

Illinois Transparency Laws (OMA and FOIA)

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Public Access Bureau

Illinois Attorney General's Office

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Public Access Counselor

Office of the PAC created:

- 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)

Public Access Bureau

- Public Access Counselor (PAC) has received over **49,000** complaints concerning FOIA and OMA since 2010
- Many are resolved informally or with just one letter to a public body
- 164 Binding Opinions Issued
- Thousands of determination letters issued

Open Meetings Act (5 ILCS 120/1 *et seq.*)

“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.”

5 ILCS 120/1

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

Openness Required

All **meetings** of **public bodies** shall be **open to the public** unless:

- excepted in subsection 2(c), and
- closed in accordance with Section 2a.

5 ILCS 120/2(a)

What is a Public Body?



State Boards and Commissions



Municipalities



Counties



School Boards



All subsidiary bodies of the foregoing bodies

What is a Not Covered?

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



Condominium
Associations



Private Companies
and their Boards



Individual Officers



Not-for-Profit
Organizations

What is a Meeting?

OMA defines a **meeting** as “any **gathering** * * * of a **majority of a quorum** of the members of a public body held for the **purpose of discussing public business.**”

- Any gathering that meets these requirements is subject to OMA – it must be previously noticed and open to the public.

5 ILCS 120/1.02

What is a Gathering?

Gathering can occur:

- in person,
- by video or audio conference,
- electronic means, or
- by other means of **contemporaneous interactive communication.**

5 ILCS 120/1.02

Majority of a Quorum

“Quorum”: minimum number of members of a public body who must be present at a meeting in order for the body to take official action.

Usually, a majority of the total members.

“Majority of a Quorum”: smallest number of members of a public body able to control action when a bare quorum is present.

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.

Purpose of Discussing Public Business

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

Be mindful of the appearance of impropriety.



Meeting Location

Meetings must be held at locations that are “convenient and open to the public.” **Section 2.01**

- Questions of time, date, location, capacity
- Meeting at private residence not open. **Ill. Att’y Gen. Pub. Acc. Op. No. 12-008**
- Special meeting 26 miles from usual location not convenient. **Ill. Att’y Gen Pub. Acc. Op. No. 13-014**

Meeting Location

More common complaint → Meeting room was too small

“A meeting can be open in the sense that no one is prohibited from attending it, but it can be held in such an ill-suited, unaccommodating, unadvantageous place that members of the public, as a practical matter, would be deterred from attending it.”

- However, rule of reasonableness, not absolute accessibility.

Gerwin v. Livingston Co. Bd., 345 Ill.App.3d 352 (4th Dist. 2003).

Meeting Attendance by Members

- Except in special circumstances, a quorum must be *physically present* at the meeting in order for the member to attend by other means.

5 ILCS 120/7(a)

- Before allowing a member to attend remotely, a public body must adopt a rule or regulation permitting electronic attendance.
- Public body must vote to permit member to attend a meeting by other means.

5 ILCS 120/7(c)

Meeting Attendance by Members

If a public body has adopted rules allowing for attendance by other means, a member may attend a meeting remotely for these reasons **only**:

- Personal illness or disability;
- Employment purposes or business of the public body; or
- Family or other emergency.

5 ILCS 120/7(a)

2020 Amendments re: Remote Meetings

In June 2020, **section 7(e)** was added to OMA to allow public bodies to hold meetings by video or audio conference when there is a public health emergency.

- Quorum of public body members (or all) may attend remotely
- Public may be accommodated through “alternative arrangements” such as participating in video or audio conference, or viewing through live streaming.

5 ILCS 120/7(e)

Remote Meeting Requirements

- Disaster proclamation related to public health concerns and all or part of the jurisdiction of the public body is covered by the disaster area
and
- Head of public body determines in-person meeting not practical or prudent **because of a disaster**

5 ILCS 120/7(e)

Remote Meeting Requirements

- Members can hear each other and all discussion and testimony
- Public can contemporaneously hear all discussion and votes
- All votes by roll call
- Notice (48 hours in advance) must specify meeting will be held remotely, provide access information on agenda.
- Verbatim recording of complete meeting
- One representative of public body at meeting location if feasible.

5 ILCS 120/7(e)

Remote Meeting Requirements

- No discussion of public comment in section 7(e), no amendment to section 2.06(g)
- All meetings held by video or audio conference must permit public comment by some means

Remote Meetings in 2022?

