# ATTORNEY GENERAL OPINIONS ISSUED THROUGH THE OFFICE OF THE PUBLIC ACCESS COUNSELOR INDEX OF FREEDOM OF INFORMATION ACT BINDING OPINIONS FROM 2010 TO PRESENT



# **OPINIONS COVERED BY THIS INDEX**

| 2010 - 10-001 through 10-004 | 2015 - 15-001 through 15-015 | 2020 - 20-001 through 20-010 |
|------------------------------|------------------------------|------------------------------|
| 2011 - 11-001 through 11-007 | 2016 - 16-001 through 16-015 | 2021 - 21-001 through 21-012 |
| 2012 - 12-001 through 12-015 | 2017 - 17-001 through 17-015 | 2022 - 22-001 through 22-014 |
| 2013 - 13-001 through 13-018 | 2018 - 18-001 through 18-018 | 2023 - 23-001 through 23-017 |
| 2014 - 14-001 through 14-016 | 2019 - 19-001 through 19-013 | 2024 - 24-001 through 24-012 |

This document is a comprehensive index of binding opinions issued by the Attorney General through the Office of the Public Access Counselor from 2010 through the present. Please note that an opinion may have been superseded by statute or case law. You should, therefore, review each opinion upon which you would rely in consultation with an attorney familiar with Illinois law.

The opinions cited in this index are available in PDF format on <u>this website</u>. If you do not find an opinion on an issue with which you are concerned, feel free to contact the Public Access Bureau of the Office of the Attorney General (877-299-3642) to inquire regarding the existence of additional records.

# INDEX TO SUBJECT HEADINGS

## Subject Heading

| ADJUDICATORY RECORDS  | 1      |
|---|--------|
| ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT DOCTRINE                     |        |
| CERTIFIED PAYROLL RECORDS   | 1      |
| COLLECTIVE NEGOTIATING MATTERS  |        |
| COMMERCIAL PURPOSE  |        |
| COMPLETENESS OF RESPONSE  |        |
| CONFIDENTIALITY PROVISIONS  |        |
| COOPERATION WITH THE PUBLIC ACCESS COUNSELOR                            |        |
| COURT ORDERS  |        |
| DEFINITIONS   |        |
|   | 3      |
| EXPENDITURE OF PUBLIC FUNDS   | 4      |
| INFORMATION SPECIFICALLY PROHIBITED FROM DISCLOSURE                     | כ<br>ה |
| INSURANCE   |        |
| JAIL AND PRISON RECORDS   |        |
| LAW ENFORCEMENT AND ADMINISTRATIVE ENFORCEMENT RECORDS                  |        |
| NONRESPONSIVE INFORMATION   |        |
| PERSONAL INFORMATION  |        |
| PERSONNEL RECORDS   | 9      |
| POSSESSION OF RESPONSIVE RECORDS  | 9      |
| PRELIMINARY RECORDS (DELIBERATIVE PROCESS)                              | 10     |
| PRIVATE INFORMATION   |        |
| PROVISION OF RECORDS  |        |
| PUBLIC BODIES SUBJECT TO FOIA   |        |
| PUBLIC RECORDS  |        |
| RECEIPT OF REQUESTS   |        |
| RECURRENT REQUESTERS.   | 12     |
| SCHOOL STUDENT RECORDS  | 12     |
|   |        |
| TRADE SECRETS AND COMMERCIAL OR FINANCIAL INFORMATION                   |        |
| UNDULY BURDENSOME REQUESTS<br>UNWARRANTED INVASION OF PERSONAL PRIVACY  |        |
|   |        |
| VALUABLE FORMULAE, COMPUTER GEOGRAPHIC SYSTEMS, DESIGNS, ETC.           |        |
| VULNERABILITY ASSESSMENTS, SECURITY MEASURES, & RESPONSE POLICIES/PLANS | 14     |

## <u>Page</u>

## ATTORNEY GENERAL OPINIONS Issued Through the OFFICE OF THE PUBLIC ACCESS COUNSELOR INDEX OF BINDING FOIA OPINIONS FROM 2010 TO PRESENT

current through Opinion No. 24-012 updated October 3, 2024

### SUBJECT MATTER

**OPINION NUMBER (YEAR)** 

## ADJUDICATORY RECORDS:

| Records Relating to a Public Body's Internal<br>Investigation into an Employee's Conduct  | 13-011 (2013) |
|---|---------------|
| Disclosure of Invoices for Legal Services   | 14-002 (2014) |
| Disclosure of Information in Village President's Resignation Letter<br>Does Not Relate to the Adjudication of an Employee Grievance | 18-001 (2018) |
| Disclosure of Video Footage That Predates and Exists Independently of Any Adjudication  | 24-005 (2024) |

#### ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT DOCTRINE:

| Disclosure of Invoices for Legal Services  |
|--|
| Disclosure of Invoices for Legal Services14-002 (2014)   |
| Disclosure of the Governor's Calendar  |
| Disclosure of General Information Concerning<br>Outside Counsel Representing State Agencies                  |
| Disclosure of Information Related to State Employees Designated as Essential17-006 (2017)                    |
| Communications Attorney Provides to Client Containing<br>Legal Advice Protected by Attorney-Client Privilege |
| CERTIFIED PAYROLL RECORDS:   |

| Disclosure of Certified Payroll Records                                  | 15-011 (2015) |
|--|---------------|
| Disclosure of Contractor's Employees' Names in Certified Payroll Records | 17-010 (2017) |

### COLLECTIVE NEGOTIATING MATTERS:

| Disclosure of Invoices for Legal Services | r Legal Services14-002 (2014) |
|---|-------------------------------|
|---|-------------------------------|

#### COMMERCIAL PURPOSE:

| Improper Treatment of a FOIA Request as Request for |  |
|---|--|
| Commercial Purpose and Improper Assessment of Fees  |  |

#### COMPLETENESS OF RESPONSE:

| Disclosure of All Non-Exempt Portions |               |
|---------------------------------------|---------------|
| of Requested Records                  | 12-009 (2012) |

|        | Duty to Furnish Non-Exempt Records and to Issue   |               |
|--------|---|---------------|
|        | a Written Denial For Any Records Not Provided   |               |
|        | Duty to Conduct Reasonable Search for Responsive  |               |
|        | Records; Duty to Disclose Public Records  | 14-007 (2014) |
|        | Duty to Conduct a Reasonable Search for Responsive Records                                  | 14-010 (2014) |
|        | Disclosure of Records of the State Board of Professional Engineers                          |               |
|        | Related to Licensing Investigations   | 15-001 (2015) |
|        | Home Rule Ordinance Does Not Supersede FOIA   | 15-002 (2015) |
|        | A FOIA Response Should Indicate Whether a Search Was Conducted                              |               |
|        | for Responsive Records for All Parts of a FOIA Request                                      | 15-004 (2015) |
|        | Disclosure of General Information Concerning<br>Outside Counsel Representing State Agencies | 15-010 (2015) |
|        | Duty to Conduct Reasonable Search for Responsive Records                                    |               |
|        | A Public Body Must Provide a Letter or Other Communication Notifying a                      |               |
|        | Requester of a Partial Denial and Explaining the Factual Basis for                          |               |
|        | Any Exemption under which Records Were Redacted   |               |
|        | A Public Body's Response Must Include a Factual Basis Supporting Its                        |               |
|        | Claimed Exemptions  | 17-006 (2017) |
|        | Duty to Conduct Reasonable Search for Responsive Records                                    | 18-013 (2018) |
| CONFIE | DENTIALITY PROVISIONS:  |               |
|        | Confidentiality Provisions in Settlement Agreements Are Inconsistent                        |               |
|        | with the Requirements of section 2.20 of FOIA and Unenforceable                             |               |

| with the Requirements of section 2.20 of FOIA and Unenforceable  | 14-004 (2014) |
|--|---------------|
| Confidentiality Agreements that Allow a State Agency to Circumvent the Public Policy Effectuated by FOIA are Unenforceable | 14-005 (2014) |
| Confidentiality Provision in a Settlement Agreement Did Not Authorize a<br>City to Withhold the Agreement                  | 15-004 (2015) |

## COOPERATION WITH THE PUBLIC ACCESS COUNSELOR:

| Production of Records to the Public Access Counselor | 12-007 (2012) |
|--|---------------|
| Production of Records to the Public Access Counselor | 15-001 (2015) |

# COURT ORDERS:

| Complaints for Search Warrants and Search Warrants Are Not Subject to Disclosure, |
|---|
| If the Court Includes Language in the Warrant that Specifically Prohibits         |
| Their Disclosure  |

# **DEFINITIONS:**

| "Adjudication" |  |
|----------------|--|
| "Adjudication" |  |

| "Adjudication Hearing"    | 13-011 (2013) |
|---------------------------|---------------|
| "Arrest"                  |               |
| "Biometric Identifier"    |               |
| "Biometric Identifier"    | 17-011 (2017) |
| "Disciplinary Proceeding" | 13-011 (2013) |
| "Discipline"              | 13-011 (2013) |
| "Opportunity to Confer"   | 21-001 (2021) |
| "Public Record"           | 11-006 (2011) |
| "Voice Print"             | 17-011 (2017) |
| "Voice Recognition"       | 17 011 (2017) |

