

Hello,

Regarding your FOIA request received on August 30, 2023,

1. In response to data request number one, please see the attached document listing fines that were not rendered confidential through the Consent Order process provided in 8 IAC 1300.600(f).

Section 1300.600 Investigations

f) In appropriate cases, the Department may resolve a complaint against a licensee, or agent through the issuance of a Consent to Administrative Supervision order. A licensee or agent subject to a Consent to Administrative Supervision order shall be considered by the Department as an active licensee or agent in good standing. This order shall not be reported or considered by the Department to be a discipline of the licensee or agent. The records regarding an investigation and a Consent to Administrative Supervision order shall be considered confidential and shall not be released by the Department except as mandated by law. A complainant shall be notified if his or her complaint has been resolved by a Consent to Administrative Supervision order.

2. In response to data request number two, please see the attached document listing fines that were not rendered confidential through the Consent Order process provided in 8 IAC 1300.600(f).

Your request for correspondence and notices related to fines is denied. The requested records are exempt from disclosure pursuant to Sections 7(1)(a), 7(1)(f), 7(1)(g), 7(1)(m), and 7.5(rr) of the Illinois Freedom of Information Act, ("FOIA"), Sections 145(a)(2) and (c) of the Compassionate Use of Medical Cannabis Program Act, ("Medical Act"), and Sections 55-30(b)(1) and 55-30(b)(2) of the Illinois Cannabis Regulation and Tax Act, ("CRTA"). [5 ILCS 140/7(1)(a); 5 ILCS 140/7(1)(f); 5 ILCS 140/7(1)(g); 5 ILCS 140/7(1)(m); 5 ILCS 140/7(1)(rr); 410 ILCS 130/145(a)(2); 410 ILCS 130/145(c); 410 ILCS 705/55-30(b)(1); and 410 ILCS 705/55-30(b)(2)].

Section 7(1) of FOIA states in pertinent part as follows:

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 following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(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. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested. The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of

public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

Section 7.5(rr) of FOIA states in pertinent part as follows

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

Section 145(a)(2) and (c) of the Compassionate Use of Medical Cannabis Program Act state:

Sec. 145. Confidentiality.

1. The following information received and records kept by the Department of Public Health, Department of Financial and Professional Regulation, Department of Agriculture, or Illinois State Police for purposes of administering this Act are subject to all applicable federal privacy laws, confidential, and exempt from the Freedom of Information Act, and not subject to disclosure to any individual or public or private entity, except as necessary for authorized employees of those authorized agencies to perform official duties under this Act and the following information received and records kept by Department of Public Health, Department of Agriculture, Department of Financial and Professional Regulation, and Illinois State Police, excluding any existing or non-existing Illinois or national criminal history record information as defined in subsection (d), may be disclosed to each other upon request:

(2) Applications and renewals, their contents, and supporting information submitted by or on behalf of cultivation centers and dispensing organizations in compliance with this Act, including their physical addresses. This does not preclude the release of ownership information of cannabis business establishment licenses.

(c) Except for any ownership information released pursuant to subsection (b-5) or as otherwise authorized or required by law, it is a Class B misdemeanor with a \$1,000 fine for any person, including an employee or official of the Department of Public Health, Department of Financial and Professional Regulation, or Department of Agriculture or another State agency or local government, to breach the confidentiality of information obtained under this Act.

Sections 55-30(b)(1) and 55-30(b)(2) of the Illinois Cannabis Regulation and Tax Act states in pertinent part:

Sec. 55-30. Confidentiality.

(b) The following information received and records kept by the Department of Agriculture, the Department of Public Health, the Illinois State Police, and the Department of Financial and Professional Regulation for purposes of administering this Article are subject to all applicable federal privacy laws, are confidential and exempt from disclosure under the Freedom of Information Act, except as provided in this Act, and not subject to disclosure to any individual or public or private entity, except to the Department of Financial and Professional Regulation, the Department of Agriculture, the Department of Public Health, and the Illinois State Police as necessary to perform official duties under this Article and to the Attorney General as necessary to enforce the provisions of this Act. The following information received and kept by the Department of Financial and Professional Regulation or the Department of Agriculture may be disclosed to the Department of Public Health, the Department of Agriculture, the Department of Revenue, the Illinois State Police, or the Attorney General upon proper request:

(1) Applications and renewals, their contents, and supporting information submitted by or on behalf of dispensing organizations, cannabis business establishments, or Community College Cannabis Vocational Program licensees, in compliance with this Article, including their physical addresses; however, this does not preclude the release of ownership information about cannabis business establishment licenses, or information submitted with an application required to be disclosed pursuant to subsection (f);

(2) Any plans, procedures, policies, or other records relating to cannabis business establishment security;

3. In response to data request number three, your request for documents and correspondence related to transportation and security violations is denied. The requested records are exempt from disclosure pursuant to Sections 7(1)(a), 7(1)(f), 7(1)(g), 7(1)(m), and 7.5(rr) of the Illinois Freedom of Information Act, ("FOIA"), Sections 145(a)(2) and (c) of the Compassionate Use of Medical Cannabis Program Act, ("Medical Act"), and Sections 55-30(b)(1) and 55-30(b)(2) of the Illinois Cannabis Regulation and Tax Act, ("CRTA"). [5 ILCS 140/7(1)(a); 5 ILCS 140/7(1)(f); 5 ILCS 140/7(1)(g); 5 ILCS 140/7(1)(m); 5 ILCS 140/7(1)(rr); 410 ILCS 130/145(a)(2); 410 ILCS 130/145(c); 410 ILCS 705/55-30(b)(1); and 410 ILCS 705/55-30(b)(2)]. Please see excerpts of relevant statutory provision above.

You have the 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 may file your Request for Review with the PAC by writing to:

Public Access Counselor

Office of the Attorney General

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 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.