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## MADIGAN ISSUES 2015 PUBLIC ACCESS REPORT DURING SUNSHINE WEEK

### *Public Access Bureau Received Over 4,700 New Matters in 2015*

**Chicago** — In recognition of Sunshine Week, Attorney General Lisa Madigan today released the Public Access Bureau's [annual report](#) detailing more than 4,700 new matters received in 2015. The Bureau works to foster transparency and openness in Illinois government by resolving disputes regarding compliance with the state's Freedom of Information Act (FOIA) and Open Meetings Act (OMA).

"My Public Access Bureau continues to receive an increasing number of requests for assistance to obtain public records," Madigan said. "We have made progress in fostering greater transparency in Illinois, but it is clear we still have work to do to ensure access to government at all levels."

The Public Access Bureau received 4,770 formal requests for assistance pursuant to FOIA and OMA in 2015. The vast majority of the requests came from members of the public. Requests came from every area of the state and involved all types of public bodies – from small villages to large cities and state agencies.

In response to the requests for assistance, the Bureau resolved 3,385 of the new matters that were received in 2015. Since 2010, the Public Access Bureau has closed over 85 percent of the matters received. The Bureau also conducted 36 training sessions in 2015 for members of the public, government officials, members of the media and students.

The Bureau issued 15 binding opinions to enforce the state's open records and open meetings laws. Among the notable matters that resulted in binding opinions were the following:

- **Ill. Att'y Gen. Pub. Acc. Op. No. 15-002, issued Jan. 23, 2015** – In response to a FOIA request for financial records related to Garth Brooks' appearance at the Allstate Arena, the village of Rosemont denied records and adopted a home rule ordinance attempting to shield financial information from public disclosure. The Attorney General concluded that the ordinance did not supersede FOIA and that financial terms of contracts with public bodies must be disclosed.
- **Ill. Att'y Gen. Pub. Acc. Op. No. 15-004, issued June 17, 2015** – In response to a FOIA request seeking a copy of a settlement agreement resolving a civil rights lawsuit against the city of Markham, the city denied access to the settlement agreement. The city's arguments included reliance on the terms of a confidentiality provision contained in the agreement. The Attorney General concluded that the city of Markham must disclose a copy of a settlement agreement. As part of the analysis, the Attorney General concluded that the confidentiality provisions could not be enforceable because FOIA specifically mandates that settlement agreements entered into by or on behalf of public bodies are public records subject to disclosure.
- **Ill. Att'y Gen. Pub. Acc. Op. No. 15-006, issued Aug. 31, 2015** – In this matter, a local resident submitted a FOIA request to the Franklin Hospital District, a unit of local government, seeking the employment contracts for a number of physicians. The Hospital District disclosed the contracts but redacted the physicians' compensation information, arguing, among other things, that it is highly personal and confidential. The Attorney General concluded that FOIA requires the disclosure of the physicians' compensation information because that information reflects the Hospital District's use of public funds.
- **Ill. Att'y Gen. Pub. Acc. Op. No. 15-007, issued Sept. 16, 2015** – The Attorney General concluded that a committee of the Knox County Board violated OMA by improperly citing "personnel," which is not a valid closed session exception, and by

improperly discussing a hiring freeze in closed session.

- **Ill. Att’y Gen. Pub. Acc. Op. No. 15-008, issued Sept. 22, 2015** – The Attorney General concluded that the Governor’s calendar is a public record for the purposes of FOIA, and that the Governor’s Office improperly redacted information from the calendar, including the names of meeting attendees.

### **2015 Public Access Bureau Activities**

The Public Access Bureau received 4,770 new matters in 2015, the majority of which were submitted by members of the public rather than media representatives. The role of the Public Access Bureau is to analyze and work to resolve disputes regarding the release of public records and the public’s access to government meetings. Members of the public and media submit “requests for review” to the Bureau when they believe records have been denied improperly or a public meeting was not held in accordance to OMA.

Of the 4,770 total new matters received by the Public Access Bureau:

- 4,381 requests for review came from those who were denied records under FOIA:
  - 3,686 from members of the public,
  - 648 from the media or other organizations, and
  - 47 from public bodies.
- 389 requests for review raised issues under OMA:
  - 326 from members of the public,
  - 46 from the media or other organizations, and
  - 17 from public bodies.

### **Success Stories of Illinois’ Sunshine Laws**

In 2015, the Public Access Bureau received several requests to review FOIA denials for police records and police dashboard camera videos. In the following instances, the Bureau found that records and videos were improperly withheld and must be released:

- **Ill. Att’y Gen. PAC Req. Rev. Ltr. 34055, issued March 31, 2015** – A reporter for the Rockford Register-Star submitted a request for review alleging the Winnebago County Sheriff’s Office improperly withheld police reports and a dashboard camera video of a police pursuit that resulted in a fatal car crash. The PAC determined the sheriff’s office had failed to meet the standard necessary to withhold the records under a FOIA exemption for a pending court proceeding, and the sheriff’s office disclosed the records.
- **Ill. Att’y Gen. PAC Req. Rev. Ltr. 33967, issued July 21, 2015** – A reporter for the Chicago Tribune alleged that the Wheeling Police Department improperly denied a FOIA request for a dashboard video of an accident in which a police car struck and killed a 20-year-old pedestrian. The department denied the request, asserting its disclosure would cause an unwarranted invasion of privacy of the victim’s family. The PAC determined there was a strong public interest in disclosing information that shed light on the police officer’s actions, and the department disclosed the recording.
- **Ill. Att’y Gen. PAC Req. Rev. Ltr. 35850, issued Nov. 6, 2015** – A reporter for The Wall Street Journal alleged that the Chicago Police Department (CPD) improperly denied a request for the dashboard camera video of a police officer fatally shooting 17-year-old Laquan McDonald. CPD asserted that disclosure of the video would interfere with active administrative enforcement proceedings, create a substantial likelihood that a person would be deprived of a fair trial, and unavoidably disclose the identities of complainants or witnesses who provided information to law enforcement. The PAC determined that CPD did not provide any evidence to support those claims and determined the video should be released. CPD disclosed the video following a Cook County Circuit judge’s order in a separate FOIA lawsuit filed by an independent journalist.

More information about Illinois’ sunshine laws can be found at Madigan’s [website](#). For assistance from the Public Access Bureau, 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).

