

# **Attorney General Raoul Issues 2023 Public Access Report During Sunshine Week**

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CHICAGO - In recognition of Sunshine Week, Attorney General Kwame Raoul released the [Public Access Counselor Annual Report](#) with details of a sampling of over 3,800 new matters received in 2023.

The PAC works to increase transparency in Illinois government by resolving disputes regarding public bodies' compliance with the state's Freedom of Information Act (FOIA) and Open Meetings Act (OMA). The 2023 report also describes how the PAC trained thousands of individuals on Illinois' transparency laws in webinars, seminars and conferences throughout the state.

“The Public Access Counselor in my office works throughout the year to ensure government agencies in Illinois are accessible to the people they serve. I’m proud to highlight that hard work and transparency during Sunshine Week,” Raoul said. “To ensure public bodies understand their obligations under transparency laws, I encourage appointed and elected officials and FOIA officers, as well as the public, to attend critical and thorough trainings led by experts from my Public Access Bureau.”

Since the PAC's creation under state law in 2010, members of the public and the media have submitted more than 55,000 matters to the PAC for review. Last year, the PAC received 3,810 formal requests for assistance pursuant to FOIA and OMA – an average of more than 310 new matters per month.

The PAC's determinations have created new and important legal guidance in Illinois to explain the public's right to obtain public records and to ensure meetings are open to the public, thereby fostering increased transparency in government. They have successfully clarified the law, especially on issues that have not been addressed by courts.

In addition to analyzing and resolving disputes through binding and non-binding opinions, the PAC conducts trainings, both remote and in person, that inform government officials about their duties under FOIA and OMA. Last year, the PAC bureau hosted 12 webinars attended by more than 2,300 individuals.

In 2023, the PAC issued 17 binding opinions, which are enforceable in court and create legal guidance concerning Illinois' government transparency laws. Among the notable matters that resulted in binding opinions last year were the following:

- **23-016, issued Dec. 27, 2023:** A member of the public alleged that the Yorkville Community Unit School District 155 Board of Education convened a closed session meeting to discuss removing the book “Just Mercy” from the curriculum for the district's English classes. The board acknowledged discussing the book in closed session but argued that several provisions of OMA permitted that discussion because a parent had filed a grievance concerning the district's inclusion of the book in its curriculum. The PAC's review of the closed session verbatim recording indicated that the board debated the appropriateness of the book in the English curriculum rather than any specific employee's job performance or actions, or testimony or evidence for the purpose of adjudicating the grievance, or matters

relating to individual students. The PAC directed the board to release the closed session verbatim recording and meeting minutes to the public.

- **23-008, issued May 26, 2023:** St. Clair County treated a FOIA request from the Natural Resources Defense Council, a not-for-profit organization, as a request having a “commercial purpose,” and levied a fee for personnel costs associated with its search, review, and reproduction of responsive records. The opinion found that the county failed to establish that the council’s request met the definition of having a commercial purpose, as defined in section 2(c-10) of FOIA. Because FOIA prohibits public bodies from charging personnel costs for non-commercial requests, the PAC concluded that the asserted fee was improper, and directed the county to provide the council with responsive records subject only to permissible fees for copying.
- **23-010, issued July 12, 2023:** A reporter requested police records relating to a fight that occurred outside of a high school in which both an adult and a minor were arrested. The Village of La Grange disclosed a copy of the adult’s arrest information sheet, arrest card, and mugshot report, but withheld the remaining law enforcement records pursuant to the confidentiality provisions of the Juvenile Court Act of 1987 (JCA). The JCA requires the withholding of “juvenile law enforcement records,” which are records that identify a juvenile as an arrestee or a suspect in a crime. That law does not contain an exception for juvenile law enforcement records that also discuss criminal conduct committed by adults. The PAC concluded that the JCA did not permit disclosure of any portion of the police report to an unauthorized party, regardless of the extent to which a portion of the report identified an adult arrestee. The village’s response to the reporter did not violate FOIA, as the disclosure of the arrest records that concerned only the adult arrestee, coupled with the withholding of police reports that involved the minor arrestee, complied with the requirements of both section 2.15 of FOIA and the JCA.

The PAC also helps resolve transparency issues between government bodies and members of the public through the use of non-binding determinations and informal negotiations. Here are some examples of such resolutions:

- **2023 PAC 77191:** A member of the public submitted an OMA request for review alleging that poor audio at city of Washington City Council meetings has been an ongoing problem that has rendered portions of meetings inaudible. After the PAC issued guidance emphasizing that OMA requires public bodies to provide reasonable access to meetings, including taking reasonable measures to ensure the proceedings are audible to the public, the city council agreed to rent a portable sound system and upgrade its audio system pending a permanent solution.
- **2022 PAC 74440:** An investigator submitted a FOIA request for review contesting the Chicago Police Department’s denial of a request for records in a missing person’s case. After a PAC attorney conferred with both parties, the requester identified the

records that were most needed at that time, and the department provided the records responsive to the narrowed request – with the understanding that additional records could be requested at a later date, if needed.

- **Letter 70498, issued Mar. 2, 2023:** A journalist submitted a FOIA request for review challenging the City of Chicago Department of Finance’s partial denial of the reporter’s request seeking certain information concerning parking tickets issued by the city. The department withheld the ticket locations and license plate numbers for each vehicle ticketed, pursuant to sections 7(1)(b) and 7(1)(c) of FOIA. Upon review, the PAC determined that the department had not met its burden of establishing that the withheld information was exempt. The department subsequently disclosed the withheld information to the reporter.

Any group or entity interested in attending or hosting a training conducted by a representative of the Attorney General’s office can email [special.events@ilag.gov](mailto:special.events@ilag.gov) for more information. More information about Illinois’ sunshine laws, as well as a copy of the report that includes frequently asked questions can be found on Raoul’s [website](#). For assistance from the Public Access Bureau, contact the hotline at 1-877-299-FOIA (3642), or send an email to [public.access@ilag.gov](mailto:public.access@ilag.gov).