# DUTY TO RESPOND:

| Under Section 3(d) of FOIA, Public Bodies Must Respond<br>to a Request for Records Within Five Business Days             |                |
|--|----------------|
| After Receipt of the Request   | .12-002 (2012) |
| Duty to Respond to FOIA Requests   | .13-001 (2013) |
| Duty to Respond to FOIA Requests   | .13-004 (2013) |
| Duty to Respond to FOIA Requests   | .13-005 (2013) |
| Duty to Respond to FOIA Requests   | .13-009 (2013) |
| Duty to Furnish Non-Exempt Records and to Issue<br>a Written Denial For Any Records Not Provided                         | .13-013 (2013) |
| Duty to Respond to FOIA Requests   | .14-007 (2014) |
| Duty to Respond to FOIA Requests   | .14-011 (2014) |
| Duty to Respond to FOIA Requests   | .14-014 (2014) |
| Disclosure of the Governor's Calendar  | .15-008 (2015) |
| Failure to Timely Respond to FOIA Request Precludes<br>Denial as Unduly Burdensome                                       | .15-011 (2015) |
| Failure to Respond to FOIA Request; Extension<br>of the Response Period  | .15-012 (2015) |
| Failure to Respond to FOIA Requests  | .15-013 (2015) |
| Duty to Respond to FOIA Requests   | .16-001 (2016) |
| Duty to Respond to FOIA Requests   | .16-003 (2016) |
| Duty to Respond to FOIA Requests; Duty to Provide<br>Timely Notification of Extension for Responding<br>to FOIA Requests | .16-004 (2016) |

| Duty to Respond to FOIA Requests |               |
|----------------------------------|---------------|
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
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| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests | 21-008 (2021) |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests | 23-011 (2023) |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |
| Duty to Respond to FOIA Requests |               |

# EXPENDITURE OF PUBLIC FUNDS:

| Records Concerning the Design and Construction of Charter Schools Are<br>Public Records Subject to Disclosure under Section 2.5 of FOIA | 13-012 (2013) |
|---|---------------|
| Disclosure of Settlement Agreements   | 14-004 (2014) |

| The More Specific and More Recent Disclosure Requirements of Section 2.5 of<br>Control over the Provisions of Section 12(iii) of the Illinois Lottery Law.  |               |
|---|---------------|
| A Public Body Cannot Withhold Information Concerning Funds It Expends<br>or Receives from Its Agreements with Private Entities  |               |
| The Public Has a Right to Know the Purposes for which Public Funds<br>Are Expended, Including the Identity of Those Who Receive the<br>Funds and the Amount of Funds Received   | 15-004 (2015) |
| Employment Agreements between Hospital Districts and Physicians Engaged to<br>Carry Out the Mission of the District Involve the Expenditure of Public F   |               |
| Lists Containing Only General Information Concerning Legal Representation of<br>Agencies and Rates of Pay Are Subject to Disclosure under FOIA  |               |
| Disclosure of Public Employees' Compensation  | 16-012 (2016) |
| Financial Terms of Contracts, Billing Invoices, and Budget Documents Related<br>to a Public Body's Use of Public Funds Are Not Exempt from Disclosur<br>under Section 7(1)(g) of FOIA   |               |
| Disclosure of Public Employees' Compensation  |               |
| FEES:   |               |
| No Authority for Public Body to Charge for Copies for Its Files   | 10-002 (2010) |
| A Public Body May Not Charge a Requester Fees for a Third Party Contractor to Locate and Retrieve Public Records in a Non-Commercial Request.   |               |
| Improper Treatment of a FOIA Request as Request for<br>Commercial Purpose and Improper Assessment of Fees   | 23-008 (2023) |
| INFORMATION SPECIFICALLY PROHIBITED FROM DISCLOSURE:  |               |
| Neither the Criminal Identification Act Nor the Illinois Uniform<br>Conviction Information Act Prohibits the Chicago<br>Police Department from Releasing Arrest Records   | 11-001 (2011) |
| Neither the Family Educational Rights and Privacy Act (FERPA) Nor the<br>Regulations Adopted under FERPA Prohibit a State University from<br>Releasing Directory Information  |               |
| The Juvenile Court Act of 1987 Does Not Prohibit the Disclosure of<br>Investigatory Records Relating to the Death of a Minor  | 12-012 (2012) |
| Illinois Supreme Court Rules Governing Discovery Do Not Restrict<br>Parties to Litigation from Accessing Records through FOIA   |               |
| Section 12(iii) of the Illinois Lottery Law Does Not Prohibit the Disclosure of the Financial Terms of a Contract with a State Agency   | 14-005 (2014) |
| The Personnel Record Review Act Does Not Prohibit the Disclosure of<br>a Résumé and Job Application of a Public Employee  | 14-015 (2014) |
| Neither Procedural Due Process Rights Nor Section 5(d) of the Professional<br>Engineering Practice Act of 1989 Prohibits the Disclosure of<br>Records of the State Board of Professional Engineers Related to<br>Licensing Investigations |               |

