



HOW TO AVOID AN UNPLEASANT MEETING WITH THE ATTORNEY GENERAL

**A Quick Guide to the Open Meetings Act and the
Freedom of Information Act**

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ELECTRONIC TRAINING

- All elected officials must complete the Open Meetings Act Training and file a Certificate of Completion
- Open Meetings Act designee and FOIA officer must successfully complete both the initial training and an annual training
- http://foia.ilattorneygeneral.net/electronic_foia_training.aspx

OPEN MEETINGS ACT

5 ILCS 120/5 ET SEQ

Public Body

- Deliberations and Actions of a Public Body must be OPEN to the Public

Public

- The Public has a RIGHT to advance notice and to attend all meetings of a Public Body at which business is discussed or acted upon

Open Meetings Act

Key Terms

- Public body – funded by or spends tax revenue
- Meeting – gathering of a majority of a quorum to discuss public business

Open Meetings

- Notice – date, time, location
- Post an Agenda at least 48 hours before the meeting
- Quorum must be physically present
- Allow public participation
- Keep accurate Minutes

Closed Meetings

- Meetings can only be closed in limited circumstances
 - 5 ILCS 120/2(c)
- Procedure – Vote to close the meeting, cite the specific exception, and record the vote and the specific citation in the minutes of the meeting.
- Keep a verbatim record of the closed session.
- **NO FINAL ACTION CAN BE TAKEN DURING A CLOSED SESSION**

FREEDOM OF INFORMATION ACT

5 ILCS 140/1 et seq

Public body

- Has a duty to assist the public in obtaining information about their government and about the decision-making process

Public

- Has a right to full and complete information regarding the affairs of their government

Freedom of Information Act

Key Terms

- Public body – all legislative, executive, administrative or advisory bodies; does not include the courts or the judicial branch
- Public record – any document that pertains to government business

FOIA Officer

- Every public body must identify at least one FOIA officer
- Every public body must post the name of the FOIA officer, the procedure for submitting a FOIA request, and a brief description of the office
- FOIA officer must post a list of documents that the public body will immediately make available

Responding to a FOIA Request

- Requests may be submitted via personal delivery, mail, fax, or other means available
- Must make records available for inspection or copying unless exempt from disclosure
- Must respond to the request within 5 business days
- Day 1 is the day AFTER the FOIA request is received
- In limited circumstances the time for responding may be extended by up to 5 business days
- Failure to respond within the required time period is considered a DENIAL of the request
- The requester and the public body can enter a written agreement to extend the time for compliance
- These deadlines do not apply to requests made for a commercial purpose and to requests made by recurrent requesters

Denials of FOIA Requests

- Public body must provide written notification
 - Reason for the denial
 - Name/title of the person responsible for the decision
 - Inform requester of right to seek review by the Public Access Counselor
 - Inform requester of right to seek judicial review

FEES

- Paper records
- Electronic records
- Public body has discretion over whether to grant a fee reduction or waiver

Exceptions to the Duty to Disclose

- Exemptions from the Freedom of Information Act – 5 ILCS 140/7
- Exceptions to disclosure are to be read narrowly
- If a request is denied on the grounds that the requested material is exempt, the written denial must identify the authority for the denial