



Why your access to government should improve in 2010

By John Patterson | Daily Herald Staff

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SPRINGFIELD - It should be easier, cheaper and faster for the public to get information about its government under a new law taking effect Jan. 1.

Ongoing political ethical dilemmas and what one state official described as an "absurd" decision by a suburban school district to keep salary information secret prompted lawmakers to overhaul the state's Freedom of Information Act. Those changes take effect Friday with the New Year.

Specific changes include:

- Information turnaround required within five business days rather than seven.
- First 50 pages of copies are free, then charges are capped at 15 cents per page.
- Governments that intentionally withhold information could be fined up to \$5,000.
- State attorney general can force disclosure of requested information.

"The basic bottom line is the member of the public should celebrate this opportunity to have better access to their government and the fact that the new law makes their government more transparent and accessible to them," said Robyn Ziegler, spokeswoman for state Attorney General Lisa Madigan, whose office helped write the new laws.

Critics, however, have said the provisions place an unrealistic burden on government employees and assume every local entity has the resources, staff and training to comply.

"Right now we're just waiting to see how they're going to start implementing it," said Brian Day, an Illinois Municipal League staff attorney. "We still have the same concerns we've expressed in the past."

In July, the league, which represents local governments throughout the state, sent a letter to Gov. Pat Quinn outlining those concerns.

"The legislation sets up a complex system for making, responding to, and reviewing FOIA requests. If one step in the process doesn't go as planned, then the whole system devolves into chaos," Executive Director Larry Frang said in the letter.

Frang also criticized the state for enacting laws that are likely to require additional staff and increased costs at a time when local finances are tight.

"The legislation lacks the realistic changes necessary to apply in real-world, across-the-counter transactions," he said in the letter.

The new law also gives added powers to the state attorney general to resolve public access disputes. Anyone who believes government is keeping public information secret or ignoring legitimate requests can

ask the attorney general's public access counselor to intervene. If that counselor takes up the case and the government body still doesn't comply, the attorney general can subpoena records and make legally binding rulings on whether the information should be made public.

Illinois law in this area has been riddled with complicated exceptions and loopholes. Currently, there are at least 45 different types of information that can be kept secret, everything from personnel records to answer keys for state-administered tests, to the home addresses of a city's police officers.

Exactly how these exemptions are used has led to conflict and confusion as shown by a recent court case involving Wheaton Warrenville Unit District 200's handling of a taxpayer request for information regarding a superintendent's salary.

The district argued that was confidential information, sparking a lawsuit that ended up before the Illinois Supreme Court. The court ruled earlier this year that the public had a right to know about former Superintendent Gary Catalani's \$306,000 salary and how much other public employees make.

In August, when the governor signed the public information law, Attorney General Madigan cited the Wheaton case as "an absurd interpretation" of public records laws and one of the reasons changes were needed.