| Complaints for Search Warrants and Search Warrants are Not Subject to Disclosure,<br>if the Court Includes Language in the Warrant that Specifically Prohibits   |               |
|--|---------------|
| Their Disclosure   | 16-009 (2016) |
| The Personnel Record Review Act Does Not Prohibit the Disclosure of Information<br>Related to Public Employees' Compensation   | 16-012 (2016) |
| The Juvenile Court Act of 1987 Does Not Prohibit Disclosure of<br>Records of Traffic Crashes Involving Minor Passengers  | 18-016 (2018) |
| Disclosure of Officer-Worn Body Camera Footage under the<br>Law Enforcement Officer-Worn Body Camera Act   | 19-001 (2019) |
| Illinois Supreme Court Rule 415(c) Does Not Provide Basis for Withholding<br>Police Report Narratives  | 19-008 (2019) |
| The Police and Community Relations Improvement Act Does Not Prohibit<br>Disclosure of Body Camera Footage of Arrestee's Death  | 19-010 (2019) |
| Disclosure of Applications for Adult Use Cultivation Center Licenses   | 20-003 (2020) |
| Juvenile Court Act of 1987 Does Not Prohibit Disclosure of Police Records<br>Where Minor is a Victim   | 20-008 (2020) |
| Juvenile Court Act of 1987 Does Not Prohibit Disclosure of Police Records<br>Where Minor is a Victim   | 21-002 (2021) |
| The Identities of Children Who Are Victims or Alleged Victims of Criminal<br>Sex Offenses are Exempt from Disclosure Pursuant to Section 7(1)(a) of<br>FOIA and the Privacy of Child Victims of Criminal Sexual Offenses Act | 21-002 (2021) |
| Section 7.5(zz) of FOIA Exempts from Disclosure Information Identifying City<br>Employees in Bargaining Unit Positions Represented by Particular Union   |               |
| Evidentiary and Discovery Rules Do Not Exempt from Disclosure Private<br>Attorney's Letter to Public Body on Behalf of Clients   | 22-013 (2022) |
| Police Records Concerning Both a Juvenile Offender and an Adult Offender are<br>Exempt from Disclosure under the Juvenile Court Act of 1987  | 23-010 (2023) |

# INSURANCE:

| Under Section 2.20 of FOIA, Settlement Agreements Entered into by an<br>Intergovernmental Risk Management Association or Self-Insurance<br>Pool on behalf of a Public Body Are Subject to Disclosure    | 11-004 (2011) |
|---|---------------|
| Nerve Conduction Velocity Test Results Obtained with Respect<br>to Workers' Compensation Claims Are not Exempt from Disclosure  | 11-005 (2011) |
| JAIL AND PRISON RECORDS:  |               |
| Administrative Directives Located in Correctional Center Libraries Are<br>Exempt from Disclosure under Section 7(1)(e-5) of FOIA  | 14-013 (2014) |
| Records Directly Related to Providing Medical Care to Inmates in Possession<br>of Third Party Contracted to Provide Medical Care to Inmates are<br>Public Records of Illinois Department of Corrections | 20-006 (2020) |

## LAW ENFORCEMENT AND ADMINISTRATIVE ENFORCEMENT RECORDS:

| Section 2.15 of FOIA Requires Disclosure of Arrest Reports  | 11-001 (2011) |
|---|---------------|
| Disclosure of Records Pertaining to Arrests and Police Reports  | 12-006 (2012) |
| Section 7(1)(d)(i) of FOIA is Applicable to Records Only When the Recipient<br>of the FOIA Request Is or Will Be Conducting a Law Enforcement<br>Proceeding Related to the Subject of a Police Report                         | 13-017 (2013) |
| Disclosure of Records of the State Board of Professional Engineers<br>Related to Licensing Investigations   | 15-001 (2015) |
| Records Related to Specialized Investigative Techniques for Obtaining Information<br>Pertaining to Facebook, Yahoo, Skype, and Microsoft Are Subject to<br>Withholding, Routine Investigative Steps Are Subject to Disclosure | 16-009 (2016) |
| Basis for Withholding Police Investigatory Records  | 17-001 (2017) |
| Disclosure of 9-1-1 Call Recordings   | 17-011 (2017) |
| Disclosure of Officer-Worn Body Camera Footage under the<br>Law Enforcement Officer-Worn Body Camera Act  | 19-001 (2019) |
| Basis for Withholding Police Report Narratives  | 19-008 (2019) |
| Disclosure of Body Camera Footage of Arrestee's Death   | 19-010 (2019) |
| Disclosure of Police Dashboard Camera Video, Dispatch Audio,<br>And Written Critique  | 20-005 (2020) |
| "Juvenile Law Enforcement Records" Do Not Include Records Identifying<br>A Juvenile as a Victim   | 20-008 (2020) |
| Disclosure of Arrest Reports and Corresponding Police Records   | 20-009 (2009) |
| Police Records Concerning Sexual Offenses Against Minors<br>Allegedly Perpetrated by Adults   | 21-002 (2021) |
| Basic Attendance Records of Police Officers Are Not Exempt Under<br>Either Section 7(1)(d)(vi) or Section 7(1)(v) of FOIA   | 21-005 (2021) |
| Disclosure of 911 Response Times  | 21-012 (2021) |
| Section 7(1)(d)(vii) of FOIA Requires Public Body to Prove<br>Investigation is Ongoing and that Disclosure of the<br>Information Would Obstruct the Investigation   | 22-002 (2022) |
| Police Records Concerning Both a Juvenile Offender and an Adult Offender are<br>Exempt from Disclosure under the Juvenile Court Act of 1987   | 23-010 (2023) |
| Basis for Withholding Police Records Related to Death of Missing Person   | 24-006 (2024) |
| Public Body Must Prove How Disclosure of All Records Withheld Under Section 7(1)(d)(i)<br>of FOIA Would Interfere with a Pending Law Enforcement Investigation  | 24-011 (2024) |
|   |               |

