



HB 4165 ANALYSIS

(as of May 20, 2009)

House Amendment #1

Sponsor: Currie-Black-Franks-Farnham-Dugan

Creates Public Access Counselor (PAC) position within the Office of the Attorney General

The Public Access Counselor:

- Will review, when requested, Freedom of Information Act requests that have been denied by a governmental body:
 - Request must be filed not later than 60 days after questioned denial
 - Request must be in writing, include a summary and be signed
 - PAC must inform the public body of intent to review a FOIA denial within 7 days and specify which records they want to review
 - Public body may respond to review notice
 - Public body has 7 days to provide records requested by PAC
 - PAC may subpoena any person or public body “having knowledge of” records in question if public body does not provide them within the 7 days allowed
 - PAC must issue “findings of fact and conclusions of law” within 60 days after initiating review
 - The opinion shall be binding if the PAC chooses
 - Binding opinions must be posted on the PAC/AG website
 - The decision not to issue a binding opinion is not reviewable
 - If a requestor files suit, the PAC shall halt the review
- Will advise, when requested, public bodies on FOIA requests before the body determines whether or not to grant access
- Records collected by the PAC for a review of a denied request will not be released to the public until the PAC has reviewed the case and only if the denial request was unfounded
- Must create the “electronic training curriculum” FOI Officers are required to take

HB 4165 creates a requirement for each public body to appoint an employee as the Freedom of Information Officer:

- FOI Officer shall receive, direct, and track all FOIA requests, and be responsible for a timely response
- FOI Officer would be required to complete an electronic training curriculum developed by the PAC within 6 months of passage of Act. New designees must complete course within 30 days
- Would be the public body’s representative for all FOIA requests

This analysis was created by the Governmental Relations Department of the Illinois Association of School Boards.