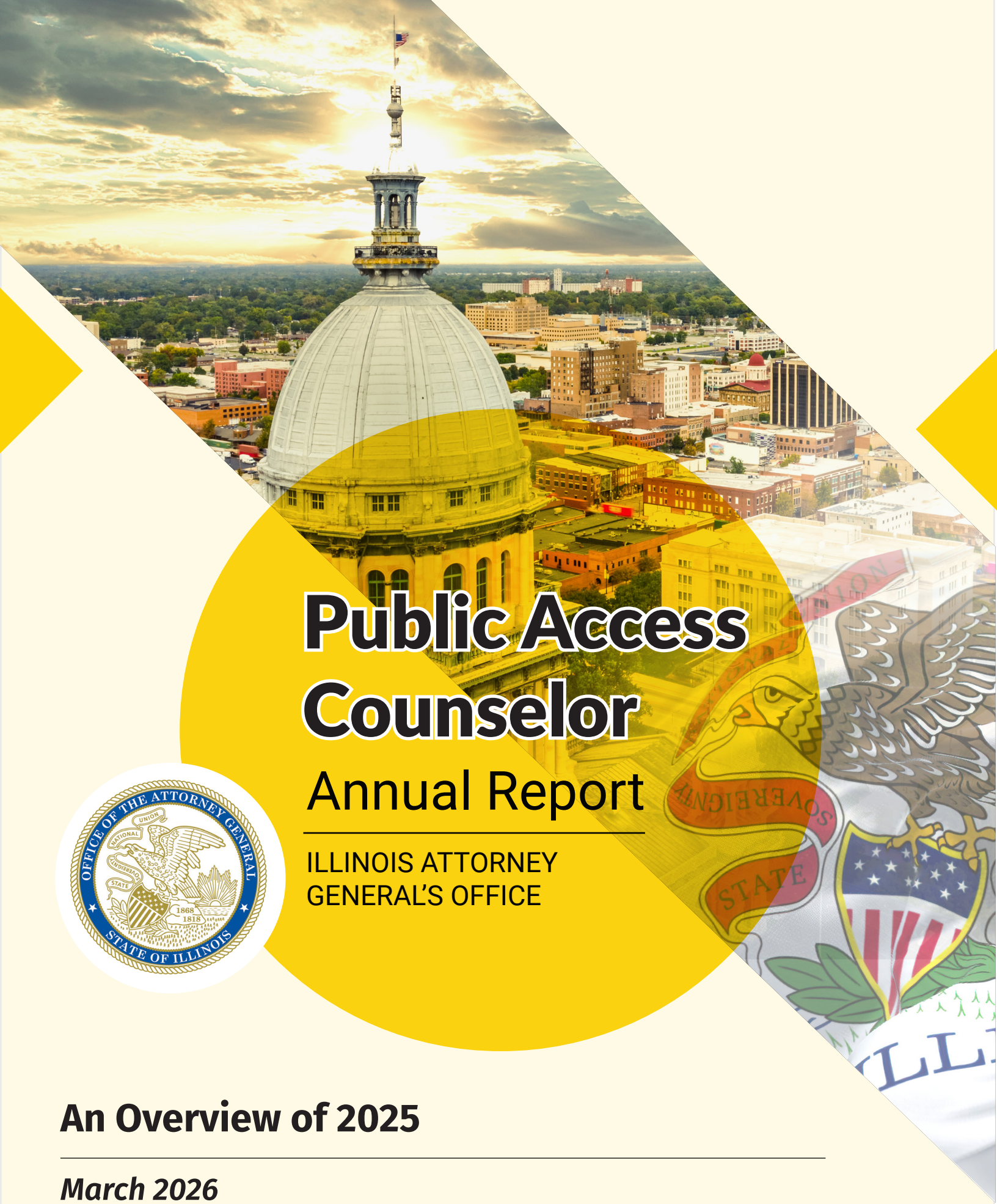


Public Access Counselor

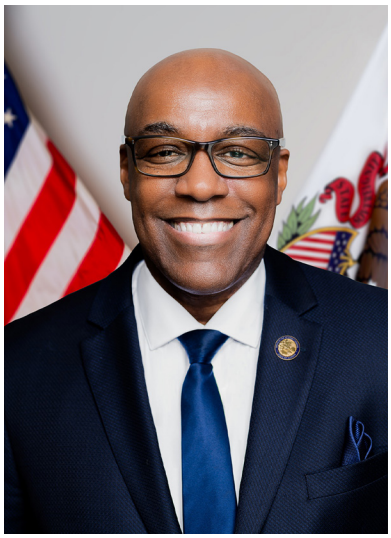
Annual Report

ILLINOIS ATTORNEY
GENERAL'S OFFICE

An Overview of 2025

March 2026

A Message from
ILLINOIS ATTORNEY GENERAL
Kwame Raoul



The Office of the Attorney General observes Sunshine Week by releasing an annual report describing the work of the Office of the Public Access Counselor (PAC). Since its inception in 2010, the PAC has promoted transparency and openness in government through education about and enforcement of Illinois' sunshine laws: the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA). This year's PAC Annual Report details some of the vital work done by the attorneys and support staff in the Public Access Bureau throughout the state in 2025.

Each year, the PAC responds to thousands of people and organizations who raise concerns about how public bodies have responded to FOIA requests or conducted meetings. Last year, 2025, was the PAC's busiest year ever. The PAC received over 6,000 requests for review seeking access to records or the PAC's review of incidents that occurred at or in connection with public meetings, which averages to more than 500 requests each month. PAC attorneys were able to resolve many of these matters by obtaining FOIA responses to unanswered requests, mediating supplemental FOIA responses, or by issuing determination letters. The Attorney General also issued 16 binding opinions last year arising from PAC requests for review: 13 opinions addressing FOIA requests and three opinions interpreting provisions of OMA. These binding opinions reinforced the law in frequently misinterpreted areas, including the obligation to disclose public employee termination and resignation records, the bases for withholding or redacting law enforcement records, and the scope of attorney-client and work-product privileges. The 2025 opinions also interpreted the definitions of "subsidiary body" and "meeting" in OMA, considered the obligation in FOIA to provide records in a specified electronic format, and construed the fee provisions in FOIA. This report details several of those binding opinions, along with many of the other requests for review that were resolved last year.

During a very busy year for PAC attorneys, the bureau remained committed to providing educational resources to public bodies seeking guidance on complying with FOIA and OMA. The PAC hosted 16 educational webinars in 2025, half of which focused on the challenging issues arising from requests for law enforcement agency records. This was the fifth year our office convened these webinars, and I was pleased to see that more than 3,600 FOIA officers, government employees, and elected officials joined us for those events.

At the end of 2025, the governor signed into law several amendments to FOIA and OMA, which are outlined in the Frequently Asked Questions section of this year's report. In the year ahead, the PAC will continue to serve as a resource to public bodies and the people of Illinois on these important transparency laws.

Kwame Raoul
Attorney General

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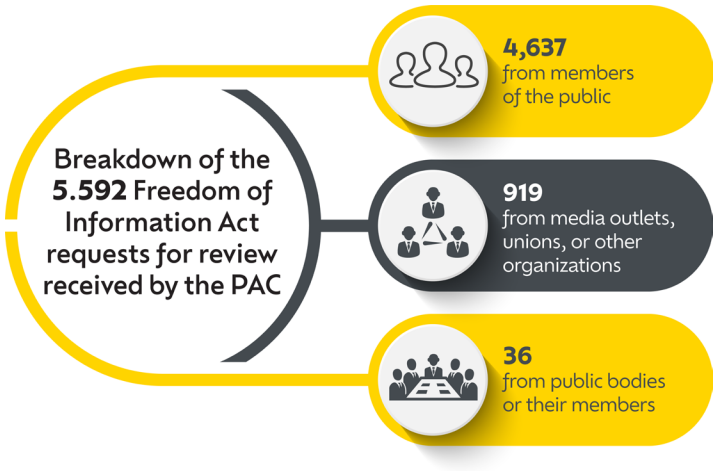
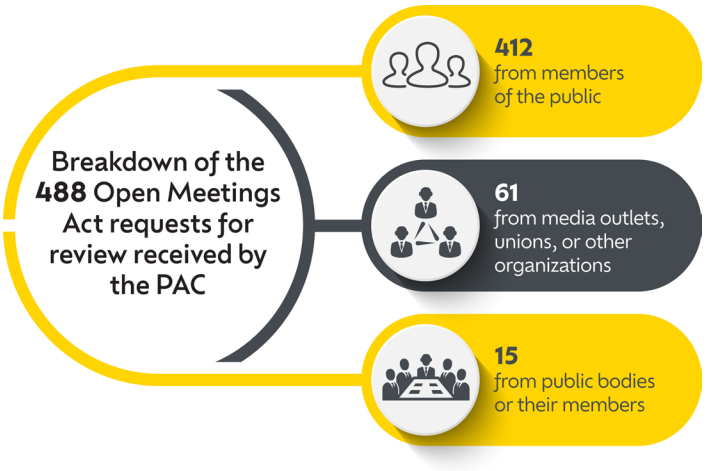
Complaint Statistics

In 2025, the Office of the Public Access Counselor (PAC) received 6,080 formal requests for review pursuant to the Illinois Freedom of Information Act (FOIA), (5 ILCS 140/1 et seq. (West 2024)), and the Illinois Open Meetings Act (OMA), (5 ILCS 120/1 et seq. (West 2024)), for an average of 506 requests each month. 5,592 of these formal requests alleged violations of FOIA, and 488 alleged violations of OMA. The requests for review came from every area of the state and involved all types of Illinois public bodies, from state agencies, law enforcement agencies for the most populous cities, and major transit systems, to small townships, libraries, and school districts.

Total New Matters Before the Public Access Counselor in 2025: 6,080





In addition to these formal requests for review, PAC **attorneys fielded an estimated eight to 12 questions each business day** through the PAC's FOIA/OMA hotline and **responded to approximately 700 inquiries submitted to the Public Access email** address (an average of 58 written inquiries per month). These calls and inquiries came from individuals trying to understand the options available when they believe a public body has violated FOIA or OMA, as well as from representatives of public bodies seeking information about those laws.

