

Illinois – State Public Record Laws

Citations	<p>5 ILCS 140 http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&ChapterID=2</p>
Exemptions to Disclosure	<p>The following records are exempt from inspection and copying:</p> <ul style="list-style-type: none"> • Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated • Trade secrets • Privileged information • “Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.” 5 ILCS 140, § 7(1)(i) • Course materials or research materials used by faculty members. • Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security.
Access Rights	<ul style="list-style-type: none"> • Any person • Any purpose; can’t be required to submit request on standard form or to specify purpose for request, except to determine whether purpose is commercial or if request for fee waiver should be granted • Need response within 5 business days; otherwise, constitutes denial of access; if records are eventually provided, but after the 5-day period with no response, then can’t be charged any fee for the requested copies. • If request is for commercial purposes, agency has 21 business days to respond • Can’t be charged fees for personnel labor, etc.; fees for paper format don’t by default apply to electronic format • No fees for first 50 pages of black and white • No charge or reduced charge if requestor states specific purpose and demonstrates it to be in public interest • Includes any records, reports, etc. that are prepared by or for, used by, in possession of, or under control of any public body • Request to inspect must reasonably identify a public record, not just general data which might be gleaned • After the first 50 pages of b/w the fee is not to exceed \$0.15 per page • A public body may charge up to \$10 for each hour spent by personnel in searching for and retrieving a record or examining the record for necessary redactions. • No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. • A public body may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the public body.

**Destruction of
Public Records**

- Must submit lists or schedules of public records in custody that lack administrative, legal, or fiscal value to warrant further retention by agency, to the Commission; Commission then determines what records have no such value, nor research nor historical value, and shall authorize destruction or disposal
- No public record shall be disposed of by any Local Records Commission on its own initiative