



**WILLIAM J. SCOTT**

ATTORNEY GENERAL  
STATE OF ILLINOIS  
500 SOUTH SECOND STREET  
SPRINGFIELD

June 23, 1977

FILE NO. S-1261

**PUBLIC RECORDS AND INFORMATION:  
Jurisdiction Over Records of  
Local Community College Districts**

Honorable Alan J. Dixon  
Secretary of State  
State of Illinois  
Springfield, Illinois 62756

Dear Mr. Dixon:

I have your letter wherein you inquire whether the records of local community college districts are under the jurisdiction of the appropriate Local Records Commission or the State Records Commission. For the reasons hereinafter stated, it is my opinion that such records are under the jurisdiction of the appropriate Local Records Commission.

Section 16 of The State Records Act (Ill. Rev. Stat.

Honorable Alan J. Dixon - 2.

1975, ch. 116, par. 43.19) created the State Records Commission and charged that body with determining which records within its jurisdiction are no longer of any value and should be disposed of or destroyed. A "record" within the contemplation of The State Records Act is defined in section 2 of the Act (Ill. Rev. Stat. 1975, ch. 116, par. 43.5) as follows:

"'Record' or 'records' means all books, papers, maps, photographs, or other official documentary materials, regardless of physical form or characteristics, made, produced, executed or received by any agency in the State in pursuance of state law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its successor as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the State or of the State Government, or because of the informational data contained therein. \* \* \* " (Emphasis added.)

An "agency" is defined by the same section as follows:

"'Agency' means all parts, boards, and commissions of the executive branch of the State government including but not limited to all departments established by the 'Civil Administrative Code of Illinois,' as heretofore or hereafter amended.

\* \* \*

(Emphasis added.)

Thus, the primary question which arises is whether the records

Honorable Alan J. Dixon - 3.

of a local community college district fall within the contemplation of The State Records Act.

Records covered by The State Records Act are those received by an agency in the State in pursuance of State law, an agency being a part, board or commission of the executive branch of State government. A community college district, however, is not a part of the executive branch of State government, but a local unit, comparable to a school district. In fact, the term "school district" has been defined to include a community college district. Ill. Rev. Stat. 1975, ch. 127, par. 604A-101(h).

The district board of trustees of a community college district is a body politic and corporate with established powers. The Illinois Community College Board, as constituted by sections 2-1 through 2-16.1 of The School Code (Ill. Rev. Stat. 1975, ch. 122, pars. 102-1 through 102.16.1), does not directly control the districts but is related to them in a manner which does not differ greatly from the relationship of a local school district to the State Board of Education. The State system of community

Honorable Alan J. Dixon - 4.

colleges is not a unitary one but one of autonomous units with individual powers, including the power to levy taxes. Therefore, the fact that the records of the Illinois Community College Board are held by the State Records Commission is not grounds for concluding that that Commission has jurisdiction over the records of a local community college district.

The two local records commissions were created by section 6 of The Local Records Act (Ill. Rev. Stat. 1975, ch. 116, par. 43.106) and are charged, by section 7 of the same Act, with supervising the disposal of local records. Section 3 of The Local Records Act (Ill. Rev. Stat. 1975, ch. 116, par. 43.103) defines a "public record" as follows:

"'Public record' means any book, paper, map, photograph, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. \* \* \* " (Emphasis added.)

An "agency" within the contemplation of the Act is defined

Honorable Alan J. Dixon - 5.

as follows:

" \* \* \*

'Agency' means any court, and all parts, boards, departments, bureaus and commissions of any county, municipal corporation or political subdivision.

\* \* \*

By the terms of the above definitions a local community college district is included within the contemplation of The Local Records Act. This conclusion is supported by The Local Records Act (Ill. Rev. Stat. 1975, ch. 116, par. 43.103a) the terms of which govern both units of local government and school districts. Therefore, it is my opinion that the records of a community college district are under the jurisdiction of the appropriate Local Records Commission.

Very truly yours,

A T T O R N E Y   G E N E R A L