Trainings and Webinars

The PAC administers free online training on FOIA and OMA, as required by Section 7 of the Attorney General Act. In 2025, the PAC also offered additional optional webinars and sent attorneys to events throughout the state to provide educational presentations on FOIA and OMA.

More than 15,000 people completed electronic FOIA and OMA training through the PAC

The PAC provides electronic training on FOIA for FOIA officers, and on OMA for elected and appointed members of public bodies and individuals designated by their public bodies to receive annual training on OMA. Those electronic trainings are required by law, are hosted on the Office of the Attorney General's website, and are updated each January to reflect new statutory amendments, court opinions and PAC binding opinions. In 2025, more than 15,000 people completed their required training online through the PAC, approximately 288 people per week.

More than 3,600 people attended 16 PAC webinars on FOIA and OMA

The PAC also hosted 16 free webinars in 2025 to expand on the information provided in the statutorily-required trainings, and give public employees and officials the opportunity to ask PAC attorneys questions about FOIA and OMA. These webinars are designed to address the most common FOIA and OMA questions and to apply those laws to actual FOIA requests and meetings that are the subject of requests for review submitted to the PAC. Half of those webinars are focused on records held by law enforcement agencies, including traffic crash reports, investigation reports, and officer-worn body camera recordings. More than 3,600 individuals participated in the PAC's webinars last year. A selection of the handouts reviewed during the webinars are posted to the PAC's website with information for FOIA Officers and for elected and appointed officials.

PAC attorneys presented at 32 conferences, meetings, and webinars attended by approximately 2,100 government officials, attorneys, and journalists

Additionally, PAC attorneys traveled to Mt. Vernon, Rockford, Peoria, Skokie and many regions in between, to deliver educational presentations in person at conferences held by regional and statewide organizations representing public bodies. PAC attorneys were invited to present information on FOIA and OMA at conferences held by the Illinois Association of Drainage Districts, the Illinois Association of Veterans Assistance Commissions, the Illinois Association of Park Districts/Illinois Park and Recreation Association, the Municipal Clerks of Illinois, the Illinois Association of County Clerks and Recorders, the Illinois Municipal League, the Illinois Heartland Library System, and the Illinois Fire and Police Commission Association. This year, Township Officials of Illinois also asked PAC to participate in five District Education seminars held throughout the state for newly-elected and re-elected township officials. Finally, PAC attorneys provided information on FOIA in two webinars for more than 150 attorneys and administrative staff at state agencies, discussed the complex FOIA issues applicable to law enforcement records at a monthly meeting of the Law Enforcement Records Managers of Illinois, and presented legal updates to municipal attorneys during several webinars hosted by bar associations.

The PAC will continue to evaluate ways to create and expand programs tailored for specific units of government and public bodies that are interested in promoting transparency and openness in government. Any group or entity interested in attending or hosting a training conducted by a representative of the Attorney General's office should contact Theresa Geary at special.events@ilag.gov for more information.

Success Stories: Binding Opinions, Determination Letters & Informal Resolutions

There are three main ways by which the PAC can respond to a request for review:

1. **Review the issues in the FOIA or OMA dispute and determine that no further action is necessary.**
2. **Work informally with the public body or issue a determination letter to resolve the dispute.**
3. **Issue a binding opinion.**

In 2025, the Attorney General issued 16 binding opinions resolving disputes submitted to the PAC. Thirteen of those opinions addressed FOIA issues and the other three addressed OMA issues. The authority to issue binding administrative decisions has allowed the Attorney General and the PAC to clarify disputed provisions of FOIA and OMA and increase transparency.

More specifically, the binding opinions issued in 2025 interpreted various exemptions to disclosure under FOIA, emphasized the duty to respond to FOIA requests in a timely manner, clarified the definitions of "meeting" and "subsidiary body" under OMA, and re-affirmed the obligation to provide a sufficient public recitation at an open meeting before a public body takes action on a matter.

The PAC has also successfully resolved hundreds of disputes over the release of records and issues related to open meetings through negotiations with requesters and public bodies, and through the issuance of non-binding determination letters after forwarding a request for review to the public body. When PAC attorneys can facilitate the informal resolution of a dispute or prompt a public body to respond to a FOIA request that it has overlooked, a requester may receive records in a relatively short period of time. Finally, through the issuance of determination letters and letters explaining the legal basis for the PAC's determination that no further action is necessary in a dispute, the PAC educates FOIA requesters, meeting attendees, and public bodies on the requirements of FOIA and OMA.

This section of the report summarizes notable PAC binding opinions issued in 2025 and describes a selection of the matters that PAC attorneys resolved through determination letters and informal resolutions. These examples highlight the PAC's work to increase the public's access to government and clarify provisions of FOIA and OMA to provide guidance to public bodies.

FOIA Binding Opinions

Ill. Att'y Gen. Pub. Acc. Op. No. 25-001, issued Feb. 11, 2025: The DeKalb County Housing Authority (authority) responded to a FOIA request for copies of budget documents in Excel format by providing copies that were locked or password-protected, which prevented the requester from viewing certain information within the files. The authority argued that it was not required to provide unlocked versions of the records because it maintained them in a locked state. Section 6(a) of FOIA, however, provides that "[w]hen a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in the electronic format specified by the requester, if feasible." The opinion concluded that when nonexempt records are maintained in an electronic format such as an Excel spreadsheet, FOIA requires a public body to provide an unlocked version of the records that allows the requester to fully access and exercise the functions of the software program, unless it is not feasible to provide the records in that manner. Because it was undisputed that it was feasible for the authority to provide unlocked versions of the spreadsheets at issue, the opinion concluded that FOIA did not permit the authority to furnish only locked copies to the requester. After the issuance of this opinion, the authority provided the requester unlocked versions of the spreadsheets.

Ill. Att'y Gen. Pub. Acc. Op. No. 25-002, issued Mar. 28, 2025: A reporter submitted a FOIA request to the City of Chester Police Department (department) seeking an officer's resignation or termination paperwork. The department denied the request, relying primarily on the exemption in section 7(1)(d-6) of FOIA that applies to "[r]ecords contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act except to the extent authorized under that Section." Section 7(1)(d-6) of FOIA was signed into law as part of the SAFE-T Act and is a relatively new FOIA exemption. Section 9.2(c) of the Illinois Police Training Act provides that "[t]he database, documents, materials, or other information in the possession or control of the [Illinois Law Enforcement Training and Standards] Board that are obtained by or disclosed to the Board under this subsection shall be confidential by law and privileged[.]" However, section 9.2(g) of that same law provides that "[n]othing in this Section shall exempt a law enforcement agency from which the Board has obtained data, documents, materials, or other information or that has disclosed data, documents, materials, or other information to the Board from disclosing public records in accordance with the Freedom of Information Act." The Attorney General concluded that the confidentiality provisions in section 9.2(c) of the Illinois Police Training Act are applicable only to the Board, and do not prohibit a law enforcement agency that provided records to the Board from disclosing its own public records in response to a FOIA request. After the issuance of this opinion, the department provided the reporter the requested records.

Ill. Att'y Gen. Pub. Acc. Op. No. 25-004, issued May 19, 2025: The Village of Burr Ridge Police Department (department) denied in its entirety a reporter's FOIA request seeking copies of all video recordings that documented a police officer's arrest for driving under the influence. The department withheld a recording pursuant to section 7(1)(n) of FOIA, which applies to records related to adjudications of employee grievances and disciplinary cases. The department asserted that the recording was exempt because it was used as evidence during the adjudication of a disciplinary case that resulted in the suspension of the police officer. Because the recording was created well before any disciplinary proceedings took place and existed independently of the adjudication of the disciplinary case, the Attorney General concluded that the recording was not exempt pursuant to section 7(1)(n). The opinion emphasized that construing the scope of the exemption to encompass underlying evidence that was the basis for discipline would allow public bodies to withhold from the public a wide range of preexisting records pertaining to misconduct by public employees and officials. The department disclosed the recording to the reporter.

Ill. Att'y Gen. Pub. Acc. Op. No. 25-006, issued June 18, 2025: The City of Chicago (city) Department of Finance (department) withheld an agreement signed by a city attorney and an alderman related to the city's $87,500 payment to the alderman to assist in the alderman's settlement of a lawsuit. In the agreement, the city agreed to contribute a portion of the settlement even though the city had been dismissed from the case. The department argued that the agreement was exempt from disclosure under section 7(1)(m) of FOIA because it was a communication between a city official and their legal counsel in which legal advice was sought and provided. Although the city's law department represents city elected officials in certain circumstances, the city attorney represented the city in the lawsuit while the alderman had his own attorney. The parties had separate interests in the settlement. Therefore, the opinion concluded that the agreement was not a privileged attorney-client communication and that it was required to be disclosed under FOIA. The city furnished the agreement to the requester.

Ill. Att'y Gen. Pub. Acc. Op. No. 25-014, issued Dec. 3, 2025: As law enforcement agencies throughout the state have deployed officer-worn body cameras in the past few years, questions have arisen about what fees FOIA permits departments to charge requesters for copies of recordings. In this matter, the Mattoon Police Department (department) assessed a requester a $696 fee for obtaining copies of body camera footage of the requester's encounter with police. The department asserted that the fee was based on costs it incurs to use software to make necessary redactions under the Law Enforcement Officer-Worn Body Camera Act. Although section 6(b) of FOIA permits a public body to charge "its actual cost for reproducing" paper records that are "in color or in a size other than letter or legal," section 6(a) of FOIA expressly limits fees for records maintained in an electronic format to "the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium." Because FOIA generally does not authorize public bodies to charge fees to reimburse the costs of redacting records in electronic format, the opinion concluded that the department's $696 fee was improper. After the issuance of the opinion, the department reassessed the request and issued a supplemental response to the requester that did not include the redaction charges.