- As of today's date, a gubernatorial Disaster Proclamation related to the COVID-19 pandemic is in effect for the whole state of Illinois
- If the head of the public body determines that an in-person meeting is not practical or prudent due to the COVID-19 pandemic, **the public body can hold a meeting by video or audio conference.**
- Neither the Disaster Proclamation nor the recent Executive Orders make specific reference to OMA. However, section 7(e) does not require that.

Public Notice of Meetings

Advance notice of meetings is part of OMA's policy that public business is to be conducted openly.

At beginning of calendar or fiscal year, public body must post schedule of regular meetings.

- Date
- Time
- Location

5 ILCS 120/2.02

Public Notice of Meetings

Applies to regular, special, rescheduled regular, and some reconvened meetings:

What? Notice and Agenda (agenda alone will suffice)

When? 48 hours before meeting starts

(If emergency meeting being held because of bona fide emergency, post as soon as possible)

5 ILCS 120/2.02(a), (b)

Public Notice of Meetings

Where? Principal office + location of meeting + website
(if full-time staff of PB maintains website)

How long? Notice and Agenda must be continuously available for public review during entire 48-hour period preceding the meeting
(Website posting satisfies this continuous posting requirement)

5 ILCS 120/2.02(a), (c)

Content of Agenda

Date, time, and location of meeting

- Remote meeting? Video conference link, call-in number

Meeting agenda must set forth “general subject matter” of any resolution or ordinance that will be a subject of final action.

- Agenda must provide main element of action item but specific details are not required
- “School Year Update” vs. “Approve contract for City Manager”

5 ILCS 120/2.02(c)

Content of Agenda

A public body may discuss matters not on the agenda, including holding closed session that was not previously identified.

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

- Similarly, may not amend agenda to add action items less than 48 hours before the meeting.

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

Final Action and Public Recital

- Before a public body votes on a matter (takes final action), the vote must be “preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.” **5 ILCS 120/2(e)**
- Recital must describe the “general nature of the matter under consideration” with “specific detail sufficient to identify the particular transaction.”

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

Final Action Must Be Open

"[N]o public body in Illinois subject to the Open Meetings Act can take final action by merely circulating some document for signature and not voting on it publicly."

Howe v. Retirement Board of the Firemen's Annuity & Benefit Fund,
2013 IL App (1st) 122446, ¶29 (2013)

- Court vacated the board's decision to deny disability benefits because the board had circulated the decision for signatures privately rather than voting on it in open session.

Meeting Minutes (Open Session)

- Public body must approve and make available to the public written meeting minutes of open session.
- Must include:
 - ✓ Date, time, and location of meeting
 - ✓ Summary of discussion of all matters proposed, deliberated, or decided;
 - ✓ Names of all members present or absent; and
 - ✓ Record of any votes taken.

5 ILCS 120/2.06

Meeting Minutes (Open Session)

Minutes must be approved by the public body either:

- Within 30 days of the meeting, or
- At the public body's second subsequent regular meeting
(whichever is later)

Minutes must be available for public inspection and posted on website (if applicable) no later than 10 days after approval.

5 ILCS 120/2.06

Closed Meetings/Executive Sessions

Section 2(c) of OMA authorizes 39 exceptions for a public body to close a portion of its meeting to the public (*i.e.*, closed or executive sessions)

- Exceptions authorize but do not require the holding of a closed session.
- Exceptions are to be **narrowly construed** – topics must fit squarely within the cited exceptions.

Closed Meetings/Executive Sessions

- Exceptions relate to, among other things, employment, litigation, land acquisition, collective bargaining, and student disciplinary cases.
- Many are quite specific; review to determine whether any apply to your public body.

Closed Meetings/Executive Sessions

General Rules for closed/executive sessions:

- Vote in open session to enter closed session – vote must identify the applicable section 2(c) exceptions. **5 ILCS 120/2a**
- Create verbatim recording of the closed session (audio or video). Recording is confidential. **5 ILCS 120/2.06**
- Must generate and approve minutes (may maintain as confidential).
- No final action in closed session. **5 ILCS 120/2(e)**

Exceptions: Employment, 2(c)(1)

- Discussion to consider “appointment, employment, compensation, discipline, performance, or dismissal” of specific employees or legal counsel.
- Must relate to *specific employee or employees*
 - Not general budgetary matters that impact employees. *See, e.g., Ill. Att’y Gen. Pub. Acc. Op. No. 15-007, issued September 16, 2015.*
 - Not general processes involving evaluation of employees. *See, e.g., Ill. Att’y Gen. Pub. Acc. Op. No. 20-004, issued June 2, 2020.*

Exceptions: Litigation, 2(c)(11)

Discussion to consider “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[.]”

