

FOIA – Excessive Requests

Issue & Background

The Freedom of Information Act (FOIA) is an important tool that allows individuals to access governmental records. It promotes accountability and transparency in government; the law presumes that all public records are open to inspection or copying unless specifically exempted. FOIA provides a legal mechanism for individuals and organizations to request and obtain such records from public bodies within prescribed timelines and procedures. The current version of the law, which has been amended to strengthen access and enforcement numerous times, took effect January 1, 2010.

Concerns

While it is important to preserve the overall intent of FOIA, over the years, excessive and burdensome FOIA requests have increasingly been weaponized against school districts and other public bodies. This has resulted in a significant amount of time and resources being spent responding to these requests, diverting administrative time and money from students. Reasonable parameters should be made around these excessive and mass requests.

Proposed Solutions

Support legislation that reduces the number of burdensome and frivolous FOIA requests. The proposals include:

- Extending the amount of time that a school district has to respond to certain requests
- Including a requirement that a requester must verify their status upon request.
- Limiting awards of attorney's fees to mass requesters.
- Changing the definition of “commercial purposes,” including deeming requests for commercial purposes unduly burdensome if the requests are from the same person and seek similar or updated records.

IASB Ask

Support FOIA reform legislation that would reduce burdensome and frivolous FOIA requests. Current legislation introduced in the Illinois General Assembly addresses these issues. The legislation sponsored by Rep Dan Didech includes HB4681, HB4682, HB4683 and HB4684