Ill. Att'y Gen. Pub. Acc. Op. No. 25-015, issued Dec. 23, 2025: A member of a not-for-profit organization submitted a FOIA request to the Cook County State's Attorney's Office seeking copies of witness questionnaires containing answers by police officers. The State's Attorney's Office provided the requester with copies of redacted questionnaires and asserted to the PAC that the redacted information was exempt pursuant to three different sections of FOIA. The records at issue consisted of four police officer witness questionnaires, and the redacted information included the police officer's name; information provided by the officer describing whether they had ever been arrested, charged with, or convicted of a criminal offense; and "Additional Information." The redacted portions of the questionnaires were not exempt under section 7(1)(f), which applies to inter- or intra-agency predecisional records, because the information was purely factual in nature, and there was no indication that disclosure would expose the substance of any agency deliberations. Similarly, because the questionnaires did not reveal the theories, mental impressions, or litigation plans of the State's Attorney's Office, the redacted information was not attorney work product and therefore not exempt from disclosure under section 7(1)(m). Finally, disclosure of the information listed on the specific questionnaires at issue would not constitute a clearly unwarranted invasion of personal privacy under section 7(1)(c) because the information directly bore on the police officers' public duties. In compliance with the binding opinion, the State's Attorney's Office provided the requester with unredacted copies of the questionnaires.

Ill. Att'y Gen. Pub. Acc. Op. No. 25-016, issued Dec. 31, 2025: After the Village of Thomasboro (village) sent its clerk a termination letter, a local resident submitted a FOIA request for a copy of the letter. The village denied the request, relying on several FOIA exemptions, including section 7.5(q), which permits withholding of information that is prohibited from disclosure under the Personnel Record Review Act. Section 7(1) of that law requires an employer to provide an employee with written notice when it intends to divulge to a third party a disciplinary report, letter of reprimand, or other disciplinary action concerning the employee. The village relied on that notice requirement to deny the FOIA request. The Attorney General concluded that section 7 of the Personnel Record Review Act does not permit a public body to deny a request for a record mentioned in that provision, as that section expressly permits the public body to mail the employee's notice on the same day it responds to the FOIA request. The Attorney General directed the village to remedy its violation of FOIA by disclosing the letter to the requester, which it did.

OMA Binding Opinions

Ill. Att'y Gen. Pub. Acc. Op. No. 25-007, issued June 24, 2025: After voters passed a referendum approving the construction of a municipal swimming pool, the City of Peru (city) formed a Pool Committee (committee) to gather information and make recommendations concerning the potential designs, features, costs, and locations for the pool. The committee held private meetings and did not otherwise comply with the requirements of OMA. The city contended that it was not required to do so because the committee was merely an informal advisory committee. This opinion considers the question of whether the committee is a "subsidiary body" of the city council. Members of the committee were appointed by the mayor and included two members of the city council and a city administrator. Other city employees helped to facilitate meetings and the committee's efforts to develop a public swimming pool, which is a governmental function pursuant to the Municipal Code. In light of the governmental nature of the committee's activities and the degree of governmental control exercised by the city, the opinion concluded that the committee was a subsidiary body of the city council, subject to the requirements of OMA, and directed it to comply with the act in the future.

Ill. Att'y Gen. Pub. Acc. Op. No. 25-009, issued Aug. 5, 2025: The Board of Trustees of the Village of Sauk Village (board) took a vote during an open meeting to fill a vacancy on its board. Section 2(e) of OMA requires a public body to precede any final action vote with "a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted." The board's public recital preceding this vote did not state the name of the individual that was the subject of the vote. The Attorney General determined that the board violated section 2(e) of OMA by failing to include the name of the nominee in its public recital, because the recital lacked information that was essential to inform the public of the particular business being conducted. This opinion is currently the subject of a complaint for administrative review in the Circuit Court of Cook County.

Ill. Att'y Gen. Pub. Acc. Op. No. 25-011, issued Aug. 12, 2025: A majority of a quorum of the Washington County Board (board) attended a private dinner and informational presentation hosted by a private energy company without complying with the requirements of OMA. During the gathering, board members and representatives from the energy company discussed its proposed renewable energy project, a subject that is public business of the board with potentially wide-ranging impacts on Washington County. Although there was no indication that the board intended to reach a decision or take final action during the presentation, the members who

attended gathered and exchanged information about a potential energy project in anticipation of possibly taking future action. The requirements of OMA apply not only to those gatherings in which public bodies take formal actions, but also to discussions of public business for the purpose of collecting information. Accordingly, the Attorney General concluded that the gathering was a meeting of the Board that should have been held openly in accordance with OMA.

Determination Letters

Ill. Att'y Gen. PAC Req. Rev. Ltr. 82843, issued May 12, 2025: A journalist alleged that the Board of Directors of the Illinois State Toll Highway Authority (board) voted on action items while the doors to the meeting room were closed. The board had closed the meeting room to convene in closed session, but once the closed session ended, the board did not alert the public that it had restarted the open portion of its meeting, during which it voted on several matters. The board acknowledged that it did not alert the public waiting for the meeting to re-open that it had resumed an open meeting, but argued that because it restarted its livestream of the meeting, it did not violate OMA. The PAC concluded that the board's actions after closed session violated OMA, despite the availability of its livestream. After the issuance of the determination, the board voted during an open meeting to reaffirm its prior votes.

Ill. Att'y Gen. PAC Req. Rev. Ltr. 84192, issued June 20, 2025: An individual alleged to the PAC that Manhattan School District 114 (district) did not provide a complete response to her FOIA request seeking bids and communications related to demolition work that was performed by a contractor. The PAC asked the district to describe the scope of its search for records. Based on the information provided by the district, the PAC issued a determination letter concluding that the district did not perform a reasonable search. The PAC requested that the district conduct a supplemental search. It did so and located a copy of the bid submitted by the contractor, which it furnished to the requester.

Ill. Att'y Gen. PAC Req. Rev. Ltr. 84200, issued May 13, 2025; Ill. Att'y Gen. PAC Req. Rev. Ltr. 84215, issued May 13, 2025: The PAC received two requests for review alleging that the Marion County and Ford County boards violated OMA by improperly voting for board chairmen and vice chairmen via "blind" or "secret" ballots. In 2013, the Attorney General issued a binding opinion explaining that secret ballots violate OMA because they undermine the public's right to know what action a public body has taken. After the PAC forwarded the requests for review to the respective boards, both boards revoted on the matters, with the members publicly declaring their votes at subsequent meetings. The PAC's determination letters reaffirm the conclusion in binding opinion 13-006, remind public bodies that secret ballots violate OMA, and acknowledge that the actions of these boards at their subsequent meetings sufficiently remedied the violations.

Ill. Att'y Gen. PAC Req. Rev. Ltr. 84265, issued Feb. 18, 2025: In response to a FOIA request from a non-profit organization, the Office of the Governor (office) furnished copies of email correspondence but withheld attachments and redacted certain information, including the titles of the attachments, under section 7(1)(f) of FOIA, which permits withholding of inter- or intra-agency predecisional and deliberative material. The PAC found that the office had properly withheld the records within the attachments, but concluded that the titles of the email attachments did not fall within the scope of section 7(1)(f). After the issuance of the determination letter, the office provided the requester new copies of the responsive emails with the titles of the attachments disclosed.

Ill. Att'y Gen. PAC Req. Rev. Ltr. 85355, issued May 8, 2025: In response to a request for attorney invoices supporting the payment of three specified checks, Homer Township (township) provided the requester with heavily redacted records without citing any exemption in FOIA. In its response to the PAC's request for review, the township asserted that the redacted information was not relevant to the checks that were listed in the FOIA request. The PAC concluded that the township's redactions were improper because the FOIA request unambiguously sought copies of the invoices that supported the checks, and not merely the information from those invoices reflecting the payments in those checks. As requested by the PAC's determination letter, the township provided the requester with copies of the invoices showing the remaining entries.

Ill. Att'y Gen. PAC Req. Rev. Ltr. 85452, issued July 3, 2025: A member of the school community submitted a request for review to the PAC challenging the partial denial by Oswego Community Unit School District 308 (district) of her request seeking copies of complaints, communications, and other records concerning alleged student mistreatment in a specific teacher's classroom. The district redacted and withheld records responsive to the request, asserting the records were exempt school student records, and disclosure would violate personal privacy. The PAC determined that while most of the records were exempt from disclosure because they were replete with details that would identify students, two communications did not go into detailed discussions of individual students, but rather primarily focused on a teacher's alleged conduct. The PAC also determined that the records pertained to the teacher's public duties, and disclosure would not cause a clearly unwarranted invasion of personal privacy, but that redactions to protect the identities of complainants were permissible. After the issuance of the PAC's determination letter, the district provided the requester a copy of the communications disclosing the portions that discussed the nature of the complaints.

Ill. Att'y Gen. PAC Req. Rev. Ltr. 85453, issued June 13, 2025: A journalist submitted a FOIA request to the Illinois Department of Commerce and Economic Opportunity (department) seeking copies of applications for the Local Journalism Sustainability Tax Incentive Program, including attachments. The department denied the request pursuant to section 7(1)(f) of FOIA, arguing that the applications were exempt because the department had not yet made a final decision on the applications. In his request for review to the PAC, the journalist argued that the applications were received by the department from entities seeking tax incentives, and were not internal departmental records. The PAC determined that the applications were improperly withheld and that section 7(1)(f) of FOIA did not apply to materials that do not reveal the department's decision-making process, even if the department had not yet made a final decision. In response to the determination letter, the department disclosed redacted records to the requester.

Ill. Att'y Gen. PAC Req. Rev. Ltr. 89254, issued Sept. 23, 2025: In response to a journalist's FOIA request, Oak Park Elementary School District 97 (district) furnished redacted copies of emails relating to the superintendent's resignation. The journalist asked the PAC to review the redactions to one email that the superintendent sent to the school board after she notified it of her resignation. The PAC determined that section 7(1)(f) of FOIA did not permit the redactions to that email because the joint deliberations the superintendent and school board engaged in concerning her employment concluded with the superintendent's resignation. Material in that email could not be predecisional and deliberative because the superintendent had terminated the deliberative process by resigning. As requested by the PAC's determination letter, the district subsequently provided the journalist with a copy of the email.