Discussion must be limited to the strategies, postures, theories, and possible consequences of the litigation itself.

Exceptions: Litigation, 2(c)(11)

Also, “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.”

Discussion must be limited to the strategies, postures, theories, and possible consequences of the litigation.

Ill. Att’y Gen. Pub. Acc. Op. No. 21-003, issued March 4, 2021

Ending Closed/Executive Session

- Adjourn closed session and return to open session
- If public body wishes to take final action, may do so after closed session **only if** item was identified on agenda.

Closed/Executive Session Minutes

- Minutes of closed session are exempt from disclosure under section 7(1)(I) of FOIA (**5 ILCS 140/7(1)(I)**) unless the public body votes to make them available.
- Closed session minutes must be reviewed every six months to determine whether the need for confidentiality still exists.
5 ILCS 120/2.06(d)
- OMA specifically allows access to closed session minutes to duly elected or appointed officials of the public body (at public body's main office or official storage location).
5 ILCS 120/2.06(f)

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.

5 ILCS 120/2.05

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.

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

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)

Common Permissible Rules:

- Time limits (per speaker, total time for public comment)
- Matters relating to decorum (no profanity)

Public Comment Rules

Residency limitations/provision of home address → Improper

Ill. Att'y Gen. Pub. Acc. Op. No. 14-009, issued September 4, 2014

Advance sign-up requirements → Improper

Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014 (5 days notice improper)

Public Comment at Remote Meetings

- Public must still be allowed to address the public body during remote meetings.
- Public bodies are encouraged to allow multiple alternative methods such as call-in numbers, web-based links, and reading aloud e-mailed comments to facilitate public participation.
- Public bodies are encouraged to describe method for public comment on meeting agenda, and must permit comment according to that description unless extraordinary circumstances.

OMA Training Requirement

- Each elected or appointed member of a public body subject to OMA must complete the electronic training curriculum developed and administered by the Public Access Counselor, available at:

<https://foiapac.ilag.gov>

- The member must file a copy of the certificate of completion with the public body.
- New members must complete within 90 days.
- The requirement is ongoing; if for any reason a public body member has failed to take the training, he or she must still do so.

5 ILCS 120/1.05(b)

OMA Training Requirement - Designee

- Each public body must appoint one person who will complete the training annually.
- Designee must file a copy of each certificate of completion with the public body.

5 ILCS 120/1.05(a)

The Freedom of Information Act (5 ILCS 140/1 *et seq.*)

The Freedom of Information Act (FOIA) originally became effective on July 1, 1984.

“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.”

5 ILCS 140/1

Presumption of Openness

“**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

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)

What is a Public Record?

E-mails and Texts:

- Electronic correspondence is subject to FOIA if it ***pertains to the transaction of public business.***
- Even if sent on personal devices (texts on cell phones paid for by employee) or to/from personal email accounts.

E-mails and Texts Pertaining to Public Business are Subject to FOIA

City of Champaign v. Madigan, 2013 IL App (4th) 120662 (2013): Elected official's communications sent or received on a personal electronic device during a public meeting

Ill. Att'y Gen. Pub. Acc. Op. No. 16-006 (August 9, 2016) (aff'd by Circuit Court of Cook County): Public employees' e-mails sent or received via personal accounts

Better Gov't Assn. v. City of Chicago, 2020 IL App (1st) 190038 (2020): City officials' communications sent or received on personal email accounts or devices

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.

Locating Records

- With respect to locating e-mails or texts on personal devices or e-mails in personal accounts, the public body may be able to fulfill its obligations under FOIA by asking personnel to search their e-mail accounts in good faith.

Better Gov't Assn. v. City of Chicago, 2020 IL App (1st) 190038 (2020)

- Public Bodies should have policies concerning use of personal devices.

Explanations and Questions

- 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

- A public body is not required to answer questions or generate new records in response to a FOIA request. *Kenyon v. Garrels*, 184 Ill.

App. 3d 28 (4th Dist. 1989)

Electronic Databases and Searches

- 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).

- However, compiling and re-organizing information that a public body maintains in the ordinary course of business is not creating a new record.

