561-305-4643



Please consider the environment before printing this e-mail



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

June 10, 2021

Freedom of Information Act Officer
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277

Submitted via email to: DOC.FOIARequest@illinois.gov

Re: Request for Commissions and GTL Contracts

To the Freedom of Information Act Officer:

The Human Rights Defense Center (HRDC) makes this request pursuant to the Freedom of Information Act, 5 ILCS 140/1.

DOCUMENTS REQUESTED

We are requesting the following documents regarding contracts with Global Tel*Link Corporation (GTL):

1. Documents detailing the contract between GTL and the Illinois Department of Corrections for video visitation services, including overall income amounts and sources for each year, from January 1, 2019 to present.

We are requesting the following documents regarding commissions:

2. All documents showing the amount of commission paid to the Illinois Department of Corrections or other appropriate agency resulting from services related to video visitation services in facilities within the DOC. In addition, documents showing the allocation of this commission revenue from January 1, 2019 to present.

HRDC is a nonprofit organization and the requested records will be used for the benefit of the public through our non-commercial news reporting, and will contribute significantly to public understanding of government operations and activities at the Illinois Department of Corrections. Given this public benefit, we request a waiver of all fees.

Pursuant to IL ST CH 5 § 140/11, HRDC requests a summary of any applicable charges be provided before any copies are made.

If this request is denied in whole or part, please justify all denials by reference to specific exemptions. If any records responsive to this request are denied in part, we expect the release of all segregable portions of those records. Additionally, please outline any administrative appeals process available.

Please contact me via email, FOIA@humanrightsdefensecenter.org, should you require any additional information. Thank you for your time and attention in this matter.

Sincerely,

HUMAN RIGHTS DEFENSE CENTER

A handwritten signature in black ink that reads "Samantha Beauvais". The signature is written in a cursive, flowing style.

Samantha Beauvais
Public Records Manager

JB Pritzker
Governor



Rob Jeffreys
Acting Director

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

June 21, 2021

Samantha Beauvais
foia@humanrightsdefensecenter.org

Re: Freedom of Information Request #210610114

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

We are requesting the following documents regarding contracts with Global Tel*Link Corporation (GTL):

1. Documents detailing the contract between GTL and the Illinois Department of Corrections for video visitation services, including overall income amounts and sources for each year, from January 1, 2019 to present.

We are requesting the following documents regarding commissions:

2. All documents showing the amount of commission paid to the Illinois Department of Corrections or other appropriate agency resulting from services related to video visitation services in facilities within the DOC. In addition, documents showing the allocation of this commission revenue from January 1, 2019 to present.

Response: IDOC is extending the time to respond to your request because "the request for records cannot be complied with by the public body within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the public body." The Department plans to respond to your request on or before June 28, 2021.

In the event you view this response as a denial of your request, you have a right to have the denial 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 to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

Exhibit B

FILED DATE: 8/17/2021 4:27 PM 2021CH04102

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 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 letter (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.

Sincerely,
Maggie Meikle

JB Pritzker
Governor



Rob Jeffreys
Acting Director

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

June 28, 2021

Samantha Beauvais
FOIA@humanrightsdefensecenter.org

Re: Freedom of Information Request #210610114

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

The Human Rights Defense Center (HRDC) makes this request pursuant to the Freedom of Information Act, 5 ILCS 140/1.

DOCUMENTS REQUESTED

We are requesting the following documents regarding contracts with Global Tel*Link Corporation (GTL):

1. Documents detailing the contract between GTL and the Illinois Department of Corrections for video visitation services, including overall income amounts and sources for each year, from January 1, 2019 to present.

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Response: Your request, as written, unduly burdensome. IDOC has approximately 5000 responsive records that need to be redacted. Please narrow your request to make it more manageable for IDOC FOIA Unit staff.

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

Exhibit C

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In the event you view this response as a denial of your request, you have a right to have the denial 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 to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 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 letter (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.

Sincerely,
Maggie Meikle
Freedom of Information Officer