

The Open Meetings and Freedom of Information Acts: *Better Understanding and Compliance*

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Public Access Counselor

Position within the Attorney General's Office

- Created by amendments to FOIA effective January 1, 2010.
- To provide advice and education with respect to FOIA and OMA;
- To resolve complaints concerning compliance with FOIA and OMA without litigation.

15 ILCS 205(7)

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FOIA/OMA Training Requirement

- OMA Training: One time, for each elected or appointment member of a public body
 - New members must take within 90 days.
 - If for any reason a public body member has failed to take the training since 2012 when it became effective, he or she must still do so.
 - OMA Training: Yearly, for OMA Designee
 - FOIA Training: Yearly, for FOIA Officers
- Must file a copy of the certificate of completion with the public body!

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Open Meetings Act (OMA) Public Policy

“The General Assembly * * * declares it to be the public policy of this State that its citizens shall be given **advance notice of and the right to attend** all meetings at which any business of a public body is discussed or acted upon in any way.”

“[T]he people have a right to be informed as to the conduct of their business.”

5 ILCS 120/1.

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What is a Public Body?

See Section 1.02



State Boards and Commissions



Municipalities



Counties



School Districts



All subsidiary bodies of the foregoing bodies

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What Is Not Covered?

General Assembly and its Committees or Commissions, also...



Condominium Associations



Individual Officers



Private Companies and Their Boards



Not-For-Profit Organizations

The Meeting

OMA defines a meeting as “[a]ny ***gathering*** of a ***majority of a quorum*** for the purpose of ***discussing public business.***”

5 ILCS 120/1.02

- Requirements of OMA apply.

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Gathering

May be in person OR electronically – people may “gather” from remote locations through the use of telephones, audio- and video-conferencing, and the Internet, or other means of “contemporaneous interactive communication.”

5 ILCS 120/1.02

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Majority of a Quorum

Member Number	Quorum	Majority of Quorum
13	7	4
11	6	4
9	5	3*
7	4	3
5	3	3**
3	2	2

*A quorum cannot include half-a-person.

**Special rule for 5-member public body.

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“...for the purpose of discussing public business”

A social gathering is not prohibited, but it could turn into a meeting if a majority of a quorum discusses public business in a deliberative fashion.



Beware of the appearance of impropriety.

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Meeting Attendance

- Before allowing a member to attend electronically, a public body must adopt a rule or regulation permitting electronic attendance. 5 ILCS 120/7(c)
- Generally, a quorum must be *physically present* at the meeting in order for the member to attend electronically. 5 ILCS 120/7(a)

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Attendance by Other Means

If a public body has adopted rules allowing for electronic attendance, a member may attend a meeting electronically if the absence is because of:

- Personal illness or disability;
 - Employment purposes or business of the public body; or
 - Family or other emergency.
- 5 ILCS 120/7(a).

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Meeting Locations

Meetings shall be held at specified times and places which are ***convenient and open to the public***. 5 ILCS 120/2.01

The accommodation must not be merely convenient to the members of the public who show up, but ***the public as a whole***.

The rule of ***reasonable*** vs. absolute ***accessibility***. *Gerwin v. Livingston County Board*, 345 Ill.App.3d 352 (4th Dist. 2003).

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Meeting Locations

Meeting at private residence not convenient and open (Ill. Att'y Gen. Pub. Acc. Op. No.12-008)

Special meeting 26 miles from usual location not convenient and open (Ill. Att'y Gen Pub. Acc. Op. No. 13-014)

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Agenda – Timing

- Regular meetings = 48 hours notice.
- Special meetings = 48 hours notice.
- Emergency meetings = as soon as possible. Must be *bona fide* emergency, not of public body's making.

5 ILCS 120/2.02(a)

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Agenda – Location

- Posted at the principal office of the body holding the meeting and meeting location
- Must be placed on the website if the public body has a full-time staff that maintains the website. 5 ILCS 120/2.02(b)
- Must be ***continuously available*** for public review (i.e. visible) during entire 48-hour period preceding the meeting – website posting satisfies. 5 ILCS 120/2.02(c).