## NONRESPONSIVE INFORMATION:

| Clearly Nonresponsive Information Need Not Be Disclosed |  |
|---|--|
|---|--|

### PERSONAL INFORMATION:

| Autopsy Reports   | 10-003 (2010) |
|---|---------------|
| Disclosure of Arrest Reports  | 11-001 (2011) |
| Names of State University Students and Graduation Information<br>Are Not Exempt from Disclosure   | 12-003 (2012) |
| Disclosure of Records Pertaining to Arrests and Police Reports  | 12-006 (2012) |
| Disclosure of Investigatory Records Relating to the Death of a Minor  | 12-012 (2012) |
| Disclosure of Settlement Agreements   | 14-004 (2014) |
| Disclosure of Résumé and Job Application of Public Employee   | 14-015 (2014) |
| Disclosure of Records of the State Board of Professional Engineers<br>Related to Licensing Investigations   | 15-001 (2015) |
| Disclosure of Settlement Agreements   | 15-004 (2015) |
| Disclosure of Public Employees' Compensation  | 15-006 (2015) |
| Disclosure of Surveillance Video Recordings Related to a Fatal Traffic Accident   | 15-009 (2015) |
| Disclosure of Post-Mortem Photographs to the Executor<br>of the Decedent's Estate   | 16-002 (2016) |
| Disclosure of E-Mails from Public Employees' Personal E-Mail<br>Accounts Pertaining to Transaction of Public Business   | 16-006 (2016) |
| Disclosure of Certain Information in a Criminal Complaint<br>Filed by a Public Official   | 16-009 (2016) |
| Disclosure of Public Employees' Compensation  | 16-012 (2016) |
| Disclosure of Contractor's Employees' Names in Certified Payroll Records  | 17-010 (2017) |
| Disclosure of Public Employees' Compensation  | 18-005 (2018) |
| Disclosure of Property Index Numbers  | 18-009 (2018) |
| Disclosure of General Allegations against Public Body Found<br>in a Settlement Agreement  | 18-010 (2018) |
| Disclosure of Complaints Against Public Employees   | 18-018 (2018) |
| Section 7(1)(c) Does Not Provide Basis for Withholding Police Report Narratives   | 19-008 (2019) |
| Dates of Birth of Principal Officers and Board Members of Adult Use Cultivation<br>Centers Are Exempt Under Section 7(1)(c)                                   | 20-003 (2020) |
| Police Records Concerning Alleged Sexual Offense Against a Minor<br>Which Did Not Result in an Arrest or Criminal Charges Are<br>Exempt Under Section 7(1)(c) | 21-002 (2021) |
| Names Not Exempt as Personal Information Absent Private or<br>Confidential Circumstances that Outweigh Any Legitimate<br>Public Interest in Disclosure        | 21-007 (2021) |

| Names of City Employees Who Engaged in Misconduct Are<br>Subject to Disclosure   | 21-010 (2021)              |
|--|----------------------------|
| E-mail from Police Chief to Staff Concerning Policies, Procedure, and Employee<br>Conduct Is Not Exempt Under Section 7(1)(c)  | 22-004 (2022)              |
| Disclosure of Complaints Alleging Public Employee Misconduct   | 22-005 (2022)              |
| Applications of Individuals Not Appointed to the Village Board of Trustees<br>Are Not Exempt from Disclosure Under Section 7(1)(c)   | 22-011 (2022)              |
| Police Reports Concerning Public Employee Arrested and Charged with<br>Crimes Against a Minor are Not Exempt from Disclosure<br>in their Entireties under the Personal Privacy Exemption | 23-009 (2023) <sup>1</sup> |
| Basis for Withholding Police Records Related to Death of Missing Person  | 24-006 (2024)              |

#### PERSONNEL RECORDS:

| Disclosure of Résumé and Job Application of Public Employee | 14-015 (2014) |
|---|---------------|
| Disclosure of Public Employees' Compensation                | 16-012 (2016) |
| Disclosure of Public Employees' Compensation                | 18-005 (2018) |
| Duty to Disclose Employee Attendance Records                | 21-005 (2021) |

