

Office of the Illinois Attorney General's Public Access Counselor Update

— Summer 2026 —

Each quarter, this newsletter summarizes binding opinions and non-binding determination letters addressing FOIA and OMA disputes. Our office's binding opinions have long been available online, and now PAC is excited to announce that we have also made a repository of hundreds of non-binding determination letters available online. These letters address a wide variety of FOIA and OMA issues, are organized by subsection, and are searchable. PAC's determination letters provide helpful guidance for public bodies with questions about responding to public records requests or holding meetings. The letters will also provide useful information to members of the general public who are wondering whether a FOIA denial is proper or whether an event that occurred at a meeting complied with OMA. We encourage you to review the index pages for the FOIA and the OMA non-binding determination letters.

Our office also reminds public bodies responding to FOIA requests that section 9(a) of FOIA requires you to include the PAC's address and phone number on all notices of denial. Please ensure that your notices of denial contain the correct phone number for PAC: (877) 299-3642. Although section 9(a) of FOIA does not require you to include PAC's email address, if you choose to do so, please ensure that you are providing the correct contact information: public.access@ilag.gov.

Leah Bartelt
Public Access Counselor

Online Training Requirement

The 2026 FOIA and OMA training modules are accessible on the PAC online training portal via the following web address: <https://illinoisattorneygeneral.gov/open-and-honest-government/pac/pac-training/>.

For those requiring general assistance in accessing the portal, you may speak with a PAC attorney M-F during business hours by leaving a message at 877-299-3642. For those needing a password reset or who encounter more complex technical difficulties, please contact PAC IT staff at PACTechnicalSupport@ilag.gov.



SPECIAL POINTS OF INTEREST AND WEB LINKS

Office of the Illinois Attorney General Webpage
<https://www.illinoisattorneygeneral.gov/>

Public Access Bureau Webpage and Resources
<https://www.illinoisattorneygeneral.gov/open-and-honest-government/pac/>

Public Access Bureau Online Training Portal
<https://illinoisattorneygeneral.gov/open-and-honest-government/pac/pac-training/>

2025 PAC Annual Report
[2025PACAnnualReport.pdf](https://www.illinoisattorneygeneral.gov/open-and-honest-government/pac/pac-training/2025PACAnnualReport.pdf)

Illinois FOIA Statute
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&ChapterID=2>

Illinois OMA Statute
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=84&ChapterID=2>



FOIA

If a public body does not provide records in response to a FOIA request, it should unambiguously state that it is withholding public records in its possession or that it does not possess responsive records. Even if a public body believes that any responsive records that may exist would be exempt from disclosure, it must still determine whether it has any records to deny. A public body may not respond in the hypothetical by asserting that records are exempt from disclosure

if they exist, absent a specific legal basis for neither confirming nor denying their existence. Additionally, clearly explaining to a requester that the records do not exist may help to limit the number of PAC appeals or lawsuits brought by requesters.

OMA

Accurate meeting minutes are a core component of a public body's compliance with OMA, and the individual responsible for recording those minutes plays an essential role. In addition to the other requirements for meeting minutes under section 2.06(a), drafting a "summary of discussion on each matter proposed, deliberated, or decided" can be a particularly daunting task, as the drafter must distill what may be hours of discussion into a clear, accurate, and impartial summary. Although you are not required to provide detailed summaries of matters that were merely discussed by the public body if it did not deliberate and vote on the matters or otherwise take final action, minutes that merely identify a topic that was considered by the public body without any description of the general contours of the discussion could be problematic. Careful note-taking with a focus on the substance of the discussions is the first step toward making this challenging task more manageable. Additionally, although not required under OMA, some drafters choose to make a verbatim recording of the public body's open session. Such recordings can be a valuable resource when preparing meeting minutes, allowing the drafter to later revisit the discussion and more accurately summarize the matters proposed, deliberated, or decided.