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Agenda Requirements

- Must state “general subject matter” of any resolution or ordinance that will be subject of final action. 5 ILCS 120/2.02(c).
- A public body may discuss matters not on the agenda. *In re Foxfield Subdivision*, 396 Ill.App.3d 989 (2d Dist. 2009). However, it may not take final action on any matter not on the agenda.

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Amending Agenda

A posted meeting agenda may be revised or corrected at any time prior to a public meeting; ***provided***, however, that no new items on which final action is to be taken may be added less than 48 hours prior to a meeting.

Ill. Att’y Gen. Pub. Acc. Op. No. 14-003, issued May 5, 2014.

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Meeting Minutes

- Must keep written minutes of all meetings, whether open or closed; and
- Verbatim recording of all closed sessions in the form of audio or video recording.

5 ILCS 120/2.06(a).

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Meeting Minutes

Minutes must include:

- Date, time, and place;
- Names of all members present and absent;
- Summary of discussion of all matters proposed, deliberated, or decided; and
- A record of any votes taken.

5 ILCS 120/2.06(a)

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Closed Session Exceptions

Section 2(c) of OMA authorizes 33 exceptions for a public body to close an open session.

Exceptions authorize but do not require the holding of a closed session.

5 ILCS 120/2(c)

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Closed Session Exceptions

The section 2(c) exceptions relate to, among other things, employment, litigation, land acquisition, collective bargaining and student disciplinary cases.

These exceptions are to be *narrowly construed* –topics discussed must fit squarely within the cited exception.

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Employment Exception – 2(c)(1)

A closed session may be held to consider the “appointment, employment, compensation, discipline, performance, or dismissal” of **specific employees** of or legal counsel for the public body, including hearing testimony on a complaint.

5 ILCS 120/2(c)(1).

Must relate to **specific employee or employees**, not general budgetary matters. See, e.g., Ill. Att’y Gen. Pub. Acc. Op. No. 15-007, issued September 16, 2015.

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Scope of Employment Exception – 2(c)(1)

Ill. Att’y Gen. Pub. Acc. Op. No. 15-007, issued September 16, 2015:

- Closed session discussion of elimination of a particular job and how eliminating that job would affect the employment of a specific employee.
- “A discussion of eliminating a position itself which does not consider the performance of the employee or whether a particular employee should occupy the position is not within the scope of the section 2(c)(1) exception.”

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Employment Exception – New Limitation

“However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act **may not be closed** and shall be open to the public and posted and held in accordance with this Act.” 5 ILCS 120/2(c)(1)

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Employment Exception – New Limitation

Local Government Wage Increase Transparency Act (50 ILCS 155):

- Must publicly discuss **Disclosable Payment** and \$\$ implications for PB
 - **Disclosable Payment** is wage increase or lump-sum payment:
 - (1) made after employee announces retirement
 - (2) would increase monthly earnings by more than 6%, and
 - (3) would be made between 12 months and 90 days prior to expected retirement date
- Applies to employees not covered by CBA and participating in IMRFs

Pending or Threatened Litigation – 2(c)(11)

- (1) “Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or
- (2) when the public body finds that an action is probable or imminent, ***in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.***” 5 ILCS 120/2(c)(11).

See Ill. Att’y Gen. Pub. Acc. Op. No. 13-008, issued May 28, 2013

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Entering Closed Session

- Start in open session.
- Vote to close.
- Cite to the specific statutory exception under section 2(c).
- Exclude the public and enter the closed session.

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Closed Session

- Verbatim recording (must record by audio or video means).
- Must generate closed session minutes.
- **NO FINAL ACTION!!!**

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Ending Closed Session

When returning to open session, a public body must:

Vote to adjourn closed session and return to open session.

Call meeting back to order. If final action is to be taken, **must** be preceded by a public recital of the nature of the matter and other information informing the public of the business being conducted.

