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ATTORNEY GENERAL MADIGAN: SUNSHINE LAWS SHINING LIGHT ON ILLINOIS GOVERNMENT; CHANGING CULTURE OF SECRECY

Public Access Counselor Releases New Guidelines to Assist in Requests for Law Enforcement Documents

Chicago — In honor of Sunshine Week, Attorney General Lisa Madigan today noted that new, stronger open-government laws are beginning to change Illinois' culture of government secrecy.

Madigan urged Illinoisans to learn about the changes to these laws and how to use them. Improvements to the Freedom of Information Act (FOIA) are making it easier for members of the public and media to access government documents and are helping to shine a light into how government works. In 2010, there were 5,228 new matters before the Public Access Counselor's Office, with 91 percent of requests and inquiries being submitted by the public or other non-media entities.

"Sunshine Week serves as a reminder of the importance of the public's right to know how their tax dollars are being spent," said Attorney General Madigan. "We have made important steps forward in ensuring more government transparency by strengthening the law. Thousands of government officials have been trained in their responsibilities for providing public records and providing people with access to government meetings. And in cases where the process does not work, the Public Access Counselor's office is helping to pry open public records and meetings."

In conjunction with Sunshine Week, Attorney General Madigan released new guidelines to help both the public and law enforcement agencies across the state to determine when documents should be made public. Madigan said questions on how FOIA applies to law enforcement records were among the top concerns raised with the Public Access Counselor's Office last year.

Attorney General Madigan and open government advocates worked in 2009 to strengthen the state's transparency laws to make the process for obtaining access to records and meetings easier and more effective. Under the strengthened Freedom of Information Act, public bodies must respond to records requests, appoint a specific official to handle such requests and have that person undergo annual training.

Madigan said for the first time, officials designated by government bodies as FOIA officers or as responsible for Open Meetings Act compliance are receiving training to increase their understanding of the law and ability to comply with records requests and open meeting procedures. Since the law was enacted on Jan. 1, 2010, more than 17,000 FOIA officers have taken the Attorney General's compliance training.

The changes to FOIA also are making it more difficult for public bodies to inappropriately deny documents. Before withholding records by relying on two frequently cited exemptions to the law, public bodies must now obtain pre-approval from the Public Access Counselor. This practice is helping stop the abuse of certain exemptions as a way to withhold information that should be made public.

"Changes to the law are leading to greater access to government information than ever before in our state's history," Attorney General Madigan said. "We know more work must be done to ensure a smooth process for Illinoisans to access information about the people's business. We are committed to continuing our work to make government transparent and accountable."

The requests also show that the Public Access Counselor's efforts to enforce the law have helped people obtain information. Those successes have ranged from high-profile media requests to local matters sought by members of the public keeping watch on their government.

Success Stories of Illinois' New Sunshine Laws:

- **University of Illinois at Springfield:** The Public Access Counselor issued a subpoena to the university seeking documents after a Freedom of Information Act request submitted by a newspaper was denied. In response to the subpoena, the university revealed a settlement agreement to pay \$200,000 to a student that the university previously did not make public.
- **Village of Lyons:** The village refused to release to a citizen and a newspaper reporter documents detailing how the village president was selling liability insurance to local bars and nightclubs while also serving as liquor commissioner in the village. With the help of the Public Access Counselor, the village reversed its position and released the documents.
- **Boone County:** The Public Access Counselor's Office stepped in after receiving a request from a resident about the lack of meeting minutes posted on the county board's website. After the PAC issued a letter inquiring about the matter, the county board posted the minutes on its website.

Sunshine Week was founded by the American Society of News Editors and is recognized annually every March. More information about Illinois' sunshine laws can be found at Attorney General Madigan's website, www.illinoisattorneygeneral.gov. Anyone seeking assistance from the Public Access Officer can contact its hotline at 1-877-299-FOIA (3642) or send an email to publicaccess@atg.state.il.us.

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