

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

Winter 2026

In December, the Governor signed into law Public Act 104-438, which amends several provisions of the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA). This issue of the PAC Update summarizes those amendments, which all took effect on January 1, 2026.

Those amendments are also detailed in the 2026 versions of the FOIA and OMA training that are available on the website of the Office of the Illinois Attorney General. FOIA officers and those designated by their public bodies to receive annual OMA training can log into their PAC training accounts at any time to complete their training for 2026.

Happy New Year, and thank you for your service in your communities!

Leah Bartelt
Public Access Counselor

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/>

2024 PAC Annual Report (*Note: The 2025 PAC Annual Report will be issued in March 2026*)
[2025PublicAccessCounselorReport.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>

New FOIA/OMA Amendments

Public Act 104-438 makes several amendments to FOIA and OMA, and we have summarized those that are likely to arise most frequently.

OMA

- ▶ Section 1.05: Township public body members may now satisfy their OMA electronic training requirement through the Township Officials of Illinois (TOI) organization.
- ▶ Section 2.07: Public bodies are now prohibited from holding regular and special meetings on election days. Discussed further in Helpful Tips For Compliance!
- ▶ Section 7(a): Adds active-duty military service as a permitted exception for remote participation by a public body member. The public body must still comply with all other requirements in sections 7(a)-7(c).



*Featuring New
2026 Amendments!*

FOIA

Section 3(c) of FOIA was recently amended to require that an electronic request for records appear in its entirety within the body of

the electronic submission. The General Assembly expressly noted that, as a cybersecurity measure, public bodies are not required to open electronically attached files or hyperlinks to view or access details of a request. If your public body receives such a request for records, you must, within 5 business days of receipt, notify the requester of the requirement that the entirety of an electronic request appear within the body of the electronic submission. If the requester fails to respond and submit a new FOIA request that complies with section 3(c), your public body is not required to further respond or deny the initial request.

OMA

Newly-enacted section 2.07 of OMA prohibits public bodies from holding a regular or special meeting on the day of a general primary election, a general election, a consolidated primary election, or a consolidated election, as defined in the Election Code. Please note that Illinois will hold its general primary election on Tuesday, March 17, 2026, and its general election on Tuesday, November 3, 2026. Accordingly, public bodies are prohibited from holding meetings subject to the requirements of OMA on these dates, even if your public body's regular meeting day falls on either date.

FOIA

- ▶ Section 2(b): Modifies the definition of "person" to include "any individual acting as an agent of a" before "corporation, partnership, firm" etc.
- ▶ Section 2(c) and 2(j): Modifies the definition of "public records" to exclude "junk mail" and defines "junk mail" as "(i) any unsolicited commercial mail sent to a public body and not responded to by an official, employee, or agent of the public body or (ii) any unsolicited commercial electronic communication sent to a public body and not responded to by an official, employee, or agent of the public body."
- ▶ Section 3(c): Requires electronic requests to appear entirely within the body of the requester's electronic submission. Discussed further in Helpful Tips For Compliance!
- ▶ Section 3(j): This new section provides that "[w]ithin 5 business days after its receipt of the request, a public body that has a reasonable belief that a request was not submitted by a person may require the requester to verify orally or in writing that the requester is a person." The public body's deadline to respond to the request is tolled until the requester verifies they are a person – if the requester fails to provide such verification either orally or in writing within 30 days of the public body's request for verification, the public body may thereafter deny the request. Importantly, subsection (j) also provides that public bodies may not require the requester to submit personal, private, or identifying information (such as a photo ID) for purposes of this subsection.
- ▶ Section 4: Public bodies are no longer required to display certain information about themselves at each administrative or regional office if the public body displays that information on its website. If a public body does not have its own website, the information referenced in this section must be displayed prominently at each of the public body's administrative or regional offices.

Recent PAC Binding Opinions

Below are summaries of and links to two recently-issued PAC binding opinions. All 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. 25-014, December 3, 2025

<https://www.illinoisattorneygeneral.gov/Page-Attachments/FOIAPAC/2025-Binding-PAC-Opinions/Binding%20Opinion%2025-014.pdf>

FREEDOM OF INFORMATION ACT: Improper Basis for Assessing Fees for Copies of Records Maintained in an Electronic Format: The Mattoon Police Department (Department) assessed a requester a \$696.00 fee for obtaining copies of body camera footage based on costs it incurs to use software to make necessary redactions under the Law Enforcement Officer-Worn Body Camera Act. Section 6(a) of FOIA, which governs fees for copies of electronic records, provides that a public body may only charge a requester “for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium[,]” unless “the General Assembly expressly provides[.]” otherwise. Although section 6(b) of FOIA permits a public body to charge “its actual cost for reproducing” paper records that are “in color or in a size other than letter or legal,” that provision is inapplicable to video footage. Because section 6(a) of FOIA expressly limits copying fees for records maintained in an electronic format to the actual cost of the recording medium and generally does not authorize public bodies to charge fees to reimburse the costs of redacting records in electronic format, the Attorney General concluded that the Department improperly assessed the \$696.00 fee.