Recent PAC Binding Opinions

Below are summaries of and links to two recently-issued PAC binding opinions. All PAC binding opinions can be accessed on the PAC webpage: <https://www.illinoisattorneygeneral.gov/Open-And-Honest-Government/PAC/Opinions/>

Ill. Att'y Gen. Pub. Acc. Op. No. 26-005, May 15, 2026

<https://illinoisattorneygeneral.gov/Page-Attachments/FOIAPAC/2026-Binding-PAC-Opinions/Binding%20Opinion%2026-005.pdf>

OPEN MEETINGS ACT: Taking Final Action on Matter Not Sufficiently Identified on Meeting Agenda: A member of the public alleged that during its February 23, 2026, meeting, the Okawville Village Board of Trustees voted to terminate the employment of a Village police officer without providing sufficient advance notice of that action on its meeting agenda. Section 2.02(c) of OMA requires that a meeting agenda "set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting." This provision requires public bodies to include on agendas sufficient detail to notify members of the public of the types of final actions that public bodies anticipate taking at their meetings. Here, the meeting agenda listed "Personnel issues" under a heading for "POLICE & LIQUOR" and also included a reference to holding a closed session to discuss "personnel" under the section 2(c) (1) exception. Based on a review of the legislative history of the bill that added section 2.02(c) to OMA, the Attorney General determined that the meeting agenda did not set forth the general subject matter of the Board's vote to terminate the employment of a Village police officer, as the agenda item identified neither the category of employee at issue nor the type of personnel

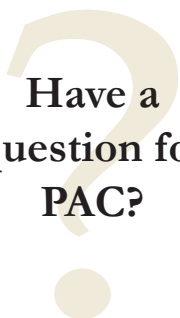
Cont.

transaction to be considered. Because a member of the public who read the agenda before the meeting would not have generally known what the Board would be acting upon, the Attorney General concluded that the Board violated section 2.02(c). The Attorney General directed the Board to remedy the violation by re-voting on the termination of the employee after posting a meeting agenda that provides sufficient detail to identify the general subject of that final action, including, at minimum, the category of employee and the type of personnel action to be considered.

Ill. Att’y Gen. Pub. Acc. Op. No. 26-006, June 30, 2026

<https://illinoisattorneygeneral.gov/Page-Attachments/FOIAPAC/2026-Binding-PAC-Opinions/Binding%20Opinion%2026-006.pdf>

FREEDOM OF INFORMATION ACT: Basis for Withholding Police Records Documenting Arrest: A member of the news media submitted a FOIA request to the Oak Lawn Police Department seeking copies of various arrest and investigatory records related to the January 2023 arrest of a named adult. The Department denied the request in its entirety pursuant to section 7(1)(c) of FOIA, claiming the records concerned the investigation of a family’s private domestic incident. Section 7(1)(c) of FOIA exempts from disclosure “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” Section 7(1)(c) defines “unwarranted invasion of personal privacy” as “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.” However, section 2.15(a) of FOIA specifically requires the disclosure of basic information concerning arrests. Because the specific requirements of section 2.15(a) of FOIA prevail over the general provisions of section 7(1)(c), the information listed in section 2.15(a) of FOIA generally cannot be withheld. Also, the arrestee was a public employee both at the time of the arrest and the time of the FOIA request. For those reasons, the Attorney General concluded that the public interest in disclosure of information concerning the investigation and arrest of the named individual outweighed the limited and qualified right to privacy of the arrestee in disclosure of information about the arrest. The Attorney General also determined that the identifying information of the victim, witnesses, and other third parties in the police reports, as well as all references to children, could be redacted from the records because disclosure would constitute an unwarranted invasion of those individuals’ personal privacy.


**Have a
question for
PAC?**

Leah Bartelt, Public Access Counselor
Illinois Attorney General’s Office
500 South Second Street • Springfield, Illinois 62701

Public Access Hotline: (877) 299-3642
Public Access Fax: (217) 782-1396
General E-mail: Public.Access@ilag.gov

PAC Technical Support: PACTechnicalSupport@ilag.gov

Helpful Non-Binding Determinations

In addition to issuing binding opinions, PAC resolves thousands of matters each year through mediation and non-binding determination letters. Highlighted below are summaries of two recent non-binding determination letters. Additional illustrative examples of some of PAC's non-binding determination letters may be found on the PAC webpage at the following links:

FOIA: <https://illinoisattorneygeneral.gov/open-and-honest-government/pac/Non-Binding-Determination-Letters-FOIA/>

OMA: <https://illinoisattorneygeneral.gov/open-and-honest-government/pac/Non-Binding-Determination-Letters-OMA/>

FOIA:

Ill.Att'y Gen. PAC Req. Rev. Ltr. 94590, issued June 30, 2026

Recently enacted section 3(j) of FOIA provides: "Within 5 business days after its receipt of the request, a public body that has a reasonable belief that a request was not submitted by a person may require the requester to verify orally or in writing that the requester is a person." The Village of Streamwood responded to a FOIA request by asking the requester to verify orally by telephone that they are a person. The requester replied by e-mail and verified that they are a person. After the Village reiterated that the requester must verify orally, the requester filed a Request for Review. Although PAC determined that the Request for Review was premature because it was submitted before the public body's time to substantively respond to the request had expired, this office guided the verification requirement in section 3(j) of FOIA. Because the wording of section 3(j) is somewhat ambiguous, PAC construed it in the context of FOIA as a whole and based on its legislative history, which clarifies that section 3(j) was intended to relieve public bodies from having to substantively respond to burdensome FOIA requests by automated software without diminishing the transparency requirements of FOIA. The PAC advised that section 3(j) of FOIA affords a requester discretion to verify that they are a person either orally or in writing, and the Village confirmed that it had already provided the requester with the records responsive to their request.

OMA:

Ill.Att'y Gen. PAC Req. Rev. Ltr. 93241, issued June 10, 2026

A member of the public alleged that the Town of Cicero Board of Trustees violated section 2.06(g) of OMA during its March 24, 2026, meeting by permitting police to eject them from the meeting—without a formal vote by the Board or directive from the Mayor—based on the content of their comments rather than any actual disruption of the meeting. After the commenter extended their middle finger toward the Board for the final portion of their three-minute public comment period, a police officer removed the commenter from the meeting without instruction from the Mayor or any Trustee. The commenter argued that their public comment was improperly restricted because they were not disrupting the meeting, and the officer should not have removed them without an order of the presiding officer (Mayor). The PAC determined that the Board did not unreasonably restrict public comment because raising one's middle finger at the Board was clearly a profane gesture in breach of decorum, and the Board has inherent authority to restrict comment when there is a breach of decorum, with or without any other disruption. Although the Board's public comment rules provide that the presiding officer shall maintain order and decorum, neither the Board's rules nor section 2.06(g) of OMA required the Mayor or the Board to issue a formal directive or hold a vote to approve of police ejecting the commenter from the meeting. The Board effectively authorized the termination of the individual's public comment by not objecting to their removal.

UPCOMING PAC WEBINARS

The Public Access Counselor is charged, in relevant part, with providing education on the requirements of FOIA and OMA. FOIA officers, OMA designees, elected/appointed officials, and municipal staff are encouraged to participate in a series of free educational webinars offered throughout the year by the PAC. These webinars supplement the information provided in the mandatory FOIA and OMA electronic trainings discussed above and allow participants to submit questions to PAC attorneys.

All webinars begin at 10:00 am. Those interested in registering for one or more of the training sessions may do so at the registration links below:

Open Meetings Act – Better Understanding and Compliance Webinar (90 minutes):

September 18, 2026

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_PvMIVRc5RL6v8kaqE54XGA



October 29, 2026

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_yNi-IFpQP2MWn6ZVkr5iw



FOIA for Public Bodies Webinar (2 hours):

September 17, 2026

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_sYwfb0f1RGKgJM1bYZjoPg



October 27, 2026

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_DU3iNtK8T0y5Z4EpTzfzIA



UPCOMING PAC WEBINARS CONTINUED

FOIA for Law Enforcement Agencies – Video Recordings Webinar (90 minutes):

October 6, 2026

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_q2A2u61tQxWwjaHhHKESFg



November 18, 2026

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_4alUOLYQsui41bFVIEDVQ



FOIA for Law Enforcement Agencies – Reports Webinar (90 minutes):

September 25, 2026

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_M2euh-LsTPe_MRpgSgoE-A



November 19, 2026

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_Iq3tJVu0S8WJLnCiCpstA



In addition to hosting these webinars, PAC attorneys may be available for in-person presentations covering FOIA and/or OMA. Any group or organization interested in hosting a training conducted by a PAC attorney may contact this office at Special.Events@ilag.gov for more information.

In an effort to best utilize the PAC's resources, we request that any hosting organization procure a minimum of 25 attendees prior to requesting an in-person presentation.