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**MADIGAN RELEASES OPEN GOVERNMENT STATISTICS; MORE THAN 75 PERCENT OF CASES OPENED IN 2005 WERE REQUESTS FOR ASSISTANCE FROM ILLINOIS CITIZENS**

***STATISTICS RELEASED DURING NATIONAL SUNSHINE WEEK***

Chicago –Attorney General Lisa Madigan today released the first annual report on the work of the Illinois Public Access Counselor. According to the statistics in the report, in the first year since the creation of the Public Access Counselor, more than 1,000 members of the public, government bodies and the media have contacted Madigan’s office with complaints and concerns regarding the Illinois Open Meetings Act (OMA) and the Illinois Freedom of Information Act (FOIA).

Madigan said the statistics reveal that more than 75 percent of the 1,011 matters brought to the Public Access Counselor between December 20, 2004, and December 31, 2005, were requests from Illinois citizens.

“Open and honest government is the cornerstone of American democracy, and it can only be achieved through the free exchange of information between the government and its citizens,” Madigan said. “We are delighted to see that Illinois citizens are knocking on our door, seeking clarification on freedom of information and open government issues.”

Madigan added, “When I established the Public Access Counselor, many people thought the media would be our most frequent requestor. In fact, citizens have far outdistanced reporters in asking questions about information they seek access to.”

Madigan released her office’s statistics during the second annual National Sunshine Week, which runs this year from March 12-18.

In December 2004, Madigan created the Public Access and Opinions Division in her office and appointed Terry Mutchler to serve as the state’s first Public Access Counselor. The Public Access Counselor’s role is to ensure that public bodies understand the requirements of the Sunshine laws and conduct their business openly and that the public has access to governmental information to which they are entitled.

Madigan said first year statistics show that one common problem regarding FOIA is the overcharging of fees by a government agency when documents are requested by a member of the public. The Act permits a public body to charge “the actual cost of reproduction,” but not for additional costs such as for research or attorney’s fees.

In one instance, a citizen contacted Madigan's office after being charged \$100 in attorney's fees simply for processing a request for information. In another instance, a school district denied a request for public records, forcing the requestor to go through another channel which eventually would have cost \$400. Madigan's office intervened in both situations and the requestors received the records for a very small copying charge.

The most common problem regarding the Open Meetings Act deals with confusion with members of public bodies as to when they can go into closed session and when they cannot. In one case handled in the past year, a member of the media and a citizen contacted the Public Access Counselor after members of the Illinois Commerce Commission (ICC) were seen have a private lunch with representatives of People's Energy. At the time of the lunch, the utility had matters pending before the ICC. Because the lunch involved a meeting of the majority of the quorum of the public body and public business was discussed, the lunch was a clear violation of the OMA. Following an investigation, Madigan's office directed the ICC to cease such activities.

To enhance understanding and compliance with the state's sunshine laws, Madigan's office has conducted 75 training sessions across the state for citizens, government officials and members of the media. The trainings provide participants with a practical understanding of the Illinois OMA and FOIA, information concerning what a government official must do to comply with the Acts, and details on how citizens can use these Acts to participate in open government.

Madigan's office also provides in-depth guides to the Illinois OMA and FOIA. Those guides can be accessed online at: [www.illinoisattorneygeneral.gov/government/openmeet.pdf](http://www.illinoisattorneygeneral.gov/government/openmeet.pdf) and [www.illinoisattorneygeneral.gov/government/FOIA\\_guide.pdf](http://www.illinoisattorneygeneral.gov/government/FOIA_guide.pdf).

Public Access Counselor Terry Mutchler can be reached by phone at 217-524-1503, or by writing her at the Attorney General's Springfield office at 500 S. Second St., Springfield, IL 62705. She also can be reached by fax at 217-785-2551.

The 2006 Public Access Counselor Annual Report is available online at [www.illinoisattorneygeneral.gov/government/Public\\_Access\\_Counselor\\_Annual\\_Report.pdf](http://www.illinoisattorneygeneral.gov/government/Public_Access_Counselor_Annual_Report.pdf).

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[Return to March 2006 Press Releases](#)