

Office of the Illinois Attorney General's Public Access Counselor Update

Spring 2026

In March, the Office of the Illinois Attorney General observed Sunshine Week by publishing the Public Access Counselor Annual Report, summarizing the work of our office in 2025. The report discusses some of the notable binding opinions and non-binding determination letters issued last year, and describes how attorneys in the Public Access Bureau worked to informally resolve many Requests for Review filed with the PAC. The report also includes Frequently Asked Questions about FOIA and OMA, which were updated this year to reflect the amendments to both statutes that took effect in January.

PAC also held two webinars that week-overviews of FOIA and OMA-and I was pleased to see that several hundred government officials and FOIA officers attended those events. If you missed the webinars that have been held in 2026 so far, you can review the handouts on the PAC's website on the pages for [FOIA officers](#) and [elected and appointed officials](#). You can also make sure you receive the invitation for the fall webinars by contacting our Special Events office at special.events@ilag.gov and requesting to be added to the mailing list.

Leah Bartelt
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Online Training Requirement

The 2026 FOIA and OMA training modules are now accessible on the PAC online training portal via the following web address at <https://illinoisattorneygeneral.gov/open-and-honest-government/pac/pac-training/>.



For those requiring general assistance in accessing the portal, you may speak with a PAC attorney Monday through Friday

during business hours by leaving a message at 877-299-3642. For those who need a password reset or encounter more complex technical difficulties, please contact PAC IT staff at PACTechnicalSupport@ilag.gov.

SPECIAL POINTS OF INTEREST AND WEB LINKS

Office of the Illinois Attorney General Webpage
<https://www.illinoisattorneygeneral.gov/>

Public Access Bureau Webpage and Resources
<https://www.illinoisattorneygeneral.gov/open-and-honest-government/pac/>

Public Access Bureau Online Training Portal
<https://illinoisattorneygeneral.gov/open-and-honest-government/pac/pac-training/>

2025 PAC Annual Report
[2026PublicAccessCounselorReport.pdf](#)

Illinois FOIA Statute
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&ChapterID=2>

Illinois OMA Statute
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=84&ChapterID=2>



FOIA

Remember to check the spam filter/junk folder of your designated FOIA e-mail account daily. In a recent Illinois Appellate Court decision (*Balzer v. Northeast Illinois Commuter Railroad Corporation* [Metra], 2026 IL App (1st) 232227), the court held that if a FOIA request is caught by a spam filter, including a third-party service, the request is still considered to be received by the public body at that

time for purposes of calculating the statutory deadline for responding to the request, rather than when the public body realized the request had gone to spam or junk mail. Accordingly, check your spam filters daily and treat requests as received as of the time the requests were sent to the spam filter/junk inbox. A public body that fails to respond promptly to a request for records may be precluded from charging fees or treating a request as unduly burdensome.

OMA

Do members of your public body verbally engage with members of the public during the period for public comment? Although OMA neither requires nor prohibits public body members from answering questions or responding to commenters' concerns, doing so may have unintended OMA consequences under certain circumstances. For example, when a public body holds a special meeting, it may discuss only the topics listed on the agenda. If multiple members of the body hold a back-and-forth concerning the public comment topic and the topic is not listed on the meeting agenda, the body may be in violation of section 2.02 of OMA. Additionally, many public bodies do not include a record of public comment in their meeting minutes, as they generally are not required to do so. However, when a public body holds a robust deliberation of a public comment topic, the body may need to summarize that discussion in the meeting minutes to ensure that the minutes comply with section 2.06(a)(3) of OMA.