5 ILCS 120/2(e)

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Closed Session Minutes

- Minutes of closed session are exempt from disclosure under section 7(1)(l) of FOIA (5 ILCS 140/7(1)(l)) unless the public body votes to make them available.
- Closed session minutes must be reviewed at least twice a year to determine whether the need for confidentiality still exists. 5 ILCS 120/2.06(d)
- New rules specifically allow access to closed session minutes to duly elected or appointed officials of the public body. 5 ILCS 120/2.06(f)

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Right to Record Meeting

Section 2.05 of OMA provides **any person** the right to record a meeting, subject only to reasonable rules of the authority holding the meeting. Because OMA specifically provides that meetings may be recorded, a public body would have a steep burden to overcome to show that *any* rule or policy requiring advance notice is reasonable.

See Ill. Att'y Gen. Pub. Acc. Op. No. 16-014, issued December 28, 2016.

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Right to Speak – Public Comment

“Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.”

5 ILCS 120/2.06(g)

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Public Comment

Public body must establish rules governing that right. Those rules may generally include:

- The amount of time a citizen may speak.
- Other matters relating to decorum and procedure.

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PAC Review of Rules Governing Public Comment

- Rule requiring speakers to state their home addresses prior to speaking (Op. No. 14-009)
- Rule requiring five days advance written notice to address county board violated section 2.06(g) of OMA. (Op. No.14-012)
- Rule prohibiting “personal attacks against others” or “rude or slanderous remarks” overbroad and subject to arbitrary application (PAC Req. Rev. Ltr. 39069)
- Rule limiting comment to agenda items. (PAC Req. Rev. Ltr. 38309)
- Rule limiting comment to once every 45 days (PAC Req. Rev. Ltr. 45349)

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Final Action

Final action shall be preceded by:

- 1) Public recital of the nature of the matter being considered; and
- 2) Other information that will inform the public of the business being conducted.

5 ILCS 120/2(e)

See Board of Education of Springfield School District No. 186 v. Attorney General of Illinois, 2017 IL 120343, 77 N.E.3d 625 (2017).

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Review of OMA Violations

A Request for Review must be filed “not later than 60 days after the alleged violation.” However, “[i]f facts concerning the violation are not discovered within the 60–day period, but are discovered at a later date, not exceeding 2 years after the alleged violation, by a person utilizing reasonable diligence, the request for review may be made within 60 days of the discovery of the alleged violation.”

5 ILCS 120/3.5

Any person, including the State’s Attorney of the county, may bring a civil action in the circuit court where the alleged noncompliance has or is about to occur.

5 ILCS 120/3

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PAC Review Process

- Determine whether further action is warranted.
- If unfounded, advise public body and requester, no further action.
- Otherwise, send to public body and request records and response; requester has opportunity to reply.
- Follow up with additional questions as necessary.

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Possible OMA Resolutions

If the Public Access Bureau finds that an OMA violation has occurred, it may, depending on the violation, direct the public body to:

- Release closed session recording and minutes.
- Instruct the public body to re-vote on a matter.
- Instruct the public body on how to avoid future violations.

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Additional Time for Civil Action

Public Act 99-714, effective August 5, 2016, allows a person to bring a civil action in circuit court within 60 days after a request for review properly filed with the Public Access Counselor is resolved by a means other than a binding opinion.

See 5 ILCS 120/3(a)

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FREEDOM OF INFORMATION ACT (FOIA)

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The Purpose of FOIA

“The General Assembly hereby declares that it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government. It is a **fundamental obligation of government** to operate openly and provide public records as expediently and efficiently as possible in compliance with this Act.” (Emphasis added.)

5 ILCS 140/1

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General Requirements

- Appointment of FOIA Officer
- FOIA Officer training
- Display brief description of methods whereby public may request information (on website if have)

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Definition of “Public Records”

The definition of “public records” includes:
“[A]ll * * * documentary materials ***pertaining to the transaction of public business***, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, possessed or under the control of any public body.”

5 ILCS 140/2(c)

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Presumption of Openness

Under FOIA, there is a presumption that public records are open to inspection or copying:

“Presumption. All 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

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What is Clear and Convincing?

Generally, under FOIA, "clear and convincing" evidence requires the public body to "provide a **detailed** justification for its claim of exemption, addressing the requested documents specifically and in a manner allowing for adequate adversary testing." (Emphasis in original.)