Ill. Att'y Gen. PAC Req. Rev. Ltr. 89570, issued Dec. 15, 2025: A local journalist submitted a request for review alleging that the Nashville Community High School District No. 99 Board of Education (board) violated section 2.02(c) of OMA by improperly taking final action on two items without having provided the general subject matter of either item on its meeting agenda. In its response to the PAC, the board explained that it believed its agenda items were sufficient but that going forward, it would include additional information. The PAC determined that the single-word action items were insufficient because they failed to notify the public of either the general category of an employee at issue or the type of personnel action under consideration by the board. The PAC's determination letter acknowledged the board's assertion that it would change its longstanding practice with respect to its agendas.

Informal Resolutions

PAC attorneys conferred with public bodies and requesters to mediate resolutions to FOIA disputes

2025 PAC 84674: The PAC received a request for review alleging that the Chicago Park District (district) provided an improper response to a FOIA request for police logs because the record provided to the requester was missing a date column. A PAC attorney spoke with the district's FOIA officer who explained that a different template had been used for the particular log at issue. She offered the requester the opportunity to inspect the original record in person to confirm that the district had provided a complete copy of the record it possessed. The requester was able to inspect the record in person and confirmed that the concern raised in her request for review was sufficiently addressed.

2025 PAC 85010: A member of the public alleged that the Barrington Police Department (department) improperly denied his request for an officer-worn body camera recording from a 2023 arrest at a car dealership. A PAC attorney mediated a resolution between the requester and the department in which the requester agreed to reduce the scope of his request, and the department agreed to disclose certain records with redactions.

2025 PAC 85501; 2025 PAC 85502: The PAC received two requests for review from a journalist challenging the responses by the City of Chicago Office of Emergency Management (OEMC) and Office of Public Safety Administration (OPSA) to FOIA requests seeking information about complaints or incident reports regarding 911 call centers or dispatchers. The OEMC and OPSA each asserted that the other office maintained the records and information sought by the requester. A PAC attorney spoke with FOIA officers from both agencies and confirmed that the OEMC possessed the responsive information. The requester then notified the PAC attorney that she was able to work with the OEMC to resolve the FOIA request and the request for review.

2025 PAC 88822: Citing an ongoing law enforcement investigation and the burdensome nature of the request, the Village of Sauget (village) denied in its entirety a multi-part FOIA request from an attorney seeking records related to a police incident. A PAC attorney contacted the attorney, who agreed to reduce his request to officer-worn body camera recordings. The PAC attorney then conferred with the village, which determined that the recording could be released at that time. The village furnished the recording to the attorney, who agreed that the supplemental response resolved his request for review.

2025 PAC 89417: The Village of Hanover Park (village) denied in part a FOIA request from a journalist seeking copies of specified emails. The journalist argued to the PAC that certain emails should have been disclosed, and others were improperly redacted. After a PAC attorney conferred with the journalist and the village's FOIA officer, the village agreed to release the emails with fewer redactions. The journalist confirmed the supplemental response resolved his request for review.

2025 PAC 89881: An employee submitted a FOIA request to the Illinois Department of Corrections (department) seeking records related to certain personnel transactions, but the department denied the request, citing a FOIA exemption. After a PAC attorney forwarded the request for review to the department, it reconsidered its denial and disclosed two pages of records. When the requester explained to the PAC attorney that the two pages did not cover the full scope of his request, the PAC attorney followed up with the department and asked it to conduct additional searches. Ultimately, the department located additional records and provided those to the requester.

2025 PAC 90446: The City of Chicago Department of Planning and Development (department) responded to a FOIA request from a journalist seeking records, including any appraisals, related to a proposal to rezone a property. The department disclosed records but did not include any appraisals. After the journalist submitted a request for review questioning the missing appraisals, a PAC attorney conferred with the journalist and the department's FOIA officer about additional records concerning the property. The department agreed to provide the journalist with other valuation records, as an appraisal had not yet been completed. The journalist confirmed the department's supplemental response resolved his request for review.

PAC attorneys provided public bodies guidance on FOIA provisions, leading to the disclosure of records without the need for a binding opinion or determination letter

2024 PAC 84493: The Matteson Police Department (department) denied a request for officer-worn body camera footage related to a motor vehicle accident. A PAC attorney contacted the department to ask if the footage was flagged as described in the Law Enforcement Officer-Worn Body Camera Act. After the department confirmed the footage was flagged due to an arrest, the PAC attorney explained that footage flagged due to an arrest is generally subject to disclosure. The department reconsidered its denial and furnished certain footage to the requester.

2025 PAC 87705: The City of Peru (city) withheld the name of an individual who donated funds to be used for a city-sponsored festival. After a PAC attorney forwarded the request for review to the city along with copies of prior PAC determination letters addressing the withholding of identities of donors, the city reconsidered its partial denial and provided a supplemental response, releasing the donor's name.

2025 PAC 88030; 2025 PAC 88033: A member of the public submitted a request for review to the PAC alleging that the Logan County Board (board) required her to pay $131.70 in fees for electronic copies of certain emails and personnel costs associated with responding to her FOIA requests. After a PAC attorney spoke with a board representative and explained FOIA's fee provisions, the board refunded the individual the improperly assessed fees.

2025 PAC 90131: A member of the public alleged that the Mahomet Township Road District (district) improperly assessed a $157 fee for 1,622 pages of records that it sent to the requester electronically. The individual objected to the fee and asserted that the records contained pages that were not responsive to the FOIA request. After a PAC attorney explained to the district that the per-page copy fee in FOIA is applicable to paper copies but not electronic copies, the district agreed to withdraw its demand for copy fees.

2025 PAC 90914: The Morris Fire Department (department) responded to a FOIA request sent via email by requiring the individual to fill out the department's FOIA request form. After a PAC attorney spoke with the department's FOIA officer, explaining that a public body cannot require a request to be submitted on a standard form, the department processed the original emailed FOIA request and provided responsive records to the requester.

After PAC intervention, public bodies reconsidered responses to FOIA requests

2024 PAC 84141: A local elected official requested the City of Chicago Office of Emergency Management and Communications' (OEMC) data concerning 911 calls for service in a specified police district. The OEMC furnished the requester some of the data but was not responsive to his inquiries about the missing records. After the official submitted his request for review to the PAC, a PAC attorney contacted the OEMC's FOIA officer, and the office furnished the additional data. The official confirmed to the PAC that the supplemental response resolved his request.

2025 PAC 85302: A journalist submitted a request for review alleging that the Tinley Park Police Department (department) provided only a one-page arrest sheet in response to his two FOIA requests seeking reports about a specified arrestee. After a PAC attorney forwarded the request for review to the department, the department located and provided the journalist with a redacted copy of the requested police report.

2025 PAC 85487: In response to a request for records related to a specified police report, the Cary Police Department (department) provided the requester an arrest report but withheld the incident report in its entirety. After the PAC forwarded the request for review to the department and asked it to explain the legal and factual bases for the denial, the department furnished a redacted copy of the police report.

2025 PAC 85787: The City of Galesburg (city) withheld records documenting payments made for health insurance premiums for certain employees, and the requester submitted a request for review contesting the partial denial. After the PAC forwarded the request for review to the city, it reconsidered its denial and furnished responsive records to the requester.

2025 PAC 86722: An attorney submitted a request for review contesting the completeness of Metra's response to his law firm's request for records pertaining to a specific incident and certain agreements with Union Pacific. After a PAC attorney forwarded the request for review to Metra, which identified additional records sought by the law firm, Metra performed supplemental searches. Metra provided copies of the additional records it located and explained that it did not possess some of the records identified by the attorney. The attorney confirmed that the additional searches and explanation resolved the matter.

2025 PAC 86754: In response to a FOIA request from a former employee, the City of Springfield (city) provided the employee with a redacted copy of his personnel file. The employee submitted a request for review contesting the redactions. A PAC attorney forwarded the request for review to the city and worked with the city's attorneys to facilitate an opportunity for the requester to inspect the personnel file. The city ultimately provided the requester a copy of the file.

2025 PAC 89310: The City of Berwyn (city) denied a FOIA request for copies of certain checks the city paid to one of its vendors. After a PAC attorney forwarded the request for review to the city, it reconsidered its denial and provided a supplemental response to the requester with copies of the requested checks.

2025 PAC 90928: The Winnebago County Sheriff's Office (county) denied a journalist's FOIA request for copies of audit logs from the county's Flock Safety Automatic License Plate Reader system. After a PAC attorney forwarded the request for review to the county, it reconsidered its denial and provided a supplemental response with copies of the logs.

2025 PAC 90954: A journalist sought the PAC's review of the City of Chicago's Office of Emergency Management and Communication's (OEMC) response to his FOIA request seeking recordings of 911 calls concerning a residential building on South Shore Drive on the date it was raided by several federal government agencies, including Customs and Border Patrol. The journalist explained that the OEMC had provided four of the recordings he requested but had not responded to his inquiries about the remaining recordings. A PAC attorney contacted the OEMC about the matter, and the OEMC furnished additional call recordings.

2025 PAC 90978: A journalist submitted a FOIA request to the Plainfield Police Department (department) seeking records related to a car crash and barricade situation, which the department denied, citing an ongoing investigation. A PAC attorney contacted the department's attorney, and the department disclosed redacted records to the journalist.

