

# HOW TO FILE A FREEDOM OF INFORMATION ACT REQUEST IN ILLINOIS

**THEY CALL THEM** public records, but too often government employees don't see them that way. The paper or digital trail could lead to questions that make their jobs difficult. The school or local government workers may have protective instincts for their boss or the institution. They may truly have some misdeed to hide. But what they are trying to guard remain public records, and you have a right, by law, to see them. It's called the Freedom of Information Act, or FOIA for short.

There are some exceptions, but for the most part you should be able to see the records that led to government decisions and how they spent your taxes with whom and why. Maybe the biggest reason to exercise these rights is the same as why the security system sign on your lawn is more valuable than the alarm itself: people are most honest when they know they are being watched.



## HOW DOES FOIA WORK?

FOIA is a state law providing all citizens, not just journalists, access to public records of taxing bodies. In Illinois, the law underwent changes in 2010 that required local governments to designate FOIA officers, established a Public Access Counselor position in the Office of the Attorney General, and decreed that governments shall provide the first 50 pages of black-and-white, letter- or legal-sized pages of requested documents for free, among other changes. You do not have to request hard copies of the information you seek. Electronic records are often easier and faster to access and more convenient for both the FOIA officer and requester. You can request any information be provided to you in electronic format.

Governments must respond to FOIA requests within five business days. They may request an additional five business days if the records are stored off-site, if an "extensive search" is required, if the records require examination by legal counsel to determine whether all or segments are exempt from disclosure, and for limited other reasons. Governments are to notify requestors of the need for this extra time within the initial five business days. More applicable information is available under Chapter 3 of [this FOIA Guide](#).

## HOW DO I REQUEST INFORMATION?

1. Determine which records you seek.
2. Determine the keeper of those records (e.g., if you want to learn about school reopening correspondence between your local school district and state officials, you'd want to contact your local school district).

3. Examine the website of the local government holding the sought-after records. Using select keywords, find the contact information for the designated FOIA officer.

For example, to examine all bids submitted for a construction project under way in your school district, plug into a search engine bar the following: "School District XX, name of town and state where located, FOIA." What you seek should now be a click away. Most government websites currently include a click-through to a FOIA request form, along with the email address for submissions. You do not need to use their form. You may address a letter of your own composition to the proper FOIA officer (see a FOIA letter sample [here](#)).

Some governmental authorities accept oral records requests. But submitting a physical or digital letter provides a paper or digital trail for use if your request is denied. Record the time and date of submission, the person to whom it was submitted and note on your calendar the response deadline. Lack of a response within the requisite time period is considered a denial.

## TIPS FOR MAKING A SUCCESSFUL FOIA REQUEST

1. Identify the appropriate entity to send your request to. Sending a FOIA for a lawmaker's pension information to the Housing Development Authority obviously will not work. Sometimes a call to a clerk or government staffer can tell you where you can get the information.
2. Be as specific as possible in your request. Know what you are looking for and provide as much detail as possible when describing the information you want. Vague requests will likely be rejected or result in partial or incorrect information.
3. Always provide an example when you can. If possible, include a PDF, spreadsheet or other file showing the data you are looking for. This helps avoid any confusion, speeds up the process and ensures you will receive the correct information.
4. Keep the request short and as simple as possible. Requests that are too large or ask for vast amounts of information will likely be rejected.
5. Call the public entity you are intending to FOIA and ask if they can provide you with the information. Sometimes, if you call and tell them you could FOIA for the information you are looking for but ask them to provide it without sending an official request, they will send it to you faster. This works with information when it's very easy for someone to click a few times and send it to you. This will not work for more complex requests. Example: Local voter registration totals for a local government should be easy for a local government election agency to send you without a formal FOIA.
6. Check the government agency's website. Often basic information such as budgets, ordinances, meeting minutes and staff salaries are on their websites.

## WHAT IF THE GOVERNMENT DENIES MY REQUEST?

If your request is denied, examine the reason stated for the denial by reading the actual language of the exemption specified in Section 7 [of the FOIA](#). If you believe you were improperly denied, you may, within 60 days of the denial, submit your request for review by the Illinois Attorney General's Public Access Counselor. Call 877-299-3642 for information. Or mail your request to 500 S. Second St., Springfield, IL, 62706. Submitting to this address for judicial review also is an option, as is filing a lawsuit.