## POSSESSION OF RESPONSIVE RECORDS:

| Section 2.15 of FOIA Requires Disclosure of Arrest Reports  | 11-001 (2011) |
|---|---------------|
| Electronic Records Relating to the Transaction of Public Business Are<br>"Public Records" Subject to Disclosure under Section 2(c) of FOIA<br>Notwithstanding that They Are Generated on Public Officials' Private<br>Equipment and/or Maintained on Personal Electronic Accounts | 11-006 (2011) |
| Disclosure of Student Test Scores under the Illinois School Student Records Act   | 12-014 (2012) |
| Records in the Possession of the Governing Body of a<br>Charter School that Pertain to Public Business Are Public Records   | 13-012 (2013) |
| Public Records in the Possession of a Third Party Contractor Performing<br>a Governmental Function for a Public Body Are Public<br>Records of the Public Body   | 13-018 (2013) |
| Records Documenting Public Funds Paid to Entities Pursuant to Contracts<br>for Performance of a Governmental Function Are Subject to Disclosure   | 14-005 (2014) |
| Duty to Disclose Public Records in the Possession of a Public Body  | 14-006 (2014) |
| Duty to Disclose Public Records in the Possession of a Public Body  | 15-014 (2015) |
| Duty to Respond to a FOIA Request for Records of a City<br>Appointed Board and Related to City-Owned Property   | 17-007 (2017) |

<sup>&</sup>lt;sup>1</sup>After the public body filed a Complaint for Administrative Review requesting the court overturn Binding Opinion 23-009, the court affirmed the opinion. *City of South Beloit v. Kwame Raoul, Katy Smyser, NBC5 Chicago, and Telemundo Chicago*, 2023MR000236 (September 11, 2024).

| Obligation to Preserve Records After Receiving a FOIA Request   | 19-013 (2019)     |
|---|-------------------|
| Records Directly Related to Providing Medical Care to Inmates in Possession<br>of Third Party Contracted to Provide Medical Care to Inmates are<br>Public Records of Illinois Department of Corrections | 20-006 (2020)     |
| Applications of Individuals Not Appointed to the Village Board of Trustees<br>That Were Emailed to Village President's Village-Issued<br>E-mail Account are Public Records of Village                   | 22-011 (2022)     |
| PRELIMINARY RECORDS (DELIBERATIVE PROCESS):   |                   |
| Production of Records to the Public Access Counselor  |                   |
| Statistical Data Is Not Exempt from Disclosure<br>under Section 7(1)(f) of FOIA   | 13-015 (2013)     |
| Factual Information Such as the Résumé and Job Application<br>of a Public Employee Is Not Exempt from Disclosure<br>under Section 7(1)(f) of FOIA   | 14-015 (2014)     |
| Disclosure of Records of the State Board of Professional Engineers<br>Related to Licensing Investigations   | 15-001 (2015)     |
| Correspondence with Third Parties Who Represented Independent Interests<br>Is Not Part of a Public Body's Deliberative Process  | 15-002 (2015)     |
| Disclosure of the Governor's Calendar   | 15-008 (2015)     |
| Disclosure of Training Materials  | 15-015 (2015)     |
| Statistical Data Is Not Exempt from Disclosure under Section 7(1)(f) of FOIA  | 17-005 (2017)     |
| Disclosure of Information Related to State Employees<br>Designated as Essential   | 17-006 (2017)     |
| Disclosure of Audio Recordings of Public Meetings Used to Create Minutes  | 17-012 (2017)     |
| Disclosure of Information in Village President's Resignation Letter<br>Does Not Involve a Predecisional, Deliberative or Decision Making Proc   | cess18-001 (2018) |
| Disclosure of Police Department's Extradition Calendar  | 19-005 (2019)     |
| Correspondence Shared with a Third Party Who Represents Independent<br>Interests Is Not Part of a Public Body's Deliberative Process  | 21-004 (2021)     |
| E-mail from Police Chief to Staff Concerning Policies, Procedure, and Employee<br>Conduct Is Not Exempt Under Section 7(1)(f)   |                   |
| Complaints Alleging Public Employee Misconduct Are<br>Not Exempt Under Section 7(1)(f)  | 22-005 (2022)     |
| Applications of Individuals Not Appointed to the Village Board of Trustees<br>Are Not Exempt from Disclosure Under Section 7(1)(f)  |                   |
| Employee Survey Results Used in Connection with Preparing a Performance<br>Evaluation Are Exempt from Disclosure Pursuant to Section 7(1)(f)  | 23-002 (2023)     |