Recent PAC Binding Opinions

Below are summaries of and links to two recently-issued PAC binding opinions. All PAC binding opinions can be accessed on the PAC webpage: <https://www.illinoisattorneygeneral.gov/Open-And-Honest-Government/PAC/Opinions/>

Ill. Att'y Gen. Pub. Acc. Op. No. 26-001, January 21, 2026

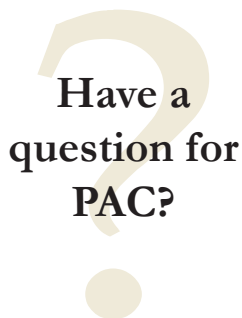
<https://illinoisattorneygeneral.gov/Page-Attachments/FOIAPAC/2026-Binding-PAC-Opinions/Binding%20Opinion%2026-001.pdf>

OPEN MEETINGS ACT: Rules for Public Comment; Opportunity to Address Public Officials: A member of the public alleged that the Sauk Village board of trustees improperly limited and interfered with their right to comment during the board's November 4, 2025, committee of the whole meeting when the village's mayor interrupted their public comment to tell them not to state the names of village trustees. After the individual proceeded to congratulate individual trustees by name, the mayor turned off the audio system, removed the microphone from the lectern, and stated that the individual's speaking time had expired. Section 2.06(g) of OMA provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." The board had not established and recorded a rule that prohibits speakers from addressing individual trustees by name, so the mayor's actions were not authorized by the board's rules. Even if the board had adopted such a limitation, a rule that prohibits speakers from stating the names of trustees to which they direct comments would be incompatible with the requirement that public comment rules accommodate, rather than unreasonably restrict, the "opportunity to address public officials." The Attorney General concluded that the board violated section 2.06(g) of OMA at the meeting and directed the board to comply with the requirements of OMA at all future meetings, ensuring specifically that the board only restrict public comment in accordance with established and recorded rules that are designed to accommodate the public's statutory right to address the board within an orderly and efficient meeting.

Ill. Att’y Gen. Pub. Acc. Op. No. 26-002, February 10, 2026

<https://illinoisattorneygeneral.gov/Page-Attachments/FOIAPAC/2026-Binding-PAC-Opinions/Binding%20Opinion%2026-002.pdf>

FREEDOM OF INFORMATION ACT: Disclosure of Termination Letter Where Public Employee Criminally Charged with Official Misconduct: A member of the news media submitted a FOIA request to the Will County State’s Attorney’s Office seeking, in relevant part, copies of records showing communications to a county employee regarding the status of their employment, such as suspensions, resignations, or terminations. The State’s Attorney’s Office withheld a copy of the employee’s termination letter pursuant to sections 7(1)(d)(i) and 7(1)(d)(iii) of FOIA. To qualify for any exemption in section 7(1)(d) of FOIA, a record must either be (1) created in the course of administrative enforcement proceedings, or (2) possessed by “any law enforcement or correctional agency for law enforcement purposes[.]” The State’s Attorney’s Office had not asserted or provided any indication that the termination letter was created in the course of an administrative enforcement proceeding. Further, although the State’s Attorney’s Office is a law enforcement agency that investigates and prosecutes crimes, the termination letter was not created for a law enforcement purpose. Instead, the letter was a personnel record that documented the termination of the individual’s employment. Because the termination letter was not a record possessed by the State’s Attorney’s Office for a law enforcement purpose, it did not satisfy the threshold requirement to be exempt under section 7(1)(d)(i) or section 7(1)(d)(iii) of FOIA. Moreover, section 7(1)(d)(i) exempts from disclosure law enforcement records only to the extent that disclosure would “interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request[.]” while section 7(1)(d)(iii) exempts from disclosure law enforcement records only to the extent that disclosure would “create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing[.]” The State’s Attorney’s Office’s arguments about section 7(1)(d)(i) and section 7(1)(d)(iii) did not sustain its burden of demonstrating that disclosure of the termination letter would result in either of those adverse consequences. In compliance with the binding opinion, the State’s Attorney’s Office provided the requester with a copy of the requested letter.



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General E-mail: Public.Access@ilag.gov

PAC Technical Support: PACTechnicalSupport@ilag.gov

Helpful Non-Binding Determinations

PAC posts copies of some of the non-binding determination letters it has issued to its [website](#). Scroll down the PAC main page to find the link to Non-Binding Determination Letters for FOIA and OMA and explore within the index or enter search terms in the search bar.

