



FREEDOM OF INFORMATION APPEAL
STATE OF ILLINOIS

(2)

7632

Date Appeal Received in State Agency

INSTRUCTIONS:

Requestor should fill out sections — DESCRIPTION OF RECORDS, and REASONS FOR APPEALING. Send copies 1 and 2 to the Director of the Agency which original request was sent to. Unless notified otherwise the Agency's response will be within 7 working days after receipt of appeal.

Requestor's Name (Or business name if applicable) Jennifer M. Saba, Roger Baldwin Foundation of ACLU, Inc			Send Appeal To: (Director and Agency) Director Larry G. Trent, Illinois State Police		
Street Address 180 North Michigan Avenue, Suite 2300			Street Address 801 South 7th Street, P.O. Box 19461		
City Chicago	State Illinois	Zip 60601-1287	City Springfield	State Illinois	Zip 62794-9461

DESCRIPTION OF RECORDS THAT APPEAL IS BEING MADE FOR:

See Attached

REASONS FOR APPEALING

See Attached

DIRECTOR'S RESPONSE TO APPEAL

Noted below is the action I have taken on your appeal from the denial of your request for the above captioned records

I hereby approve your appeal to the following extent and for the following reasons:

See Attached

I affirm the denial of your request made by the Freedom of Information Officer.

Note: You are entitled to judicial review of any denial pursuant to Section II of the Freedom of Information Act.

The information required by this form is MANDATORY in order to comply with P.A. 83-1013. Failure to so provide may result in this form not being processed. This form is approved by the Forms Management Center.	Director's Signature 	Date of Reply 1/15/09
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IL 001-0006 (6/84)

LEGEND FOR REQUESTOR: 1st copy (white) - send to Agency; 2nd copy (canary) - send to Agency; 3rd copy (pink) - Requestor's copy

Response to Appeal of FOIA Request #7632
Roger Baldwin Foundation of the ACLU / Jennifer M. Saba

1. Government systems, databases and records that the Center can access, including those maintained or provided by other state agencies, municipalities, the federal government and the United States military, and the nature of those systems, databases or records.

Response: The Statewide Terrorism Intelligence Center (STIC) has direct access to the following records as of this date. This list is not static but may change in the future as new databases are added or databases that do not prove useful to the mission of the Center may be removed. STIC has indirect access to numerous local, state, and federal law enforcement and vital records, including other fusion centers, through those various agencies.

VITAL – Violent Crime Information Tracking and Linking

CLEAR

LEADS

TIPS – Traffic Information and Planning System

FOID/FTIP

ISP INDICIES

R-DEX

Targeted Violence Information Sharing System (TAVISS) – Secret Service

Transportation Information Sharing System (TISS)

Public Aid – Illinois Department of Healthcare and Family Services

Employment – Illinois Department of Employment Security

Offender Tracking System – Illinois Department of Corrections

Secretary of State Facial Recognition and Digital Photos

Safety Net – Illinois Department of Transportation

FinCEN – U. S. Department of Treasury

Deconfliction (SAFETNet) – Described in the 2005 ITTF Annual Report

Illinois State Police Internet Crimes Unit database

2. Non-government systems, databases and records that the Center can access, including those maintained or provided by any private sector entity, data aggregator or commercial entity, and the nature of those systems, databases or records.

Response: STIC has access to the following such databases (see copies of documents attached to Response #4):

Lexis Nexis – vital records

Accurint

Westlaw – legal research and records

Dun & Bradstreet – financial records
Experian – credit bureau
Internet – Public Record
ChoicePoint
ISO Claim Search

3. Other systems, databases and records that the Center can access, including public and private transportation providers, tip lines, educational institutions or other non-profit entities, and the nature of those systems, databases or records.

Response: No such access. STIC does have indirect access to numerous local, state, and federal law enforcement and vital records, including other fusion centers, through those various agencies.

4. Legal authority for access to the foregoing systems, databases and records, including legal memoranda or contracts between the Center and any entity that authorizes the sharing of information. This list of legal authority is not exhaustive and may periodically expand or contract due to state or federal legislative action.

Response:

5 ILCS 140/1 et seq. – Freedom of Information Act
20 ILCS 2605/1 et seq. – Civil Administrative Code of Illinois
20 ILCS 2630/1 et seq. - Criminal Identification Act
20 ILCS 2635/1 et seq. - Illinois Uniform Conviction Information Act
20 ILCS 2640/1 et seq. – Statewide Organized Database Act
20 ILCS 2645/1 et seq. – Statewide Senior Citizen Victimizer Database Act
625 ILCS 5/2-123 - Sale and Distribution of Information
625 ILCS 5/6-110.1 - Confidentiality of Captured Photographs or Images Act
815 ILCS 530/1 et seq. - Personal Information Protection Act
20 ILL. ADMIN. CODE § 1280.30 -Sex Offender Registration Act
20 ILL. ADMIN. CODE § 1282.30 -Sex Offender and Child Murderer
Community Notification Act
18 U.S.C. §§ 2721-25 - Driver's Privacy Protection Act
28 CFR Part 20
28 CFR Part 23
R-DEX Memorandum of Understanding

See attached:

Contract between ISP and Experian Information Solutions, Inc.
Contract between ISP and Westlaw
Interagency Agreement between Illinois Department of Public Aid and ISP
Shared Data Agreement between Illinois Department of Employment Security and ISP
R-DEX Memorandum of Understanding

Response:

See attached.

