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Pending Legislation Seeks to Address Mass FOIA Requests Received by School Districts Across Illinois

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Over the last few months, school districts and other public bodies throughout the State have received FOIA requests from the same organization without a clear public interest reason for the requested records. This group has followed its flurry of requests with subsequent lawsuits related to the FOIA responses, seeking immediate payment of legal fees and attempting to exploit the mandatory fee shifting provisions in the FOIA. The FOIA currently mandates a public body to pay a requester's attorney fees if the litigation results in release of initially exempted or redacted documents.

To address the nuisance these FOIA requests have created for public bodies, Franczek has partnered with our colleagues at the law firms Hodges Loizzi and Robbins Schwartz and ED-RED, to draft legislation. Each of these bills aims to deter these types of nuisance mass FOIA requests that fail to demonstrate sufficient public purpose for the records requested.

Our firms worked with State Representative Daniel Didech to file four separate bills that are currently pending before the Illinois General Assembly. The first of these bills, [House Bill 4681](#), amends the FOIA by adding the definitions of "mass requester" and "vexatious requester" and setting forth procedures and requirements to deter these type of requests. Similarly, [House Bill 4683](#) defines "mass requester" and, among other deterrence provisions, limits awards of attorneys' fees for requesters who fall under this category. [House Bill 4682](#) amends the FOIA by providing that repeated requests for commercial purposes are unduly burdensome to the extent that the requests are from the same person and seek similar or updated records. Finally, [House Bill 4684](#) defines "purposeless mass request," and provides further deterrence concerning such requests. It also prohibits the pursuit of attorneys' fees by the requester in actions where a public body determines the

request is a purposeless mass request. The ultimate intention of this effort is to seek legislator input and put forth the strongest provisions with wide support for a single bill to address the concerns that these mass requests have raised for public bodies.