PAC attorneys guided public bodies to remedy OMA violations and provided confirmation of OMA compliance

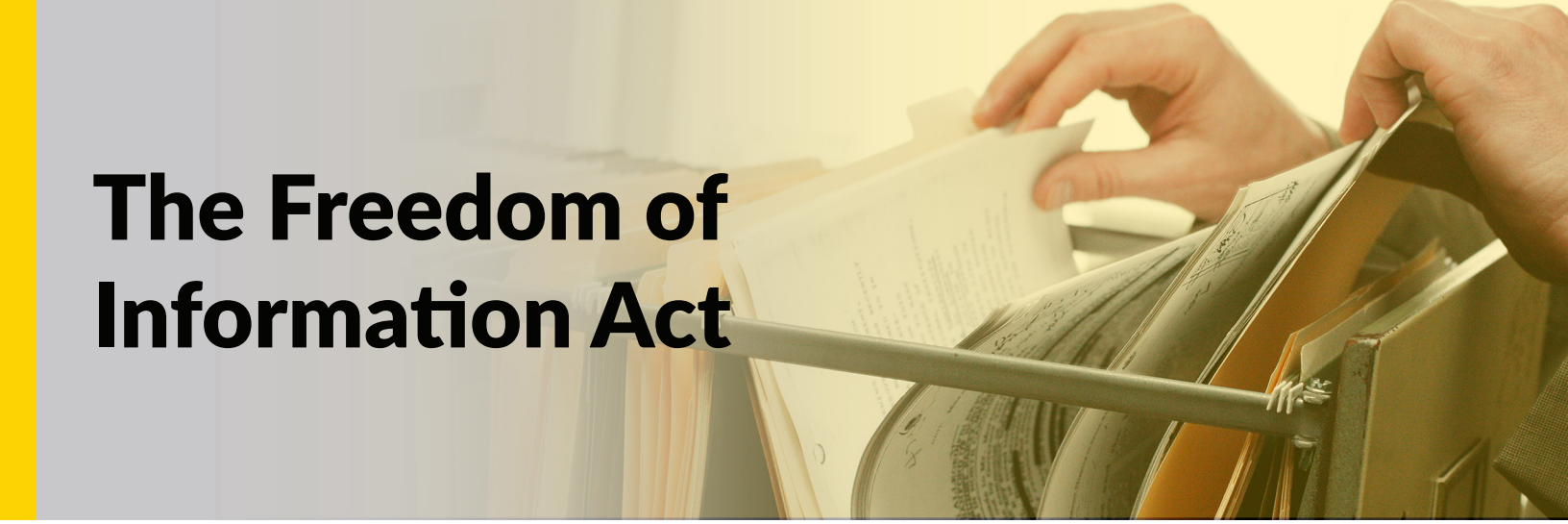
2025 PAC 85877: A union representative requester alleged that the East Alton School District No. 13 Board of Education (board) improperly discussed upcoming board elections and potential union endorsements during a closed session meeting. The PAC forwarded the request for review to the board and requested a copy of the closed session recording with the board's response to the allegation. The board denied that it discussed the election and union endorsements during closed session, and the PAC's review of the recording confirmed that assertion. The PAC attorney handling the matter then spoke with the union representative, who confirmed that the board's response and this office's

confirmation that the board did not discuss the topics during the closed session resolved the request for review.

2025 PAC 89521: A journalist submitted a request for review to the PAC alleging the Board of Education of West Washington County Community Unit District 10 (board) violated OMA by improperly holding unauthorized closed session discussions and taking final action on a matter without having provided sufficient advance notice. After a PAC attorney forwarded the request for review to the board and obtained the closed session verbatim recording, the PAC attorney mediated a resolution in which the board took steps to remedy the violations at the next meeting. The journalist agreed that those actions resolved the matter.

2025 PAC 91057: A community member alleged that the Keeneyville School District 20 Board of Education (board) failed to post meeting minutes to its website after they were approved by the board. Prior to the submission of her request for review, the requester had informally inquired with the district about the posting of the minutes but received no response. After the PAC forwarded the request for review to the board, it posted the minutes that day, which satisfied the complainant.

The Freedom of Information Act



GENERAL INFORMATION

What is the Freedom of Information Act?

The Freedom of Information Act (FOIA) is a state statute that provides the public with the right to access government documents and records. The premise behind FOIA is that the public has a right to know what its government is doing. The law provides that a person can request a copy of a specific record, or a public body's records on a specific subject, and the public body must provide those records, unless there is an exemption in the statute that protects those records from disclosure.

Who is subject to FOIA?

Illinois public bodies, including among others, the executive and legislative branches of state government, counties, cities, villages, towns, townships, public educational institutions and libraries are subject to FOIA. The judicial branch is not subject to FOIA, but court records and proceedings generally are open to the public under other Illinois laws.

What is considered a "public record?"

"Public records" are defined in FOIA as "all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." Given this broad definition, FOIA is intended to cover any document, regardless of form, that pertains to the transaction of government business.

Who can submit a FOIA request?

Anyone. Any person, group, association, corporation, firm, partnership or organization has the right to submit a FOIA request to any state or local public body.

What is the PAC's role under FOIA?

The Attorney General's office helped to pass legislation that reformed and strengthened FOIA to improve public access to government records. The law's provisions codified the PAC position within the Attorney General's Office and explicitly authorized the PAC to review and determine whether a government body has violated FOIA. The law gives the Attorney General authority to issue binding opinions to resolve FOIA disputes, to mediate disputes, or resolve them by other means, including the issuance of non-binding determination letters.

The law also requires the PAC to prepare a training program for public body FOIA officers, who are required to successfully complete that FOIA training program annually.

FOIA

Frequently Asked Questions

HOW TO SUBMIT A FOIA REQUEST

I need information from a public body, but I am not sure where to start or what to request. What can I do?

Start by writing a list of the information you are seeking and then prepare a letter or an email, or access that public body's online portal for submitting a request. It is helpful if your correspondence includes your contact information so the public body can contact you with questions. If you are not sure who to address the letter to, contact the public body's main office and request the contact information for the FOIA officer.

Be sure to describe the information you are seeking with sufficient detail so the public body can find the requested records. Providing as much information as possible on the subject matter may expedite the public body's search process. You do not need to describe the document specifically and accurately by the same name the public body uses. As long as the public body understands what you are requesting and a FOIA exemption does not apply, the public body must release the information.

If you send your request by email, the content of your request must be in the body of the email. As a cybersecurity measure, public bodies are not required to open electronically attached files or click on hyperlinks.

Public bodies cannot require the public to submit FOIA requests on a specific form or in a specific format. However, public bodies can require FOIA requests in writing. They may accept oral FOIA requests but are not required to do so.

Each public body must develop, and make available upon request, a list of documents to immediately provide to a requester. Each public body must maintain a reasonably current list of all types or categories of records under its control and the list should be reasonably detailed to aid people in obtaining access to public records. This list must be available for inspection and copying.

What should I include in my FOIA request?

Your written request should include the date and your contact information so the public body can contact you with any questions. Provide as much information as possible on the subject matter to help expedite the search process.

Can a public body require that a FOIA request be submitted on a certain form or in a certain format?

No. While public bodies may offer a form or website portal for FOIA requests, they cannot reject your request if you do not use a specific form or method. Public bodies may accept oral FOIA requests but are not required to do so. Public bodies can require FOIA requests be submitted in writing, but they must accept requests by mail, personal delivery, fax, email or other means available to the public body.

To whom do I submit a FOIA request?

FOIA requests should be submitted to the public body's designated FOIA officer. Every public body must ensure the name(s) of its FOIA officer(s) are prominently displayed on its website. The public body must also display on its website and make available:

- Information on how to submit a FOIA request
- A brief description of the office, including its purpose, budget and number of employees

Any public body that does not have a website must post this information at each of its administrative or regional offices.

Is electronic information considered to be a public record?

Yes. FOIA defines public records to include electronic documents, records and communications. When a person requests a record maintained in an electronic format, the public body must provide it in the electronic format specified by the request, if possible. If it is not feasible, the public body must furnish the information in the format that it is maintained or in a paper format at the option of the requester. The public body may charge a fee for the actual cost of purchasing the recording medium, such as a CD or flash drive, but it cannot charge a fee for its search or review of the information, except in rare circumstances applicable only to commercial requests.

What if I don't use the same name for a document the public body uses? Can the public body deny my request for that reason?

No. You do not need to describe the document specifically and accurately by the same name the public body uses. As long as the public body understands what you are requesting, it must release that information unless an exemption in FOIA is applicable.

Can the public body ask me why I want the information?

No, except to determine if the request is for commercial purposes or if the requester seeks a fee waiver. See below for more details on fee waivers.

How many days does the public body have to respond to my FOIA request?

A public body must respond to a FOIA request within *five business days* after the public body receives the request.

When does the five-business-day time period start?

On the first business day *after* the public body receives the request, not the day that the request was received.

What is a "business day" or "working day?"

A "business day" or "working day" is a regular day of the week (Monday through Friday). Saturdays, Sundays and state holidays are not business days and cannot be counted in the five-business-day time period.

Can the public body extend the time for responding to my FOIA request?

Yes. The public body may, without the requester's consent, extend the time period for an additional five business days from the original due date if:

- The requested information is stored at a different location.
- The request requires the collection of a substantial number of documents.
- The request requires an extensive search.
- The requested records have not been located and require additional effort to find.
- The requested records need to be reviewed by staff who can determine whether they are exempt from FOIA.
- The requested records cannot be produced without unduly burdening the public body or interfering with its operations.
- The request requires the public body to consult with another public body that has a substantial interest in the subject matter of the request.

If this additional time is needed, the public body must notify the requester in writing within *five business days* after the receipt of the request explaining the statutory reasons for the extension and when the requested information will be furnished.

Can I enter into an agreement with the public body to further extend the deadline to respond?

Yes. It is sometimes beneficial to do so because the extra time may reduce the likelihood of the public body denying the request as unduly burdensome. The agreement to extend the deadline must be in writing.

What is the incentive for a public body to respond to my request within five business days (or 10 business days if extended)?

Aside from the potential outcome that a court ultimately could impose a civil penalty of between $2,500 and $5,000 per violation, public bodies have an additional incentive to respond within the time limits set forth in the statute. In the event a public body fails to respond within five business days, it cannot charge for reproduction costs when it does disclose the documents or treat the request as unduly burdensome.

FEES

Can the public body charge for paper copies of records?