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

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



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

➔ Confidentiality clause does not supersede FOIA

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)

Rushton v. Department of Corrections, 2019 IL 124552

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!

5 ILCS 140/3(c)

Time for Responding

- 5 business days after receipt of a written request
- 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.
- Requester must be notified in writing of extension.
- The parties may also agree in writing to an extended time for compliance.

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

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)

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.

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)

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.

Requests for Electronic Copies/Fees

- 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.
- “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”
 - May charge the requester for the actual cost of DVD or flash drive

5 ILCS 140/6(a), (b)

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

Unduly Burdensome Requests

Section 3(g) permits a public body to deny a request if the burden of compliance on public body outweighs public interest in the information.

- Before invoking this section, public bodies must extend to requester an opportunity to *confer with it to reduce the request to manageable proportions*. Public body must *actually confer* with requester seeking to reduce request.
- Repeated requests by same person for same records identical to records previously provided or properly denied are unduly burdensome.

5 ILCS 140/3(g)

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.

Exemptions

- Exemptions allow public bodies to maintain certain types of sensitive public records or information confidentially. FOIA provides a number of exceptions to the requirement that public records are available for public inspection.
- 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)**
- 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).

Section 7(1)(a) – Other federal or state laws

“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)

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).

Section 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.

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

Section 7(1)(c) – Personal Privacy

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.”

“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.”

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

Section 7(1)(c) – Personal Privacy

Exempt personal information:

- Dates of birth
- Race
- Family information about employees (i.e., emergency contacts)
- Specific medical information (i.e. descriptions of specific injuries, illnesses, and treatments)
- Information related to unsuccessful candidates for employment
- Names of victims and witnesses

Section 7(1)(c) – Law Enforcement Records

Common Exempt Personal Information in police reports

- Dates of birth
- Victim names/identifying information
- Names of suspects not arrested
- Third parties mentioned incidentally in reports
- Graphic autopsy photos of decedent
- Specific medical information (i.e. descriptions of specific injuries and treatment)
- Race

Section 7(1)(c) Not Properly Asserted

- Identifying information of an arrestee
- Personal information concerning requester
- Age, height, and weight
- Death certificate
- Information relating to a decedent, e.g., police report describing death (non-graphic)
- Names of people issued a ticket, citation, or notice to appear
- Names of police officers in lineups
- Name of hospital/medical facility

Section 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.*

Section 7(1)(h) – Pre-Award Proposals and Bids

Proposals and bids for any contract, grant, or agreement are exempt pursuant to section 7(1)(h)

- If disclosure would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement
- Only until an *award or final selection* is made

Section 7(1)(k) – Construction-Related Technical Documents

“Architects' plans, engineers' technical submissions, and other construction related technical documents”

- for projects *not* constructed or developed in whole or in part with *public funds*, and
- for projects constructed or developed *with public funds*, ... but only to the extent that disclosure *would compromise security*.

Section 7(1)(m) – Privileged Information

Exempts 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.

However, not all attorney/client communications are privileged.

- Invoices for legal services not exempt.

Ill. Att’y Gen. Pub. Acc. Op. No. 14-002. issued April 15, 2014

- Lists containing names and pay rate of outside counsel for State agencies not exempt.

Ill. Att’y Gen. Pub. Acc. Op. No. 15-010, issued October 21, 2015

Section 7(1)(n) – Adjudication of Employee Discipline

- Allows a public body to withhold “records relating to a public body's *adjudication* of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.”
- Complaints and investigative records (police reports, citations, etc.) that were not created in an actual adjudication are not exempt (but redactions can be made to protect witnesses).

Peoria Journal Star v. City of Peoria, 2016 IL App (3d) 140838, 52 N.E.3d 711 (2016)

Section 7.5 of FOIA

Consolidates references to State statutes that exempt records from disclosure – extent of the exemption depends on the specific language of the statute.

Examples:

- Subsection 7.5(b) cites to the Library Records Confidentiality Act (75 ILCS 70/1 *et seq.*), which prohibits the disclosure of library circulation and order records identifying library users with specific materials;
- Subsection 7.5(v) exempts names and information of people who have applied for or received FOID cards or concealed carry licenses.

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)

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)

PAC Contact Information

PAC Hotline: **877-299-3642**

(Voicemail, 9 a.m. – 5 p.m. on business days)

public.access@ilag.gov

pactechsupport@ilag.gov

Public Access Bureau, Office of the Attorney General

500 South Second Street

Springfield, Illinois 62701