

Freedom of Information Act

The Illinois General Assembly enacted Public Act 83-1013, the short title of which is the "Freedom of Information Act," which took effect July 1, 1984. The purpose of the Act is to provide the public with greater access to the records of public bodies. The Act states "all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees..." Within specified limitations, the Act allows anyone to inspect and to obtain copies of all public records prepared, possessed, used by, or in the control of any public body. Anyone may obtain access to these documents, including individuals, groups, associations, corporations, firms, partnerships, and organizations.

Every public body subject to the Freedom of Information Act must make their existing records available to the public. The Act does not require these bodies to answer specific questions, create new records, or keep a central library or index of all government records. If you are not sure which public body has the information you seek, begin by calling the public bodies with names or responsibilities related to your topic. This may help you identify the appropriate source. Public bodies must have a list of the types or categories of records in their possession. They must also have a description of how to request a record and a directory of the employees assigned to process disclosure requests for that body. If no one is available to answer your questions over the telephone, the directory should be on display in each administrative or regional office of the body. The list of records should be available to be copied, and can be requested through the mail.

How to Make an Appeal

If your access to information requested under the Act is denied by the Village, you may appeal the denial to the Village President. A letter to the Village President begins the appeals process. In the letter, please specify the records that were withheld and state why the denial was incorrect. The Village President will review the requested record within 7 working days, determine whether the denial is proper under the Act and notify the you of his/her determination.

If the Village President also denies you access, you may go to court for access to the records. To appeal the decision of a State body, you must file a complaint in the circuit court for the county where the State agency/organization/institution has its principal office, or in your home county. To appeal the decision of the Village, you must file in the county of the principal office of the Village (Cook County).

In court, the burden is on the Village to prove that the material withheld is exempt under the Act, and the court will review the decision without any deference to the Village's prior decisions. In addition to access to the requested records, the court may award reasonable fees for your attorney in cases where the withheld records are of significant public interest and access has been denied without a reasonable legal basis.