

Illinois Freedom of Information Act

April 24, 2025

Freedom of Information Act (FOIA)

FOIA makes all school records open to public inspection and copying except where:

- (a) other statutes expressly forbid public access;
- (b) a requested record falls under one of the exemptions provided by FOIA, or \
- (c) the requested record was created prior to July 1, 1984 and falls under the purview of the Local Records Act.

- This is one of at least five state laws regulating school records and public access

Other important records related laws

- 1) The **Local Records Act** governs the preservation and disposal of school records and requires public access to financial records created prior to July 1, 1984.
- 2) The **Illinois School Student Records Act** protects the privacy of individual students by strictly limiting disclosure of their school records. It also provides students and their parents with the right to inspect and to challenge the contents of those records.
- 3) The **Illinois Personnel Records Review Act** provides an employee access and the right to challenge material in his/her personnel records and prohibits public access without permission of the employee.
- 4) The **Open Meetings Act** provides that the minutes of school board meetings must be made available for public inspection within 10 days after the board has approved them. The minutes of closed meetings need not be made available for inspection until the board declares there is no longer a reason to keep them confidential.

FOIA

“Public Records” including all: records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information, and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body

2 Step Test:

(1) does it relate to the transaction of public business and

(2) was it “prepared by or for, or having been or being used by, received by, in the *possession* of, or under the control of any public body.

“Personal” or “private” emails sent or received by school employees on a school’s computers should not be considered public records under the Act because they were not made or received pursuant to any law or ordinance or in connection with the official business of the school and, therefore, do not come under the control of the school.

- The Act does not require a public body to prepare and keep any new records (however, the furnishing of records located in two different places does not constitute the creation of a new record.)
- The Act does not require a public body to prepare answers to questions,⁹⁰ or to interpret or advise requesters as to the meaning or significance of the public records.
- A public body is not required to prepare its records in a new format merely to accommodate a request for certain information

Responses

- **Initial Response** - 5 business days. Can be extended by the public body for 5 additional business days with notification.
- **Commercial response** - 21 business days
- Can requested to be narrowed for **burdensome responses**: *“unless to do so would unduly burden the public body and there is no way to narrow the request.”*
- Can deny for **voluminous responses**: *“A request that (i) includes more than five (5) individual requests for more than five (5) different categories of records or a combination of individual requests that total requests for more than five (5) different categories of records in a period of twenty (20) business days; or (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. “Single requested record” may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording.”*