Illinois Educ. Ass'n v. Illinois State Bd. of Educ., 204 Ill. 2d 456, 464 (2003).

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What is a Public Record?

If a public official sent or received communications on a personal electronic device during a public meeting, and those communications ***pertain to the transaction of public business***, then those communications are “public records” subject to the requirements of FOIA.

City of Champaign v. Madigan, 2013 IL App (4th) 120662, 992 N.E.2d 629 (2013).

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What is a Public Record?

If public employees sent or received communications via personal e-mail accounts, and those communications ***pertain to the transaction of public business***, then those communications are “public records” subject to the requirements of FOIA. The public body may be able to fulfill its obligations under FOIA by asking personnel to search their e-mail accounts in good faith.

Ill. Att’y Gen. Pub. Acc. Op. No. 16-006, issued August 9, 2016 (affirmed on appeal to Circuit Court of Cook County).

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What is a Public Record?

A public record must *pertain to the transaction of public business*. Therefore, any communications relating to strictly personal matters are not “public records” subject to disclosure under FOIA, regardless of how or where they are maintained.

[Content controls, not the medium.](#)

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Explaining Public Records

FOIA is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of the public records.

5 ILCS 140/3.3

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Need Not Create Public Records

FOIA does not require a public body to create records in order to respond to a FOIA request; rather a public body is required to make records within its possession or control available for inspection and copying. *Workmann v. Illinois State Bd. of Educ.*, 229 Ill. App. 3d 459, 464 (2d Dist. 1992).

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Compiling Information Is Not Creating New Records

FOIA does not require public bodies to create entirely new records consisting of information that is not in its possession or custody, but a public body may be required to compile and re-organize information that it already maintains in the ordinary course of business.

Hamer v. Lentz, 132 Ill. 2d 49, 57 (1989).

Hites v. Waubensee Community College, 2016 IL App (2d) 150836 (2016).

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Records of Funds

“All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public.”
5 ILCS 140/2.5



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Settlement and Severance Agreements

“All settlement and severance agreements entered into by or on behalf of a public body are public records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 7 of this Act may be redacted.”
5 ILCS 140/2.20

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Record Held by Agent

A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted *to perform a governmental function* on behalf of the public body, and that *directly relates to the governmental function* and is *not otherwise exempt* under this Act, shall be considered a public record of the public body, for purposes of this Act.

5 ILCS 140/7(2)

See *Chicago Tribune v. College of DuPage and College of DuPage Foundation*, 2017 IL App (2d) 160274 (2017).

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FOIA Requests

- In writing, directed to the public body.
- Oral requests *may* be honored.
- Standard form *may not* be required.
- Public body *may not require* requester to specify a purpose, *except* to determine whether the request is for a commercial purpose.
- Forward immediately to FOIA officer.
See 5 ILCS 140/3(c)

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Time for Responding

A public body must generally respond to a FOIA request within **5** business days after receipt of a written request. The time for response may be extended *by the public body* for an additional 5 business days for one of seven reasons specified in the Act.

See 5 ILCS 140/3(d),(e)

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Failure to Respond

Failure to respond to a request within the time permitted is considered a denial of the request.

- A public body that fails to respond to a request within the time permitted, but then provides copies of the requested public records *may not impose a fee* for those copies.
- A public body that fails to respond to a request received *may not treat the request as unduly burdensome* under section 3(g).

5 ILCS 140/3(d)

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FOIA Response

A FOIA request may be granted, denied, or granted in part and denied in part. ***If denying*** a request for public records the public body shall ***notify the requester in writing of:***

1. The decision to deny the request,
2. The ***reasons*** for the denial, including a detailed factual basis for the application of any exemption claimed, and
3. The names and titles or positions of each person responsible for the denial.

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FOIA Response, cont.

In addition, each notice of denial by a public body shall:

1. Inform the requester of his or her right to seek review by the Public Access Counselor,
2. Provide the address and phone number of the Public Access Counselor,
3. Inform the requester of his right to judicial review under section 11 of FOIA.