Yes, but the fees are limited. For black-and-white letter or legal-sized paper copies (8 1/2 x 11 or 8 1/2 x 14), the first 50 pages are free, and any additional pages can cost no more than 15 cents per page. For color copies or abnormally-sized copies, the public body can charge the actual cost of copying.

Can a public body charge for electronic copies?

A public body may not charge a requester for electronic records that it sends in an email or uploads to a portal, unless the request is a voluminous request. If the records cannot be emailed or uploaded, the public body may charge the actual cost of the recording medium it furnishes to a requester. For example, if information is provided on a flash drive, the public body may charge the requester only the actual cost incurred to purchase the flash drive. If a public body treats a FOIA request as voluminous, then it may charge certain fees based on megabytes of data provided, as detailed in the law.

Is it possible for a public body to waive the copying fees?

Yes. Public bodies may choose to waive or reduce copying fees if disclosure is in the public interest. A public body may, but is not required to, grant a request for a waiver or reduction if:

- The information concerns the health, safety and welfare or the legal rights of the general public.
- The requester intends to disseminate the information.
- No personal or commercial benefit will be received from document disclosure.

INFORMATION IN ELECTRONIC FORMAT

Can I request the documents in electronic form?

Yes, and the public body must provide those electronic documents in the requested format, if it is feasible for the public body. If that format is not available, it must provide the records in the electronic format in which they are kept, or on paper, at the option of the requester. A public body is not required to convert records maintained in paper format into an electronic format.

If the public body has a database and the information I am seeking requires the public body to search that database, does the public body have to conduct that search?

Yes, and the public body cannot charge you for that search except in certain circumstances that are applicable only to commercial requests.

Are emails subject to FOIA?

Yes. All electronic communications that pertain to the transaction of public business (as long as they do not fall within an exemption) are subject to FOIA.

FOIA OFFICERS

What is a "FOIA officer?"

A FOIA officer is a person appointed by the public body to ensure the public body complies with FOIA. The FOIA officer's responsibility is to receive FOIA requests from the public and to send responses in compliance with FOIA. FOIA requires each public body to appoint at least one FOIA officer and that the FOIA officer(s) complete an electronic training program developed by the PAC. The training program must be completed annually.

How can I find the FOIA officer's contact information?

Every public body must prominently display a brief description of the methods available to the public to submit a FOIA request, a directory designating the FOIA officer(s), the address where FOIA requests should be directed, and any fees applicable to FOIA requests on its website or at its office, if it does not have a website.

If the public body does not display the FOIA officer's contact information, what should I do?

You can address the FOIA request to "FOIA Officer" using a general mailing or email address for the public body. A public body is responsible for forwarding all FOIA requests to its FOIA officer. However, the public body is required to post information explaining how to submit a FOIA request on its website or at its office, if it does not have a website. You can call the public body to report that you were unable to locate the required information.

WHAT TO DO IF THE PUBLIC BODY DOES NOT RESPOND OR IF YOUR FOIA REQUEST IS DENIED

What can I do if the public body doesn't respond to my FOIA request?

If the public body does not respond to your request, or does not properly extend the time for responding within five business days after receiving it, then its inaction is considered a denial of your request. You may wish to contact the public body to confirm it received your request and ask whether a response is imminent. If that is not feasible, or if you do not receive a response to your follow up message, you can either file a request for review with the PAC or file a lawsuit in court.

What information must the public body include in a denial?

If a public body denies or partially denies your FOIA request, the denial must be in writing and must reference a specific legal reason under FOIA to justify withholding the record. The denial must also inform the requester of the right to seek review of the issue by the PAC in the Attorney General's office, including the PAC's contact information, and the right to seek judicial review by filing a lawsuit.

What can I do if the public body denies my request for information?

First, it is important to know that FOIA includes provisions that allow public bodies to withhold some records and information from public disclosure, such as unique personal or private information, certain law enforcement records, preliminary drafts, business trade secrets, and privileged attorney-client communications. Additionally, a public body may deny a request that is unduly burdensome. If a public

body has denied, in part or in full, your request for information, you can either file a request for review with the PAC or file a lawsuit in court.

EXEMPTIONS – RECORDS THAT A PUBLIC BODY MAY WITHHOLD FROM DISCLOSURE

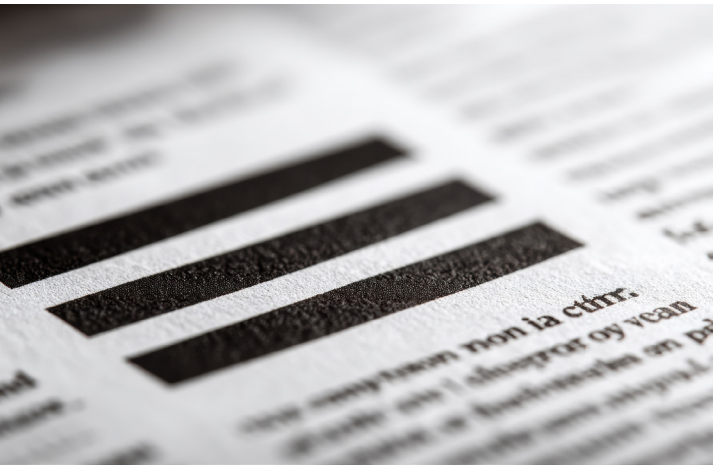
What kind of information can a public body decline to provide to me in response to a FOIA request?

FOIA has a presumption that all information is public, unless the public body proves otherwise. However, there are many exceptions to public disclosure that include, but are not limited to:

- Private information. FOIA defines "private information" as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses." Under FOIA, "private information also includes home addresses and personal license plate numbers, except as otherwise provided by law or when compiled without possibility of attribution to any person."
- Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the "unwarranted invasion of personal privacy" means the "disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." Disclosing information that bears on the public duties of public employees is not considered an invasion of personal privacy.
- Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding, obstruct an open investigation, or reveal the identity of a person who filed a complaint with or provided information to a law enforcement agency.
- Information that, if disclosed, might endanger anyone's life or physical safety.
- Preliminary drafts or notes in which opinions are expressed or policies are formulated, unless the record is publicly cited and identified by the head of the public body.
- Privileged communications between a public body and its attorney or auditor.
- Business trade secrets or commercial or financial information that is proprietary, privileged or confidential and that, if disclosed, would cause competitive harm to the person or business.
- Proposals and bids for any contract, until a final selection is made.
- Records or information that is prohibited from disclosure by another state or federal law, or a state or federal rule or regulation. Examples include records that identify a juvenile as a suspect or arrestee, certain body-worn camera recordings, school student records, and employee performance evaluations.
- Requests that are "unduly burdensome." (See next question).

What does "unduly burdensome" mean?

This exemption exists if there is no way to narrow the request, and the burden on the public body to respond to the request outweighs the public interest in the information. However, before relying on this exemption, the public body must first give the requester an opportunity to reduce the request to a manageable size and confer with the requester when appropriate. If it is still unduly burdensome or if the requester does not respond to that opportunity to confer, the public body can deny the request in writing, explaining the reasons why the request is unduly burdensome and the extent to which compliance will burden the operations of the public body.



REDACTIONS

Can a public body remove or black out information from documents it provides?

Yes. If a record contains information that is exempt from disclosure under FOIA, a public body can remove or black out that exempt information from the public records. This is called "redaction." The public body must, however, provide the remaining non-exempt information, and must reference a specific legal reason under FOIA for redacting the documents.

OTHER FOIA QUESTIONS

Can a public body allow me to inspect documents but not copy them?

No. Public bodies generally must allow you to inspect and obtain copies of public documents, as you prefer. In the rare circumstance where the public body is prohibited from copying documents for which it does not hold the copyright, the public body must allow you to inspect records.

IF YOU BELIEVE THAT A PUBLIC BODY HAS VIOLATED FOIA, YOU CAN TAKE ACTION. HERE IS WHAT YOU NEED TO KNOW.

What can I do if I think a public body has violated FOIA?

Within 60 calendar days from the public body's denial of your request, you can file a request for review with the PAC. Alternatively, you can bring a civil action in circuit court against the public body. PAC does not have the authority to review FOIA responses from the General Assembly. To obtain review of the General Assembly's response to a FOIA request, you must file a civil action in circuit court.

What is a "request for review?"

A request for review is correspondence a requester may submit to the PAC if their request to inspect or copy a public record has been denied or if the public body has failed to respond. This letter or email is a formal way of asking the PAC to examine the request and the public body's response (or lack thereof) and determine if a FOIA violation has occurred.

How do I submit a FOIA Request for Review to the PAC?

A FOIA request for review must be in writing, be signed by the requester, and include (1) a copy of the FOIA request and (2) any responses, including extension and denial letters, from the public body. If the public body did not respond to the request, the requester must explain that in their request for review. The request for review does not need to follow any particular format. If you would like to use a sample request form, however, please visit our website.

Is there a deadline for submitting a request for review?

Yes. The requester must submit a request for review to the PAC within 60 calendar days after the date of the final denial from the public body (or the date upon which a response from the body was due). Note this time limit is counted in calendar days (i.e., including Saturdays, Sundays and holidays), not business days.

How do I contact the PAC?

The PAC is a part of the Attorney General's Office and may be contacted at:

Leah Bartelt
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62701
E-mail: public.access@ilag.gov
PAC Hotline: 877-299-FOIA (877-299-3642)

What does the PAC do with my request for review?

