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MADIGAN: NEW YEAR BRINGS NEW ERA OF TRANSPARENCY TO ILLINOIS

Procedures in Place to Assist Public Bodies, Members of the Public and Media with State's Transparency Law

Chicago— Attorney General Lisa Madigan announced today that she has established procedures as part of her office's implementation of the new provisions in the state's Freedom of Information Act (FOIA) and Open Meetings Act (OMA). To help the public obtain access to government records and meetings, Madigan has appointed a Public Access Counselor (PAC), expanded the staff of the Public Access Bureau and created a dedicated Hotline and e-mail address to reach the public access staff. The new law, which took effect on Jan. 1, strengthens the state's sunshine laws and will make it easier for the public to gain access to the workings of government bodies in Illinois.

"My office has worked diligently to put in place the resources and procedures necessary to undertake this transparency effort," said Attorney General Madigan. "We look forward to working with all Illinoisans as we move forward. I encourage the public and government officials to use the resources available through my office."

Attorney General Madigan named Cara Smith as the office's new Public Access Counselor and added Deputy and Assistant Public Access Counselors to the Public Access Bureau. Smith, a deputy chief of staff in the Attorney General's office, will oversee the Public Access Bureau and work to ensure that government bodies throughout Illinois are complying with FOIA and OMA.

Over the last two months, Madigan's office has conducted 30 seminars around the state to educate the public and government officials on the changes to the transparency laws. Over 3,000 government officers and members of the public attended the seminars. The Attorney General's Web site, www.illinoisattorneygeneral.gov, also offers extensive educational materials on FOIA and OMA, including Frequently Asked Questions about FOIA and OMA and a Guide to the work of the Public Access Counselor.

Anyone seeking assistance from the Public Access Bureau can call the **Public Access Hotline at 1-877-299-FOIA (3642) or email publicaccess@atg.state.il.us**.

During the 2009 legislative session, Attorney General Madigan worked with legislators and open government advocacy groups, including the Illinois Reform Commission, to strengthen FOIA and hold government more accountable. With the enactment of the new law, the Public Access Counselor is a permanent position in the Attorney General's office and has the authority to review and determine whether documents must be disclosed under FOIA or whether a government body has violated the Open Meetings Act.

"We set out to craft this new law to help restore the public's confidence in its government," Madigan said. "Our goal is to ensure transparency at all levels of government and, as a result, to establish a new standard of accountability and openness in conducting the people's business."

The law's groundbreaking provisions make Illinois the fifth state in the United States to give its Attorney General's office authority to make binding decisions on transparency issues. In 2004, Madigan created in her office the position of Public Access Counselor to work with members of the public, the media and government bodies to resolve disputes under the sunshine laws and ensure access to government information. The PAC's decisions, however, have not been binding on government bodies, resulting in instances in which governments have continued to deny access to public records or government meetings.

Further, under the previous law, the public had little recourse when government bodies refused to comply with FOIA. The new law changes that, enabling courts to impose civil penalties of \$2,500 to \$5,000 when a government body willfully and intentionally violates FOIA.

Additionally, where the former FOIA law gave courts discretion to consider awarding attorneys' fees and costs to a plaintiff who successfully sued to obtain a public record, the new law requires courts to award reasonable attorneys fees - making it less burdensome for members of the public to sue to enforce their right to government information.

The new law also significantly strengthens and clarifies FOIA to make it easier for people to obtain public records. In particular, the law establishes a "presumption of transparency" for public records and requires government bodies that want to withhold a document to prove by clear and convincing evidence that the law allows them to do that. The new law also shortens the initial time for a government body to respond to a FOIA request from seven to five business days. Other critical changes to the law will enhance the public's access to documents, including a more narrowly defined personal privacy exemption, a cap on the amount a government body can charge for copying the public documents requested through FOIA, and a requirement that public bodies produce records in electronic format when possible.