5 ILCS 140/9(a)

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Unduly Burdensome Requests

- Before invoking this section, public bodies must extend to requester an opportunity to reduce the request to manageable proportions.
- The burden of compliance on public body must outweigh public interest in the information.
- Repeated requests by same person for same records identical to records *previously provided or properly denied* are unduly burdensome.
5 ILCS 140/3(g)

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Unduly Burdensome - Examples

- ... manually locating and compiling large numbers of records from 93 separate facilities or systems over a 23-year time span.
- ... compiling all records, including financial records, school policies, and correspondence for a 12-year period.
- ... only two employees to gather, review, and redact thousands of records from several sources over a six-year span.
- ... creation of new reports to assemble vendor information and payments for rent-related expenses for public housing.

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Records Maintained Online

A public body is not required to copy a public record that is published on the public body's website.

- Public body must [notify](#) the requester that the public record is available online and [direct](#) the requester to the website.
- Persons unable to reasonably access the record online may **re-submit the request**, public body must then respond as provided in section 3.

5 ILCS 140/8.5

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EXEMPTIONS

To enable public bodies to maintain certain types of sensitive public records confidentially, FOIA provides a number of exceptions to the requirement that public records be made available for public inspection. [The exemptions do not, however, prohibit the dissemination of information; rather, they merely authorize the withholding of information.](#) *Roehrborn v. Lambert*, 277 Ill. App. 3d 181, 186 (1st Dist. 1995), *appeal denied*, 166 Ill. 2d 554.

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Exemptions are Narrowly Construed

The exemptions to disclosure under FOIA are to be narrowly construed.

Lieber v. Board of Trustees of Southern Illinois University,
176 Ill. 2d 401, 408 (1997).

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FOIA – Section 7(1)

When a record contains information that is exempt under section 7 or 7.5, but also contains information that is not exempt, the public body **may elect** to redact exempt information; remaining information shall be made available for inspection and copying. 5 ILCS 140/7(1)

See, e.g., Ill. Att’y Gen. PAC Rev. Ltr. 37563, issued October 20, 2016 (public body must redact exempt portions of video recordings and furnish non-exempt portions).

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Section 7(1)(a)

Exempts from disclosure:

“Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.”

5 ILCS 140/7(1)(a)

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Section 7(1)(a) – Information Exempt Under Other Laws

Section 7(1)(a) applies only when a law or rule implementing a law *specifically* prohibits the public body from releasing the information in question. *Better Government Ass’n v. Blagojevich*, 386 Ill. App. 3d 808, 814 (4th Dist. 2008).

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7(1)(b) – Private Information

- Allows withholding of **private information**, unless required by another provision of FOIA, a State or federal law or a court order.
- Private information is defined in section 2(c-5) of FOIA.

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Private Information

5 ILCS 140/2(c-5) **Unique identifiers**, including:

- Social Security Numbers
- Driver's License Numbers
- Employee Identification Numbers
- Biometric Identifiers (DNA, retina/iris scan, fingerprint, voiceprint, scan of hand)
- Personal Financial Information
- Passwords or Other Access Codes
- Medical Records
- Home or Personal Telephone Numbers
- Personal Email Addresses

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Private Information

5 ILCS 140/2(c-5) **Unique identifiers**, including:

- Home addresses
- Personal license plates
- Except when compiled without possibility of attribution to any person

Other Unique identifiers

- Zip codes (when coupled with identifying information like name)
- Signatures

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7(1)(c) – Personal Information

Exempts “[p]ersonal information contained within public records, the disclosure of which would constitute a *clearly unwarranted invasion of personal privacy*, unless the disclosure is consented to in writing by the individual subjects of the information[.]”

5 ILCS 140/7(1)(c)

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Personal Information, cont.

“Clearly unwarranted invasion of personal privacy” means the disclosure of information that is:

- Highly personal or objectionable to a reasonable person, and in which the
- Subject's right to privacy outweighs any legitimate public interest in obtaining the information.

7(1)(c) involves a fact-specific, case-by-case inquiry, balancing right to privacy with public interest.

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Personal Information

“The disclosure of information that bears on the public duties of public employees and officials **shall not** be considered an invasion of personal privacy.”