The PAC will review your request and do one of the following:

- Review the issues in your FOIA dispute and determine that no further action is necessary. If the PAC decides that it will take no further action concerning your submission, the PAC will inform you and the public body of that decision in writing. Also, the PAC may informally obtain information from a public body as part of its consideration of whether a request for review is unfounded. If that is the case, the PAC will inform you and the public body in writing that the request for review is unfounded.
- Work to resolve your FOIA dispute with the public body. The PAC may choose to work informally to resolve the matter by means other than the issuance of a binding opinion. For example, the PAC may issue a non-binding determination letter or a PAC attorney may attempt to mediate a dispute by facilitating communication between the requester and the public body and providing information about the scope of FOIA exemptions. A PAC attorney may contact you informally with questions or information. The PAC's decision to decline to issue a binding opinion is not reviewable.
- Issue a binding opinion to resolve the FOIA dispute. The PAC will review any information needed to analyze the FOIA dispute with the public body and any additional information that you and the public body choose to provide. If the PAC decides to issue a binding opinion, it must do so within 60 calendar days after receiving the request for review, unless the PAC extends the time by no more than 30 business days. If the opinion directs the public body to disclose records, the public body may appeal the opinion to the circuit court. If the public body does not appeal the opinion and fails to disclose the records as ordered by the opinion, the Attorney General's office may sue the public body to enforce the opinion. If the opinion concludes the records fall within a FOIA exemption and need not be disclosed, the requester may appeal the opinion to the circuit court.

Do I have to file a request for review with the PAC before I file a FOIA lawsuit in court?

No. You can file a FOIA lawsuit in court after a denial from the public body or after the PAC concludes a review of the matter. If the PAC decides to issue a binding opinion and you disagree with the opinion, it can be appealed to the circuit court. You should be aware that if you ask the PAC to review a matter and then decide, before the PAC completes the review, to file a lawsuit without waiting for the PAC's decision, the law requires the PAC to immediately stop working on your request for review to allow your lawsuit to move forward.

What's the difference between my two appeal options: filing a request for review with the PAC or filing a suit in court?

If you decide not to seek assistance from the PAC and instead go straight to court, the public body has the burden to show its denial was correct through clear and convincing evidence. If you submit a request for review to the PAC, the public body similarly has the burden to show the PAC its denial was correct through clear and convincing evidence. If the PAC issues a binding opinion deciding your case, then that opinion carries significant weight. If the losing party decides to appeal the PAC's opinion to the court, the court must give deference to the PAC's opinion and can overturn it only if it is clearly erroneous.

What are the penalties that a public body may incur if a court finds that it violated FOIA?

In a civil lawsuit for a violation of FOIA, a court may order the production of any public records improperly withheld from the person seeking access. If it determines the public body willfully and intentionally failed to comply with FOIA, it shall impose a civil penalty of not less than $2,500 nor more than $5,000 for each occurrence. The court shall also require the public body to pay the reasonable attorney's fees and costs of the person who filed the civil lawsuit alleging the FOIA violation.

OMA

Frequently Asked Questions

GENERAL INFORMATION

What is the Open Meetings Act?

The Open Meetings Act (OMA) is a state law that requires that meetings of public bodies be open to the public except in certain specific, limited situations (discussed in more detail below) where the law authorizes the public body to close a meeting. OMA also provides that the public must be given advance notice of the time, place, and subject matter of meetings of public bodies.

What is the difference between FOIA and OMA?

FOIA applies when a member of the public is seeking access to public records. OMA is intended to ensure that the actions of public bodies are conducted in the open, through public meetings, and that the public is able to observe those meetings.

What is subject to OMA?

OMA applies to all "public bodies," which includes all legislative, executive, administrative, or advisory bodies of:

- The state, except for the General Assembly and its committees and commissions,
- Counties,
- Townships, cities, villages or incorporated towns,
- School districts,
- Municipal corporations.

Public bodies also include all subsidiary bodies of public bodies, such as committees and subcommittees. Examples of public bodies include everything from park district boards to city councils. Public bodies include, but are not limited to, any entity that is supported in whole or in part by tax revenue or which expends tax revenue.

What is the PAC's role under OMA?

The Attorney General's Office helped pass legislation that reformed and strengthened OMA to improve public access to government deliberations. The law's provisions codified the PAC position within the Attorney General's Office and explicitly authorized the PAC to review and determine whether a governmental body has violated OMA. The law gives the PAC authority to issue binding opinions to resolve disputes, to mediate disputes, or resolve disputes by other means, including the issuance of non-binding determination letters.

The law also requires the PAC to prepare a training program for elected and appointed members of public bodies, and others designated by their public bodies to receive annual training on OMA.

OMA

Frequently Asked Questions

PUBLIC MEETING

What is a "meeting?" How many members of the public body have to be present before OMA requirements apply?

A "meeting" under OMA is any gathering of a majority of a quorum of the members of a public body for the purpose of discussing public business. For example, for a seven-member board with a quorum of four, a majority of the quorum would be three. Therefore, a gathering of three members of a seven-member board held for the purpose of discussing public business satisfies the OMA's definition of "meeting."

There is an exception in the definition for five-member public bodies. For those bodies, at least a quorum, or three members of the five-member body, must participate in a gathering to trigger the requirements of OMA. In addition, the affirmative vote of three members is necessary for a public body with five members to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

When and where must an open public meeting be held?

A public body must hold a meeting at a specific time and place that is convenient and open to the public. A public body cannot hold any meeting on the day of a general primary election, a general election, a consolidated primary election, or a consolidated election. Also, a public body cannot hold a meeting on a state holiday, unless the regularly scheduled meeting falls on that holiday.

PUBLIC NOTICE OF A MEETING

What is public notice?

Giving public notice of a meeting means that the public body must provide the date, time, and location of a meeting.

When and how does notice of a regular meeting have to be provided by a public body?

At the beginning of each calendar or fiscal year, every public body must create and make available to the public the schedule of its regular meetings for that year, including the dates, times, and locations of the meetings. Notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. If the public body has a website maintained by its own full-time staff, then notice of all meetings of its governing body must also be posted on that website.

If the public body changes the dates of its regular meetings, it must give 10 calendar days' notice of the change by publicizing the change in the newspaper and by posting information concerning the schedule change at the principal office of the public body. The 10-day notice period and newspaper publication is not required for rescheduling a single meeting.

The public body also must post an agenda (see below) for each particular meeting at the principal office of the public body, and at the location of the meeting 48 hours prior to the start of that meeting. If a public body has a website maintained by its own full-time staff, it also must post on the website the agenda for each meeting of its governing body at least 48 hours in advance of the meeting. The agenda must be continuously available for the full 48-hour period prior to the meeting; however, if it is not available due to actions outside of the control of the public body, then the lack of availability does not invalidate any meeting or action taken at a meeting.

When and how does notice of a special meeting have to be provided by a public body?

A public body must post a notice and agenda for any special meeting at the principal office of the public body and at the location of the meeting, at least 48 hours prior to the start of that meeting. If a public body has a website maintained by its own full-time staff, it also must post the agenda for each meeting of its governing body at least 48 hours in advance of the meeting. Notice of an emergency meeting shall be given as soon as practicable but prior to the meeting. An emergency meeting is any meeting which, due to a bona fide emergency outside of the control of the public body, must be held with less than 48 hours' notice.

MEETING AGENDA

What is an agenda?

An agenda is a list of the items to be discussed or acted upon during a meeting.

Can the agenda be changed?

Although a public body may remove an agenda item that it determines will not be addressed or add a new topic for discussion at a regular meeting solely to increase transparency, a public body cannot add an item to the agenda less than 48 hours before the meeting if it intends to take action on that item.

Can the public body take action on items not on the agenda?

No. While the public body can discuss items not on the agenda of a regular meeting, the public body cannot take action or make any decision with regard to items or topics not on the agenda of a regular meeting. However, if the public body is holding a special or emergency meeting, it may neither act on nor discuss items that did not appear on the agenda for the special or emergency meeting.

MEETING MINUTES

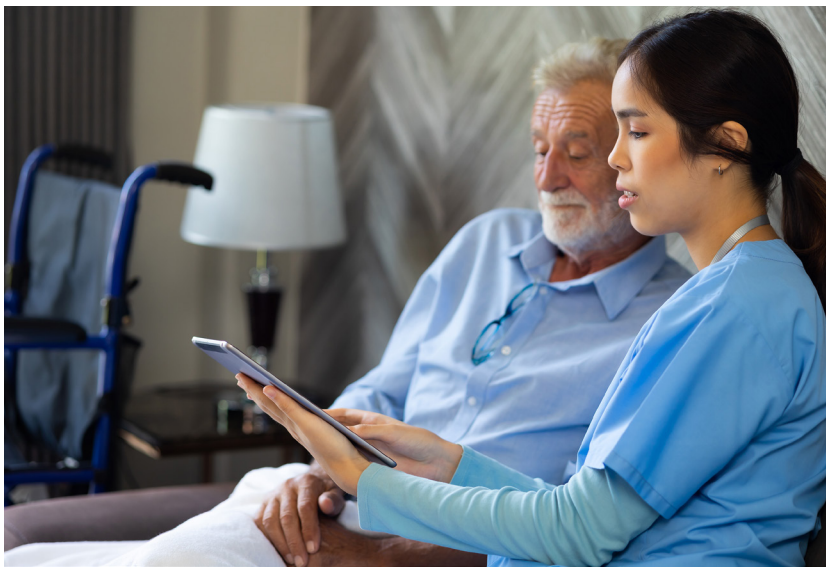
Is the public body required to take minutes of its open meetings?

Yes. The minutes must include:

- The date, time and place of the meeting.
- A list of the members present and absent from the meeting, and whether they attended in person, by phone, or by video.
- A summary of the discussion of all matters proposed, deliberated, or decided.
- A record of any votes taken.

A public body must make minutes of the meeting available for public inspection within 10 calendar days after the minutes are approved by the public body. A public body also must post minutes of meetings of its governing body on the public body's website (if it has a website maintained by full-time staff). Typically, the minutes are approved at the next meeting.

ATTENDING A MEETING BY PHONE OR VIDEO CONFERENCE



Can a member of a public body attend a meeting by telephone or video conference and not in person?

A member of a public body may attend a meeting by telephone or video conference only in accordance with and to the extent allowed by the rules of the public body. If a quorum of the members of the public body is physically present, then a majority of the public body may allow a member to attend by video or telephone conference if the member is prevented from physically attending because of (1) personal illness or disability, (2) employment purposes or the business of the public body, (3) family or other emergency, (4) unexpected childcare obligations, or (5) active military duty as a service member.