# PRIVATE INFORMATION:

| Settlement Agreements   | 10-004 (2010) |
|---|---------------|
| Names of State University Students and Graduation Information<br>Are Not Exempt from Disclosure   | 12-003 (2012) |
| Disclosure of Investigatory Records Relating to the Death of a Minor  | 12-012 (2012) |
| Disclosure of Photographs of a Former Auxiliary<br>Deputy Sheriff   | 14-008 (2014) |
| Private Information in a Résumé and Job Application<br>of a Public Employee May Be Redacted   | 14-015 (2014) |
| Disclosure of Records of the State Board of Professional Engineers<br>Related to Licensing Investigations   | 15-001 (2015) |
| Disclosure of Public Employees' Compensation  | 15-006 (2015) |
| Home Addresses, Personal Telephone Numbers, Facebook Account Identification<br>Numbers, Facebook Uniform Resource Locators (URLs), and Wire Transfer Trac<br>Numbers are Private Information, Facebook and Skype Account Names<br>Do Not Constitute Private Information |               |
| Disclosure of Public Employees' Compensation  | 16-012 (2016) |
| Disclosure of 9-1-1 Call Recordings   | 17-011 (2017) |
| Disclosure of Names of Municipal Water Account Holders  | 18-002 (2018) |
| Disclosure of Property Index Numbers  | 18-009 (2018) |
| Names of Persons Who Received Letters of Exception for<br>Residential Parking Are Not "Private Information"   | 21-007 (2021) |
| Names of City Employees Who Engaged in Misconduct Are<br>Subject to Disclosure  | 21-010 (2021) |
| Home or Personal Telephone Numbers of Witnesses to Traffic Crashes  | 24-012 (2024) |
| PROVISION OF RECORDS:   |               |
| Duty of Public Body to Furnish Copies   | 10-001 (2010) |
| A Public Body's Offer to Allow the Inspection of Public Records<br>in Response to a Request for Copies Constitutes a<br>Violation of Section 3(b) of FOIA   | 11-007 (2011) |
| Administrative Directives Located in Correctional Center Libraries Are<br>Exempt from Disclosure under Section 7(1)(e-5) of FOIA  | 14-013 (2014) |
| PUBLIC BODIES SUBJECT TO FOIA:  |               |
| Judicial Inquiry Board is Not a "Public Body" to which<br>FOIA is Applicable  | 12-015 (2012) |
| Records in the Possession of the Governing Body of a Charter School that Pertain to Public Business are Public Records  | 13-012 (2013) |

|        | Hospital Districts Are Units of Local Government and Public Bodies under FOIA   | 15-006 (2015) |
|--------|---|---------------|
|        | Duty to Respond to a FOIA Request for Records of a City Appointed<br>Board and Related to City-Owned Property   | 17-007 (2017) |
|        |   |               |
| PUBLIC | RECORDS:  |               |
|        | A Home Rule Municipality May Not Adopt an Ordinance as an Exercise<br>of Its Home Rule Powers that Exempts Certain Public Information<br>from Disclosure                              | 15-002 (2015) |
|        | Disclosure of Public Employees' Compensation  |               |
|        | The Governor's Calendar, Prepared by and Maintained by the Governor's Office<br>And Used for Public Business, Is a Public Record  |               |
|        | Duty to Disclose Public Records in the Possession of  |               |
|        | a Public Body   | 15-014 (2015) |
|        | Disclosure of E-Mails from Public Employees' Personal E-Mail Accounts<br>Pertaining to Transaction of Public Business   | 16-006 (2016) |
|        | Disclosure of Public Employees' Compensation  | 16-012 (2016) |
|        | Disclosure of Audio Recordings of Public Meetings Used to Create Minutes  | 17-012 (2017) |
|        | Purpose of FOIA Request Invalid Basis on Which to Withhold Public Records   | 17-014 (2017) |
|        | Disclosure of Names of Municipal Water Account Holders  | 18-002 (2018) |
|        | Recording of Discussion During Gathering of Public Officials is Public Record   | 19-013 (2019) |
|        | E-mail from Police Chief to Staff Concerning Policies, Procedure,<br>and Employee Conduct Is a Public Record  | 22-004 (2022) |
|        | Applications of Individuals Not Appointed to the Village Board of Trustees<br>That Were Emailed to Village President's Village-Issued<br>E-mail Account are Public Records of Village | 22-011 (2022) |
|        | Disclosure of Video Footage of Public Building Interior Related to Investigation  | 24-005 (2024) |
| RECEIF | PT OF REQUESTS:   |               |
|        | Requests for Records May Properly Be Submitted<br>to a Public Body via Personal Delivery  | 12-004 (2012) |
| RECUR  | RENT REQUESTERS:  |               |
|        | Classification as a "Recurrent Requester" under Section 2(g) of FOIA  | 12-001 (2012) |
| сноо   | OL STUDENT RECORDS:   |               |
|        | Disclosure of Student Test Scores under the Illinois School Student Records Act   | 12-014 (2012) |
|        |   |               |

# SETTLEMENT AGREEMENTS:

| Settlement Agreements10- | 004 (2010) |
|--------------------------|------------|
|--------------------------|------------|

