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1 message

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Fri, Jun 17, 2011 at 5:15 PM

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Tweaks to FOIA law go to Gov. Quinn
By KEVIN P. CRAVER - kcraver@nwherald.com
Friday, June 17, 2011 5:30 a.m. CDT

You won't often see the Illinois Attorney General's Office get behind a proposal restricting the improved Freedom of Information Act it helped write.

But one of the changes made during the last days of the General Assembly spring legislative session, it argues, will give its Public Access Counselor's Office more time to enforce it.

House Bill 1716, which passed both houses and is awaiting Gov. Pat Quinn's signature, would eliminate the requirement that public bodies ask for permission from the counselor's office before denying records requests based on exemptions for personal privacy and preliminary drafts of documents.

The provision was aimed at curbing some of the more frequent abuses of FOIA by the state's 7,000 units of government, such as denying entire documents because they contained a personal address, or placing otherwise public documents into personnel files to cite the exemption. But pre-authorization last year accounted for more than 60 percent of the counselor's time – time which Attorney General Lisa Madigan argues is better spent.

"By streamlining the FOIA review process and increasing our ability to enforce the law, we will help to ensure greater transparency at all levels of government in Illinois," Madigan said in a statement. "This important change to the FOIA process will allow the Public Access Counselor to focus on enforcement of the law and reduce delays in the public's access to information about our government."

But the bill does not stop there with amending FOIA, and some of the good-government groups who helped rewrite it are asking Quinn not to sign it.

Lawmakers in the months after the arrest, impeachment and indictment of former Gov. Rod Blagojevich approved sweeping reforms to the open-records law that was considered by critics to be far too weak and easy to abuse. The reforms, drafted by Madigan and good-government groups, shortened the response time to records request, clarified exemptions, imposed penalties for breaking the law and gave her office binding authority to enforce the law,

Within weeks of the new FOIA taking effect in 2010, lawmakers began filing a slew of bills aimed at scaling back the reforms they had

months prior approved with only one no vote. At least 30 changes to the law were proposed in both spring legislative sessions since, according to Josh Sharp, government relations director for the Illinois Press Association.

House Bill 1716 includes the controversial provision that allows governments to take up to 21 days to respond to FOIA requests by "vexatious" requesters. It defines "vexatious" requesters as people who file more than 50 FOIA requests in a year, more than 15 requests in a month or more than seven in a week. The rule does not apply to news media.

Both the Better Government Association and the Illinois Campaign for Political Reform testified against the bill. But attorney general spokeswoman Natalie Bauer said the office and reform groups helped get rid of many proposed changes that would have gutted the law. For example, the original language allowed governments to treat 15 requests year as "vexatious."

Bauer said the new restrictions should only curtail people seeking to misuse FOIA as an intimidation tool, and not legitimate seekers of information.

"We worked really hard to eliminate much of the bill's components that were really dangerous to FOIA and people's access to information on their government," Bauer said.

The bill also allows governments to charge for staff time after eight hours to respond to FOIA requests for commercial purposes.

McHenry County's legislators were split on the bill. State Rep. Jack Franks, D-Marengo, and Sen. Dan Duffy, R-Lake Barrington, voted against it. Sen. Pam Althoff, R-McHenry, voted for it, as did Rep. Mike Tryon, R-Crystal Lake, although he voted against an earlier version of it.

"No More Excuses" is an ongoing Northwest Herald series regarding the public's right to know in Illinois.

You can read more about the Illinois Freedom of Information Act at foia.ilattorneygeneral.net.
