

THE
ROGER
BALDWIN
FOUNDATION
OF ACLU,
INC.

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August 3, 2011

VIA EMAIL AND U.S. MAIL

Rory P. O'Brien, Freedom of Information Officer
Chicago Police Department, Record Services Division
3510 S. Michigan Avenue
Chicago, Illinois 60653

Re: FOIA request regarding cell phone location data

Dear FOIA Officer O'Brien:

This is a request under the Freedom of Information Act ("FOIA") by the American Civil Liberties Union of Illinois. 5 ILCS 140/1 *et seq.* We hereby request disclosure of all records, including policy documents¹, in your possession relating to your acquisition of cell phone location records. This request encompasses records regarding real-time tracking and records regarding where cell phones have been in the past, and it encompasses all available methods of locating cell phones, including "cell site," triangulation, and GPS. This request includes but is not limited to the following records:

1. Policies, procedures and practices you follow to obtain cell phone location records;
2. Data retention policies, detailing how long cell phone location records are kept, databases in which they are placed, and agencies (federal, state and local) with which they are shared;
3. The use of cell phone location records to identify "communities of interest (detailing those persons who have been called, or called by a target)" in investigations;
4. The use of cell phone location records to identify all of the cell phones at a particular location;

¹ The term "policy documents" as used herein includes, but is not limited to, all general orders, special orders, bulletins, notices, directives, pronouncements, forms, memoranda, legal standards, rules, and regulations.

5. Your use of “digital fences” (systems whereby you are notified whenever a cell phone comes within a specific geographic area);
6. The legal standard (e.g. probable cause, relevance) you proffer to obtain cell phone location records;
7. Judicial decisions and orders ruling on your applications to obtain cell phone location records;
8. Statistics regarding your use of cell phone location records, including the number of emergency requests for which no court order was obtained;
9. The form in which cell phone location records are provided (hard copy, through specific online databases); and
10. Communications with cell phone companies and providers of location-based services regarding cell phone location records, including:
 - a. company manuals, pricing, and data access policies;
 - b. invoices reflecting payments for obtaining cell phone location records; and
 - c. instances in which cell phone companies have refused to comply with a request or order.

* * *

Please send the requested materials to: Karen Sheley
Roger Baldwin Foundation of ACLU, Inc.
180 N. Michigan Avenue
Suite 2300
Chicago, Illinois 60601-1287

As you know, the Illinois FOIA requires that you make available for inspection and copying all public records, except certain exempt records, within five working days of receipt of a written request.

If you determine that portions of the requested records are exempt from the Act, we expect that you will delete such exempted material and send copies of the remaining non-exempt material within five working days. Also, if all or any part of this request is denied, please provide in writing the specific exemption(s) under the Act on which you rely to withhold the records.

We are prepared to pay reasonable copying costs for reproducing the requested materials, but request that you waive any such fees under the provision of FOIA that authorizes you to waive copying fees when release of requested information is "in the public interest." In compliance with section 6(b) of the amended FOIA, I represent to you that the documents are sought to determine information concerning the legal rights of the general public and this request is not for the purpose of personal or commercial benefit. Accordingly, a waiver of fees is in the public interest as defined by section 6(b).

If you deny the request for waiver, please notify me before compiling records for which the copying charge will exceed \$50.00 so that we can discuss narrowing the request to cover only the information I seek.

Please contact me at 312/201-9740 ext. 325, or via email at ksheley@aclu-il.org, if you have any questions regarding this request. Thank you for your prompt attention.

Sincerely,



Karen Sheley
Staff Attorney

cc: Garry McCarthy (Superintendent, Chicago Police Department)
Steve Patton (General Counsel, Chicago Police Department)