5 ILCS 140/7(1)(c)

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Exempt Personal Information

- Dates of birth
- Victim names/identifying information
- Race
- Marital status, names of family members, and personal financial information of employees
- Information related to unsuccessful candidates for employment

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7(1)(d)(i) – Pending Law Enforcement Proceedings

Exemption 7(1)(d)(i) of FOIA allows a public body to withhold records if disclosure **would interfere** with pending or actually and reasonably contemplated law enforcement proceedings conducted **by the law enforcement or correctional agency that received the FOIA request.**

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7(1)(f) – Deliberative Process

- Allows withholding of “records in which opinions are expressed, or policies or actions are formulated”
- Except when record is publicly cited by head of public body
- The purpose of the deliberative process exemption is to protect the predecisional communications process and encourage frank and open discussion *among agency employees*.

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7(1)(m) – Privileged Information

Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, or are prepared in anticipation of litigation, are exempt from disclosure under section 7(1)(m) of FOIA.

- Not all attorney/client communications are privileged – see *e.g.*, invoices for legal services (Ill. Att’y Gen. Pub. Acc. Op. No. 14-002)

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Copying Fees

- No fees may be charged for the first 50 pages of black and white, letter or legal sized copies.
- The fee for black and white, letter or legal sized copies may not exceed **15 cents per page**.
- If a public body provides copies in color or in a size other than letter or legal, the public body may charge its actual cost for reproducing the records. 5 ILCS 140/6(a).
- Under the Vehicle Code, a LE agency may charge up to \$5 for crash report or up to \$20 for reconstruction report.

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Requests for Electronic Copies

- A public body must produce **records that are maintained in an electronic format** in the electronic format specified by the requester, if feasible.
- If not feasible, must disclose in the electronic format in which the records are maintained or in paper, at the option of the requester.

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Fees for Electronic Copies

A public body may only charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium.

Statutory fees applicable to copies of public records when furnished in a paper format shall not be applicable to those records when furnished in an electronic format, unless the General Assembly otherwise provides.

5 ILCS 140/6(a)

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Special Types of Requesters and Requests

- Commercial
- Recurrent
- Voluminous

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Requests with Commercial Purpose

“Commercial purpose’ means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services.”

5 ILCS 140/2(c-10)

Respond within **21** business days after receipt.

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Recurrent Requester

A person who has submitted to the same public body:

- (i) a minimum of 50 requests for records in 12 months,
- (ii) a minimum of 15 requests for records within a 30-day period,
- (iii) a minimum of 7 requests for records within a 7-day period. 5 ILCS 140/2(g)

News media and non-profit, scientific, or academic organizations excluded

Respond within **21** business days after receipt.

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Voluminous Request

"Voluminous request" means a request that:

- (i) includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or
- (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording.

5 ILCS 140/2(h)

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Voluminous Request

- "Voluminous request" does not include most requests made by news media and non-profit, scientific, or academic organizations
- Respond within 5 business days with notification that request is voluminous and offering opportunity to narrow
- Allow requester 10 business days to narrow – if requester does not respond or refuses to narrow, respond accordingly
- Different fee schedule

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Request for Review

A Request for Review must be filed with the Public Access Counselor “not later than 60 days after the date of the final denial.”

The request must be in writing, signed by the requester and include:

- 1) a copy of the request for records, and
- 2) any responses from the public body

5 ILCS 140/9.5(a)

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Requests for Review

“A person whose request to inspect or copy a public record is denied by a public body, *except the General Assembly and committees, commissions, and agencies thereof*, may file a request for review with the Public Access Counselor [.]”

5 ILCS 140/9.5

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Resolution of Requests for Review

The Public Access Counselor may:

- Issue a binding opinion, which is subject to administrative review under section 11.5 of FOIA, or
- Resolve a request for review by mediation or by a means other than the issuance of a binding opinion. 5 ILCS 140/9.5(f)
- Other means – determination letter.

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Judicial Review

Any person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.

5 ILCS 140/11(a)

If the requester files suit under section 11 * *
* the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the public body.

5 ILCS 140/9.5(g)

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Contact Information

Office of the Attorney General
Public Access Counselor

500 South Second Street
 Springfield, Illinois 62706
 877-299-3642

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