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## MADIGAN RECOGNIZES SUNSHINE WEEK, DETAILS 2012 REQUESTS TO PUBLIC ACCESS BUREAU

**Chicago** — In recognition of Sunshine Week, Attorney General Lisa Madigan today released details of the more than 3,400 new matters received by her office's Public Access Bureau in 2012. The Public Access Bureau monitors compliance with the state's Freedom of Information Act (FOIA) and Open Meetings Act (OMA), working to foster transparency and openness in Illinois government.

"This report details the progress that has been made thus far under the first three years of the new sunshine laws," Madigan said. "These strengthened provisions have put Illinois on a path toward increased transparency. But while I am encouraged by the progress we have made, I remain committed to continuing our work to help restore the public's confidence in government."

In 2012, the Public Access Counselor's office increased the number of binding opinions it issued in a year. The authority to issue binding administrative opinions was one of the key components to the 2010 overhaul of the state's transparency laws led by Madigan, state officials and open government advocates. In addition to issuing binding opinions, the Public Access Counselor also helped thousands of members of the public, media organizations and advocacy groups resolve disputes over records and open meetings through informal mediation with public bodies that has led to increased disclosure of government information.

In addition to its enforcement efforts, the Public Access Counselor also expanded its education efforts. In 2012, more than 72,000 public officials were trained, a marked increase from the 29,000 officials trained in 2011. The increase is a result of a recent change in the law aimed at improving understanding and compliance by requiring more public officials to undergo annual online training on their responsibilities under the Freedom of Information Act and the Open Meetings Act.

### **2012 Public Access Bureau Activities**

In 2012, the Public Access Counselor received 3,407 new matters. Though this number decreased from 2011, the office attributed the decline to the elimination in 2011 of a requirement that public bodies seek pre-authorization with the Public Access Counselor before denying certain records under FOIA.

Last year's numbers once again show that members of the public, rather than media representatives, are the most prolific users of Illinois' sunshine laws. In fact, records show an increase in the number of members of the public who appealed to the Public Access Counselor in 2012 for help in obtaining public records or gaining access to government meetings.

- 3,407 total new matters received by the Public Access Bureau:
- 3,119 requests for PAC review from those who were denied records under FOIA:
  - 2,507 from members of the public,
  - 513 from the media, and
  - 99 from public bodies.
- 288 requests for PAC review regarding OMA violations:
  - 221 from members of the public,
  - 52 from the media, and
  - 15 from public bodies.
- 72,132 people registered with the Attorney General's office for online training about the state's Sunshine Laws.

### **Success Stories of Illinois' New Sunshine Laws**

The public and media can ask the Public Access Bureau to review whether documents being withheld by a public body should in fact be disclosed under FOIA. The Public Access Bureau also reviews whether public bodies have violated the Open Meetings Act in the

course of doing the people's business. These "requests for review" submitted by the public and the media can lead to either informal or binding decisions to resolve disputes regarding public access to government documents or meetings. Since 2010, when the strengthened provisions went into effect, the Public Access Bureau has handled more than 13,000 requests for help.

Attorney General Madigan highlighted some of the Public Access Bureau's binding opinions and informal mediation that have helped to increase the public's access to their government:

- A member of the public sought records from a police department relating to a homicide that occurred in 1935. The department initially denied the request, stating the matter was an "ongoing investigation" and the information was exempt because it contained personal identifiers and information that may compromise the anonymity of individuals who provide confidential information or report criminal acts to the police. After working with the Public Access Counselor, the department agreed to release the records of the case.
- A newspaper requested records concerning an arrest of a local official. The local police department denied the request under an exemption for unwarranted invasion of personal privacy. The Public Access Counselor issued a binding opinion concluding most information in the report must be disclosed under FOIA because arrests are a matter of public record involving a strong public interest, outweighing an individual's privacy rights.
- A Southern Illinois newspaper sought invoices for legal services from school district related to a lawsuit involving the school district and its local city. The school district initially rejected the request for the legal records, citing an exemption for communication between a public body and an attorney representing the public body. The Public Access Counselor's binding opinion makes clear that a public body cannot withhold invoices for legal services in their entirety, noting that while some information in legal invoices may be exempt from disclosure, information such as the attorneys' initials, the time spent on tasks, and the rate and dollar amounts charged cannot be withheld under FOIA.

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](#). Anyone seeking assistance from the Public Access Bureau can contact the hotline at 1-877-299-FOIA (3642) or send an email to [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us).

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