The new law also requires public bodies designate employees or officials who will be required to complete an annual electronic training on FOIA and OMA prepared by the Public Access Counselor.

With the new law taking effect on Jan. 1, Madigan announced her office's Public Access Bureau staff:

Public Access Counselor - Cara Smith

Cara Smith has worked to protect the public's interests on behalf of Attorney General Madigan since joining her staff in 2003. Most recently serving as Deputy Chief of Staff for Policy and Communications, Smith has been integrally involved in the development and implementation of many initiatives, including spearheading the rewrite of the State's Freedom of Information Act (FOIA). Previously, Smith served as an Assistant Attorney General in the Governmental Representation Division of the office, from 1992 to 1997. She is a graduate of the University of Illinois at Chicago and Loyola University of Chicago School of Law.

Chief Deputy Public Access Counselor - Amalia Rioja

Amalia Rioja joined Attorney General's office in March 2009, serving as a Senior Policy Advisor. Previously, she worked in the Illinois Comptroller's office as the Deputy General Counsel and as the FOIA officer. Rioja also worked for the Mexican American Legal Defense and Educational Fund. She is a graduate of the Medill School of Journalism at Northwestern University and Northwestern University School of Law.

Deputy Public Access Counselor - Heather Kimmons

Heather Kimmons has served in the Attorney General's Public Access Bureau since August 2007, responding to inquiries on FOIA and OMA from public bodies, members of the public and the media. Her experience working to ensure compliance with FOIA and OMA gives her an exceptional understanding of the challenges that members of the public and public bodies face when dealing with these laws. Kimmons previously worked in private practice focusing on civil and commercial litigation. She is a graduate of the University of Illinois and the Indiana University School of Law.

Deputy Public Access Counselor - Sara Gadola Gallagher

Sara Gadola Gallagher comes to the Attorney General's Office from the private practice of law where she often represented local governments on issues including FOIA and OMA. Prior to obtaining her law degree from Loyola University Chicago School of Law, she was a journalist, working as a reporter for the *Daily Southtown* (now *SouthtownStar*) and the Elgin *Courier News*. She received a degree in Journalism and English from the University of Iowa.

Assistant Public Access Counselor - Amanda Lundeen

Amanda Lundeen continues to provide her open government expertise to the Public Access Bureau where she has been as Assistant Attorney General, providing FOIA and OMA assistance to members of the public, the media and public bodies, since joining the office in May 2008. Lundeen previously worked in private practice focusing on civil litigation. She is a graduate of Northern Illinois University and Washington University School of Law.

Assistant Public Access Counselor - Lola Dada-Olley

Lola Dada-Olley comes to the Public Access Bureau with a unique combination of law and journalism training. She received a law degree from Howard University School of Law and a master's degree in journalism from Northwestern University. She has worked as a contributor to the Huffington Post and as a reporter for the Medill News Service.

Chief, Public Access and Opinions Division - Michael Luke

With over 30 years of legal experience, Michael Luke has extensive knowledge of the open government laws. Through his work

overseeing the Attorney General's Opinions Bureau, he has extraordinary experience in dealing with a wide range of state and local government issues and providing legal advice and guidance to the Public Access Bureau. Luke is a graduate of the University of Illinois at Urbana-Champaign and the University of Illinois, College of Law.

Paralegal - Elizabeth Kopp

Elizabeth Kopp recently joined the Attorney General's office after spending more than 20 years as a Paralegal in the U.S. Department of Justice. She is a graduate of George Washington University.

Paralegal - Jackie Pryor

Providing legal assistance on open government issues to the Attorney General's Public Access Bureau since 2004, Jackie Pryor will continue to bring her extensive knowledge of FOIA to the team. She is a 20 year veteran of the Attorney General's Office.

Administrative Secretary - Delores Herren

Delores Herren has handled administrative duties in the Public Access Bureau since 2007 and will continue to provide her experience in dealing with the Bureau's work. Herren joined the Attorney General's office in 2005.

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