

New Changes to Public Transparency Laws Set to Take Effect Beginning in the New Year

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On November 21, 2025, the Governor signed into law a bill that modifies the Freedom of Information Act (“FOIA”), the Open Meetings Act (“OMA”), and the Local Records Act. Now referred to as Public Act 104-0438 (the “Act”), these changes directly impact the laws that promote transparency and accountability in government and take effect on January 1, 2026. Changes to these laws are outlined in more detail below.

Changes to the Freedom of Information Act:

Junk Mail Excluded From “Public Records” Definition. The definition of “public records” under the FOIA now specifically excludes junk mail. Junk mail is defined as: (i) any unsolicited commercial mail sent to a public body and not responded to by an official employee, or agent of the public body, or (ii) any unsolicited commercial electronic communication sent to a public body and not responded to by an official, employee, or agent of the public body.

As a result, public bodies will not be obligated to disclose “junk mail” in response to a FOIA request, nor assert an exemption for it.

Protection from Phishing. Another significant change includes the requirement that electronic FOIA requests must be submitted in their entirety in the body of the electronic submission. In the case of emails, this means that the FOIA request must be contained in the body of the email as opposed to being provided via an attachment or hyperlink. Public bodies that receive a FOIA request which requires it to open a hyperlink or attached file must notify the requester within 5 business

days that the entirety of the electronic request must appear within the body of the electronic submission.

Relief from Artificial Intelligence. Additionally, public bodies may now request verification as to whether a requester is a “person” as defined by the FOIA. Expanding the definition of a “person,” the Act now provides that under the FOIA, a person means an individual as well as “any individual acting as an agent” for a corporation, partnership, firm, organization or association. To the extent that a public body has a “reasonable belief that a request was not submitted by a person,” it may require the requester to confirm either orally or in writing that the requester is actually a person. This request for confirmation must be made within five (5) business days after the public body receives the FOIA request. Notably, the new language also stipulates that the deadline for the response to the FOIA request is tolled until the requester verifies their status as a person. In the event the requester fails to verify they are a person within 30 days after the public body’s request, the public body may then deny the request. This amendment prohibits the public body from requiring a requester to submit any personal, private or identifying information as verification of being a person.

Website Posting. As it pertains to posting requirements under the FOIA, public bodies will now be required to post information related to FOIA requests on its website as opposed to posting this information at its administrative or regional offices. As a refresher, the following information was previously required by the FOIA to be posted at the administrative offices:

- Brief summary of the public body, including a summary of its purpose.
- Block diagram of its functional subdivisions
- Total amount of its operating budget
- Number and location of all of its separate offices
- Approximate number of full and part-time employees
- Identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures, or to which the public body is required to report
- The method by which the public may request information and public records, the

designated FOIA officer, the address to which requests for public records should be directed, and any applicable fees under the FOIA.

With this amendment, public bodies must now post all such information on their website. If the public body does not have a website, the information should be posted at its administrative or regional office.

Changes to the Open Meetings Act:

Election Days. Public Act 104-0438 amends the OMA to now prohibit public bodies from holding or scheduling regular and special meetings on any election day, including general, consolidated, and primary elections. In light of this change, it is important for public bodies to review the calendar for the upcoming year, and ensure no scheduled meeting falls on an election day.

Remote Attendance. The amendment adds those who are prevented from physically attending due to the performance of active military duty as a service member as a permissible reason to attend a meeting remotely, if remote attendance is permitted by local policy.

Regional Representatives. The new law permits representatives of regional associations, as opposed to only statewide associations, to lead a self-evaluation session for boards in closed session.

Changes to the Local Records Act:

Junk Mail Excluded From “Public Records” Definition. The sole change to the Local Records Act includes the addition of the definition of “junk mail” which is defined the same as under the FOIA and provides that junk mail is not included in the definition of a public record.

If you have any questions about the amendments to the FOIA, the OMA or the Local Records Act under the Act, please contact one of the authors of this post or any [Franczek attorney](#).