If a member wants to attend the meeting by video or telephone conference, they must notify the recording secretary or clerk of the public body before the meeting, unless advance notice is impractical. State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action are not required to have a quorum of members physically present at the location of an open meeting. Additionally, section 7(e) of OMA allows a public body to hold an open or closed meeting by audio or video conference without the physical presence of a quorum of the members during a public health emergency, as long as several enumerated conditions are met. Because the last gubernatorial disaster declaration related to public health concerns expired in May 2023, public bodies are not currently permitted to hold meetings pursuant to section 7(e) of OMA.

PUBLIC PARTICIPATION

Is a public body required to allow a member of the public to speak at an open meeting?

Yes. OMA requires public bodies to give members of the public an opportunity to address public officials at public meetings. The procedure for public comment is governed by rules established and recorded by the public body. The primary purpose of adopting rules governing public comment is to accommodate the public's statutory right to address the public body while ensuring that the public body can maintain order and decorum at its meetings.

May a member of the public record an open meeting?

Yes. Any member of the public can record the meeting by tape, film or other means but may be subject to some reasonable restrictions.

CLOSED MEETINGS – NOT OPEN TO THE PUBLIC

When can a meeting be "closed?" Can a public body ever meet in private?

Section 2(c) of the Open Meetings Act provides that a public body can close a meeting to the public only when the following topics are to be considered:

- The appointment, employment, compensation, discipline, performance or dismissal of specific employees; specific individuals who serve as independent contractors in a park, recreational, or educational setting; specific volunteers of the public body; or legal counsel for the public body. These exceptions allow for the hearing of testimony on a complaint lodged against one of those individuals. However, a meeting to consider an increase in compensation to a specific employee of a public body subject to the Local Government Wage Increase Transparency Act may not be closed.
- Collective negotiating matters or deliberations concerning salary schedules for one or more classes of employees.
- Discipline or removal of an occupant of a public office, or appointment of an individual to fill a vacant public office, but only when the public body has the authority under law to remove or appoint an occupant from public office.
- Evidence or testimony received in a hearing, provided that the body is a quasi-adjudicative body and prepares and makes available for public inspection a written decision setting forth its determinative reasoning.
- The purchase or lease of real property by the public body.
- The setting of a price for sale or lease of property owned by the public body.
- The sale or purchase of securities, investments, or investment contracts.
- Security procedures.
- Pending or probable litigation against, affecting, or on behalf of the public body.
- The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act.
- Ongoing, prior, or future criminal investigations, when discussed by public bodies with criminal investigatory responsibilities.
- Conciliation of complaints of discrimination in the sale or rental of housing.
- Professional ethics or performance when discussed by an advisory body to a licensing or regulatory agency.

- Discussions regarding self-evaluation, practices and procedures or professional ethics with representatives of statewide or regional associations.
- The recruitment, credentialing, discipline, or formal peer review of physicians or other health care professionals for a hospital or other health care center.
- Discussion of the minutes of a meeting that was lawfully closed under OMA.
- The operation by a municipality of a municipal utility or power agency or natural gas agency regarding contracts relating to the purchase, sale, or delivery of electricity or natural gas, or the results or conclusions of lead forecast studies.
- Meetings between internal or external audit committees, finance committees and their equivalents when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds and fraud interviews conducted in accordance with generally accepted U.S. auditing standards.
- Student disciplinary cases.
- The placement of individual students in special education programs and other matters relating to individual students.
- Evidence or testimony presented to a school board regarding denial of admission to school events or property, provided that the school board prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

Additionally, section 2(c) of OMA permits certain specified public bodies (including but not limited to the Prisoner Review Board, the State Government Suggestion Award Board, and the Regional Transportation Authority Board and its service boards) to hold closed meetings to deliberate particular matters and permits other public bodies to discuss matters outlined in other state laws. Public bodies may wish to review section 2(c) for the complete list of permitted closed session topics.

A public body can close a meeting to the public only if its members are discussing a topic that is listed in section 2(c) of the Open Meetings Act. Because these exceptions are contrary to the requirement that all meetings of public bodies shall be open, the exceptions are to be strictly construed, extending only to subjects clearly within their scope.

How can a public body "close" a public meeting?

If a public body wants to hold a closed meeting or wants to close a portion of an open meeting, the public body must vote to close the meeting by a majority vote of a quorum present in an open meeting. The public body must also recite the specific exemption in OMA that applies and allows the closure of the meeting.

Who can attend a "closed" meeting?

Members of the public body and others who the public body invites to the closed meeting. For example, witnesses giving testimony regarding a complaint against an employee may be invited to attend a meeting that is closed for purposes of discussing discipline of an employee. The public body has discretion to determine who may attend a closed meeting.

Can a public body take binding action in a closed session?

No. A public body may not take any final action in a closed meeting.

How must a public body record a closed meeting?

The verbatim record of a closed meeting must be in the form of an audio or video recording.

Is the public body required to take minutes of its closed meetings?

Yes, and any approval of closed session minutes must occur in open session. Closed session meeting minutes are confidential and exempt from FOIA (pursuant to section 7(1)(l) of FOIA) until the public body decides otherwise. However, every six months, or as soon thereafter as is reasonably practicable taking into account the nature of the public body and its meeting schedule, the public body must meet to review the minutes of any closed meetings that occurred and determine whether the minutes of those closed meetings need to remain confidential. If they determine it is no longer necessary to have the minutes remain confidential, they must make the minutes available to the public.

IF YOU BELIEVE THAT A PUBLIC BODY HAS VIOLATED OMA, YOU CAN TAKE ACTION. HERE IS WHAT YOU NEED TO KNOW.

What can I do if I think a public body has violated OMA?

Within 60 calendar days after the date of the alleged violation, you can file a request for review with the PAC, or you can bring a civil action in circuit court against the public body. In limited circumstances discussed below, you can file a request for review with the PAC within 60 days of the discovery of the alleged violation, up to two years after the alleged violation. In addition, if you timely file a request for review and the PAC resolves the matter by means other than a binding opinion, you may file a civil action in circuit court within 60 days of the decision by the PAC.

What is a "request for review?"

A request for review is correspondence sent to the PAC that lays out the basis for an alleged violation of OMA. The request must be made in writing, must be signed by the requester, and must include a summary of the facts supporting the allegation.

How do I submit an OMA Request for Review to the PAC?

A request for review may be submitted to the PAC by either electronic mail or U.S. Postal Service. The request for review does not need to follow any particular format. If you would like to use a sample request form, however, please visit our website.

Is there a deadline for submitting a request for review?

Yes. A person seeking review of an issue by the PAC generally must send the request for review to the PAC within *60 calendar days* after the date of the alleged OMA violation. If facts concerning the violation are not discovered within the 60-day period, but are discovered at a later date not exceeding two years after the alleged violation by a person using reasonable diligence, the request for review may be made within 60 days of the discovery of the alleged violation.

How do I contact the PAC?

The PAC is a part of the Attorney General's Office and may be contacted at:
Leah Bartelt
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62701
Email: public.access@ilag.gov
PAC Hotline: 877-299-FOIA (877-299-3642)

What does the PAC do with my request for review?

The PAC will review your request for review and do one of the following:

- Review the issues in your OMA allegation and determine that no further action is necessary. If the PAC decides it will take no further action concerning your submission, the PAC will inform you and the public body of that decision in writing. Also, the PAC may informally obtain information from a public body as part of its consideration of whether a request for review is unfounded. If that is the case, the PAC will inform you and the public body in writing that the request for review is unfounded.
- Work informally to resolve the OMA dispute with the public body. The PAC may choose to work informally to resolve the matter by means other than the issuance of a binding opinion. One of the ways the PAC may do so is by issuing a non-binding determination letter. Additionally, a PAC attorney may attempt to mediate disputes by providing information to the public body about the requirements of OMA. The PAC's decision to decline to issue a binding opinion is not reviewable.
- Issue a binding opinion to resolve the OMA dispute. The PAC will review any information needed to analyze the OMA allegations you raised and any additional information you and the public body choose to provide. If the PAC decides to issue a binding opinion, it must do so within 60 days after receiving the request for review, unless the PAC extends the time by no more than 21 business days by sending a written notice to the requester and the public body. If the public body does not appeal the opinion and fails to take the remedial action ordered by the opinion, the Attorney General's Office may sue the public body to enforce the opinion. If the opinion concludes that the public body did not violate OMA, the complainant may appeal the opinion to the circuit court.

Do I have to file a request for review with the PAC before I can file an OMA lawsuit in court?

No. You may bring your own OMA action in court. You should be aware that if you ask the PAC to review a matter and then decide, before the PAC completes the review, to file a lawsuit without waiting for the PAC's decision, the law requires the PAC to immediately stop working on your request for review in order to allow your lawsuit to move forward.

What's the difference between my two appeal options, filing a request for review with the PAC or filing a suit in court?

If you decide not to seek assistance from the PAC and instead go straight to court, the court will decide if the public body conducted the meeting at issue in compliance with OMA. If you submit a request for review to the PAC, the PAC will review the facts and law using the same standard as a court. If the PAC issues a binding opinion deciding your case, then that opinion carries significant weight. If the losing party decides to appeal the PAC's opinion to the court, the court must give deference to the PAC's opinion and can overturn it only if it is clearly erroneous.

What are the penalties that a public body may incur if a court finds that it violated OMA?

Criminal Penalties: Under the law, a State's Attorney may bring a criminal action for certain violations of OMA. A violation of OMA is a Class C misdemeanor.

Civil Remedies: In a civil lawsuit for a violation of OMA, a court may take a number of actions, including:

1. Ordering a public body to conduct an open meeting.
2. Granting an injunction against future violations by the public body.
3. Ordering the public body to make available to the public the minutes of a closed meeting.
4. Declaring null and void any final action taken at a closed meeting in violation of OMA.
5. Awarding any other relief that the court deems appropriate.

The court also may require the public body to pay the attorney's fees and costs of the person who filed the civil lawsuit alleging the OMA violation.

KWAME RAOUL
ILLINOIS ATTORNEY GENERAL

Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.