ADM-136, Crime Analysis

OPS – 053, Illinois Emergency Management Agency/Illinois State Police Disaster Response Operations

OPS – 073, District Contingency Planning

OPS – 103, Major Disorder Planning

28 CFR Part 23

Other documents which may be responsive to this request are denied as follows:

7)1)c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would: ... (v) 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; ... (vii) endanger the life or physical safety of law enforcement personnel or any other person; or (viii) obstruct an ongoing criminal investigation.

7)1)f) preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.

7)1)p) administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, ... user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of the materials exempt under this Section.

7)1)z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

7)1)ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health and safety of the community, but only to the extent that disclosure would reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt

5. Federal, state, local or military entities that may participate in the Center's activities in any way, including by providing funding, personnel or other support.

Response:

Federal Bureau of Investigation
U.S. Department of Homeland Security
Drug Enforcement Administration
Illinois Gaming Board
Illinois National Guard (Counter Drug Interdiction Units)
Illinois State Police
Motor Vehicle Theft Prevention Council
Illinois Emergency Management Agency (IEMA)
Illinois Law Enforcement Alarms System (ILEAS)

6. Federal, state, local, military, public safety and/or private sector entities that may access the Center's facilities, systems, reports, databases or records, or may be provided access to direct reports or reports through third parties, including reports or records accessible through the federal Information Sharing Environment (ISE).

Response:

Federal Bureau of Investigation
U.S. Department of Homeland Security
Drug Enforcement Administration
Illinois Department of Revenue
Illinois National Guard
Illinois State Police
State and local public safety agencies.
Members of the Infrastructure Security Awareness Program

see attached:

Contract Vendors agreements developing Illinois State Police applications, including:
Oracle
Microsoft
Riverglass
Mitre

7. Written policies that guide Center employees in initiating, performing or terminating any investigation or analysis undertaken using the Center's resources, including any employee training manuals.

under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to tactical operations.

8. Written policies that guide law enforcement officials in making determinations as to what activities should be reported to the Center for input into the system.

Response:

See attachments to Response #7.

OPS – 053, Illinois Emergency Management Agency/Illinois State Police Disaster Response Operations

OPS – 073, District Contingency Planning

OPS – 103, Major Disorder Planning

28 CFR Part 23

Other documents which may be responsive to this request are denied as follows:

7)1)c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would: ... (v) 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; ... (vii) endanger the life or physical safety of law enforcement personnel or any other person; or (viii) obstruct an ongoing criminal investigation.

7)1)f) preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.

7)1)p) administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, ... user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of the materials exempt under this Section.

7)1)z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

7)1)ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a

community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health and safety of the community, but only to the extent that disclosure would reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to tactical operations.

9. Written policies for incorporating participation by the public, policy makers, or the private sector in data collection.

Response:

Public access to the Illinois State Police Internet Crime Unit via ISP Web page

See attached:

SRV-209, Illinois State Police Web Page
Internet Crimes Unit Web Page

10. Computer analysis, data mining, face recognition or other biometrics searches performed by the Center.

Response:

This request reference "computer analysis" is vague and too generic to ensure an appropriate response, but in the context of the request STIC does not engage in data mining of personally identifiable information on persons. Access to criminal history records and databases as set forth in response to Requests #1, 2, and 3 is performed, which includes the Illinois Secretary of State Facial Recognition System. STIC does not engage in other types of biometric searches.

11. Statistical or aggregate information regarding the Center, including the employee count, the number of requests for assistance processed and investigations commenced, and the number of arrests and convictions resulting from the Center's activities.

Response:

See attached excerpts of the 2003-2006 ISP Annual Report and the 2003-2007 Illinois Terrorism Task Force (ITTF) Annual Report. The number of arrests and convictions resulting from the resources of STIC are maintained separately from other ISP enforcement activity.

12. Written policies that guide the Center in abiding by federal law regarding the collection of criminal intelligence information, specifically Title 28, Part 23 of the Code of Federal Regulations.

Response:

ADM-136, Crime Analysis (see attachment response #7)

Documents which may be responsive to this request are denied as follows:

7)1)f) preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body

13. The governance or command structure.

Response:

STIC is assigned to the Statewide Investigations Support Command, which is led by Commander Richard Woods. Also, a Table of Organization is provided in the ISP Annual Report. See documents attached in response to Request #11.

14. The budget and funding sources of the Center.

Response:

STIC's total budget is approximately \$3,513,142.00, and is funded by the U.S. Department of Homeland Security, the State General Revenue Fund, and the Motor Vehicle Theft Prevention Council.

15. Audits performed on the Center, including the results of such audits.

Response:

Institute for Intergovernmental Research Audit, February 2008.

Requested audits performed by the Illinois Auditor General may be found at

<http://www.auditor.illinois.gov/Audit-Reports/STATE-POLICE-ILLINOIS.asp>

See attached:

Institute for Intergovernmental Research Audit, February 2008.

16. Written policies concerning the removal of information from the Center's database.

Response:
28 CFR Part 23

Other documents which may be responsive to this request are denied as follows:

7)1)f) preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.

17. Written policies and procedures for protecting individual civil liberties, including privacy protections and civilian oversight of the Center, and any written policies for tracking and handling privacy complaints or concerns.

Response:
28 CFR Part 23

Other documents which may be responsive to this request are denied as follows:

7)1)f) preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.

18. Written policies for the protection and retention of, and access by the public to, records, reports and personal information held in the Center.

Response:
28 CFR Part 23
See attached.
ADM-102, Freedom of Information
OPS-023, Criminal History and Uniform Crime Reporting Information Dissemination

Other documents which may be responsive to this request are denied as follows:

7)1)f) preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.