| Under Section 2.20 of FOIA, Settlement Agreements Entered into<br>by an Intergovernmental Risk Management Association or<br>Self-Insurance Pool on behalf of a Public Body Are Subject<br>to Disclosure. Section 7(1)(s) Does Not Exempt from Disclosure |               |
|--|---------------|
| the Amount of Funds Expended to Settle a Claim   | 11-004 (2011) |
| Disclosure of Settlement Agreements  | 14-004 (2014) |
| Disclosure of Settlement Agreements  | 15-004 (2015) |
| Disclosure of General Allegations against Public Body Found<br>in a Settlement Agreement   |               |
| Disclosure of Settlement Agreement   | 24-001 (2024) |
| TRADE SECRETS AND COMMERCIAL OR FINANCIAL INFORMATION:   |               |
| Records Documenting Public Funds Paid to Entities Pursuant to Contracts<br>for Performance of a Governmental Function are Subject to Disclosure  | 14-005 (2014) |
| Disclosure of Terms of Lease Agreements for the Rental of Public Property  | 14-016 (2014) |
| Negotiated Terms of Contracts with Public Bodies<br>Do Not Constitute Trade Secrets  | 15-002 (2015) |
| Financial Terms of Contracts, Billing Invoices, and Budget<br>Documents Related to a Public Body's Use of Public<br>Funds Are Not Exempt under Section 7(1)(g) of FOIA   | 17-003 (2017) |
| Third Party Cost Records Submitted to a City Related to a<br>City-Funded Redevelopment Project Are Not Exempt<br>from Disclosure under Section 7(1)(g) of FOIA   | 18-004 (2018) |
| Financial Terms Related to a Public Body's Use of Public Funds<br>Are Not Exempt under Section 7(1)(g) of FOIA   |               |
| Reports of Manganese Throughputs Submitted to a City Public Health Department<br>Are Not Exempt From Disclosure under Section 7(1)(g) of FOIA  | 19-007 (2019) |
| Public Body Failed to Prove Records of Third Party Contractor Providing<br>Medical Care to Inmates Were Trade Secrets or Commercial or<br>Financial Information Exempt from Disclosure under Section   |               |
| 7(1)(g) of FOIA.<br>Non-Disclosure Agreement Concerning Planned Commercial<br>Development Project That Has Been Publicly Announced   | 20-006 (2020) |
| Is Not Exempt under Section 7(1)(g) of FOIA  | 23-015 (2023) |
| UNDULY BURDENSOME REQUESTS:  |               |
| A Subsequent FOIA Request Cannot be Deemed "Unduly Burdensome"<br>Unless the Public Body has Either Previously Disclosed<br>the Requested Records or Properly Denied the Request   | 11-003 (2011) |
| Disclosure of Student Test Scores under<br>the Illinois School Student Records Act   | 12-014 (2012) |
| A Public Body That Fails to Respond Within the Requisite Period<br>May Not Treat Request as Unduly Burdensome  | 14-007 (2014) |
| Repeat Requests under Section 3(g)   | 14-010 (2014) |
|  |               |

| Disclosure of Terms of Lease Agreements for the Rental of Public Property               |
|---|
| Failure to Timely Respond to FOIA Request Precludes<br>Denial as Unduly Burdensome      |
| Improper Denial of a Request for Records as Unduly Burdensome16-008 (2016               |
| Public Body's Burden when Denying a Request as<br>an Unduly Burdensome Repeated Request |
| Improper Denial of a Request for Records as Unduly Burdensome                           |
| Duty to Confer Before Denying Request as Unduly Burdensome                              |
| Improper Denial of a Request as Unduly Burdensome                                       |

### UNWARRANTED INVASION OF PERSONAL PRIVACY:

| Autopsy Reports  |
|--|
| Section 2.15 of FOIA Requires Disclosure of Arrest Reports11-001 (2011)  |
| Disclosure of Certain Information in a Criminal Complaint<br>Filed by a Public Official16-009 (2016)   |
| Disclosure of Public Employees' Compensation   |
| Disclosure of Property Index Numbers   |
| Disclosure of General Allegations against Public Body Found in a Settlement Agreement18-010 (2018)   |
| E-mail from Police Chief to Staff Concerning Policies, Procedure, and Employee<br>Conduct Is Not Exempt Under Section 7(1)(c)  |
| Disclosure of Complaints Alleging Public Employee Misconduct   |
| Police Reports Concerning Public Employee Arrested and Charged with<br>Crimes Against a Minor are Not Exempt from Disclosure<br>in their Entireties under the Personal Privacy Exemption |

## VALUABLE FORMULAE, COMPUTER GEOGRAPHIC SYSTEMS, DESIGNS, ETC.:

| Disclosure of Terms of Lease Agreements for the Re | ntal of Public Property14-016 (2014) |
|--|--------------------------------------|
|--|--------------------------------------|

## VULNERABILITY ASSESSMENTS, SECURITY MEASURES, & RESPONSE POLICIES/PLANS:

| Disclosure of Number of Police Officers Assigned to Districts   | 11-002 (2011) |
|---|---------------|
| Basic Attendance Records of Police Officers Are Not Exempt Under<br>Either Section 7(1)(d)(vi) or Section 7(1)(v) of FOIA | 21-005 (2021) |
| Disclosure of 911 Response Times  | 21-012 (2021) |

<sup>&</sup>lt;sup>2</sup>After the public body filed a Complaint for Administrative Review requesting the court overturn Binding Opinion 23-009, the court affirmed the opinion. *City of South Beloit v. Kwame Raoul, Katy Smyser, NBC5 Chicago, and Telemundo Chicago*, 2023MR000236 (September 11, 2024).

Meaning of "Security Measures" in Section 7(1)(v) of FOIA; Redaction of Addresses......24-008 (2024)