FOIA:

Ill. Att’y Gen. PAC Req. Rev. Ltr. 91731, issued February 3, 2026

A member of the public submitted a FOIA request to the Village of Antioch seeking copies of an incident report and officer-worn body camera footage. The village denied the request for the body camera footage, stating that the requester was not the subject of the encounter captured on the recording. Section 10-20(b) of the Law Enforcement Officer-Worn Body Camera Act restricts dissemination of footage unless it is flagged for one of the reasons listed in that section—for example, footage that documents an arrest, the discharge of a weapon, or an incident that is the subject of a complaint against a law enforcement officer. When footage is not flagged, recordings can be disseminated only to the subject of the encounter, their attorney, the involved officer, or the officer’s legal representative. In this matter, the recording documented service of a Temporary Restraining Order (TRO) on an individual and was not flagged. The Public Access Bureau has previously determined that “subject of the encounter” means a person who appeared in the recording and interacted with an officer in the course of a law enforcement activity. The requester was not the person who was served but was the petitioner of the TRO; he argued that he was a subject of the encounter because the encounter directly affected his legal rights. However, because the recording documented an encounter between the recipient of the order and the officer, the requester who did not appear in the recording was not entitled to the recording, even if the encounter concerned a matter that affected the requester.

OMA:

Ill. Att’y Gen. PAC Req. Rev. Ltr. 84086, issued January 2, 2026

A member of the public alleged that the City of Chicago Board of Ethics improperly convened a closed session under section 2(c)(1) of OMA to discuss a Board advisory opinion concerning City employees’ potential receipt of invitations or token gifts. The Board argued that its discussion of the opinion fell within the exception in section 2(c)(1), which authorizes closed session discussions concerning the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, because it pertained to employees who had been invited on a boat tour and who could be subject to discipline if they violated the City’s ethics code by accepting the invitations. The Board’s advisory opinion addressed whether it would be permissible for employees to accept a boat tour of a development site and found that they could do so without violating the ethics code. Although the employees had not yet accepted the invitation at the time that the advisory opinion was issued, they had accepted and attended the tour by the time the advisory opinion was discussed in closed session. The PAC determined that the advisory opinion analyzed the hypothetical situation of whether it would be permissible for a City employee to accept an invitation before they actually did so, and the Board’s discussion focused only on its advisory opinion and not on the actual employment, performance, compensation, or discipline of those individuals. Therefore, the closed session discussion was not authorized by section 2(c)(1) of OMA.

UPCOMING PAC WEBINARS

The Public Access Counselor is charged, in relevant part, with providing education on the requirements of FOIA and OMA. FOIA officers, OMA designees, elected/appointed officials, and municipal staff are encouraged to participate in a series of free educational webinars offered throughout the year by the PAC. These webinars supplement the information provided in the mandatory FOIA and OMA electronic trainings discussed above, and allow participants to submit questions to PAC attorneys.

Please note that, although the spring webinar series is already underway, you may be interested in additional offerings later this fall. In the meantime, you can review educational materials from the PAC's "FOIA for Public Bodies" and "OMA: Better Understanding & Compliance" webinars that have now concluded—the handouts are available on the [PAC's website](#). Those interested in registering for one or both of the remaining spring training sessions may do so at the registration links below:

FOIA for Law Enforcement Agencies Webinar – Common Reports:



Thursday, May 7, 2026

10:00 a.m.-12:00 p.m.

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_yxveg2zPTceHSKUdArEWOA

FOIA for Law Enforcement Agencies Webinar – Video Recordings:



Tuesday, June 2, 2026

10:00 a.m.-12:00 p.m.

https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_EAMrJouMRe2j2DHji8k7LQ

In addition to hosting these webinars, PAC attorneys may be available for in-person presentations covering FOIA and/or OMA. Any group or organization interested in hosting a training conducted by a PAC attorney may contact this office at Special.Events@ilag.gov for more information. *In an effort to best utilize the PAC's resources, we request that any hosting organization procure a minimum of 25 attendees prior to requesting an in-person presentation.*