Ill. Att’y Gen. Pub. Acc. Op. No. 25-015, December 23, 2025

<https://illinoisattorneygeneral.gov/Page-Attachments/FOIAPAC/2025-Binding-PAC-Opinions/Binding%20Opinion%2025-015.pdf>

FREEDOM OF INFORMATION ACT: Basis for Withholding Police Officer Witness Questionnaires: A member of a not-for-profit organization submitted a FOIA request to the Cook County State’s Attorney’s Office seeking copies of witness questionnaires containing answers by police officers. The State’s Attorney’s Office provided the requester with copies of redacted questionnaires and asserted to the PAC that the redacted information was exempt pursuant to sections 7(1)(c), 7(1)(f), and 7(1)(m) of FOIA. The records at issue consisted of four police officer witness questionnaires, and the redacted information included the police officer’s name, information provided by the officer describing whether they had ever been arrested, charged with, or convicted of a criminal offense, and “Additional Information.” The Attorney General concluded that disclosure of the redacted information would not constitute a clearly unwarranted invasion of personal privacy under section 7(1)(c) because the specific information on the questionnaires at issue directly bore on the police officers’ public duties. The Attorney General also concluded that the redacted portions of the questionnaires were not exempt under section 7(1)(f) because they were purely factual in nature, and there was no indication that disclosure would expose the substance of any predecisional deliberations. Finally, because the questionnaires did not reveal the theories, mental impressions, or litigation plans of the State’s Attorney’s Office, the Attorney General concluded that the redacted information was not exempt from disclosure under section 7(1)(m). In compliance with the binding opinion, the State’s Attorney’s Office provided the requester with unredacted copies of the questionnaires.

Helpful Non-Binding Determinations

Note: Although PAC does not currently publish copies of our non-binding determination letters online, this office will provide copies of these determination letters to public bodies, members of the public, and any other interested individuals upon request. Please contact PAC at our hotline or general e-mail, listed below.

FOIA:

Ill. Att’y Gen. PAC Req. Rev. Ltr. 91083, issued December 24, 2025

A member of the public submitted a FOIA request to the Village of Minier seeking electronic copies of Village bank statements from 2020-2024. In response, the Village e-mailed the requester 50 pages of PDF statements and stated that it would provide the remaining 444 pages via e-mail once the requester paid a fee of 15 cents per page. FOIA permits such fees only if records are maintained in paper format. Following receipt of this Request for Review, the PAC made a phone call to the Village, which confirmed that it had not yet scanned the remaining responsive statements into an electronic format but instead maintained them only in paper format at the time of the request. Because the Village was not required to scan or otherwise convert paper copies to electronic copies, and because section 6(b) of FOIA allows the Village to charge 15 cents per page for paper copies, the PAC determined that the Village’s fee assessment for records did not violate the requirements of FOIA even though it chose to provide the first 50 pages electronically. Although a public body is not required to convert records that it maintains only in paper format to an electronic format in order to respond to a request, a public body that chooses to accommodate a requester by creating electronic records is limited to charging the fees for electronic records outlined in section 6(a).

OMA:

Ill. Att’y Gen. PAC Req. Rev. Ltr. 88005 and 88118, issued November 26, 2025

A member of the public and a member of the Oak Brook Park District Board of Commissioners alleged that the Board improperly discussed during closed session a commissioner’s absenteeism, along with the merits of an ordinance that generally addressed absenteeism for Board members. The exception in section 2(c)(3) of OMA, to the general requirement that public bodies conduct public business openly, only permits discussions about the discipline, performance, or removal of a public official if the public body is empowered to remove that official from office. The Board argued that its closed session discussion was permissible because the ordinance it discussed included a provision authorizing the Board to impose discipline by declaring a vacancy in the office of a commissioner who failed to attend four or more meetings in a 12-month period. However, a determination that there is a “vacancy” in an office is not tantamount to a public body having the authority to remove the officeholder. Even if a law or ordinance had authorized the Board to remove a commissioner, the closed session discussion primarily focused on the merits of adopting an ordinance that addressed the general subject matter of commissioner absenteeism—not the “discipline, performance, or removal” of a specific commissioner. Therefore, the PAC concluded that the closed session discussion did not fall within the scope of section 2(c)(3) of OMA.



**Have a
question for
PAC?**

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Public Access Fax: (217) 782-1396
General E-mail: Public.Access@ilag.gov

PAC Technical Support: PACTechnicalSupport@ilag.gov

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.

Those interested in registering for one or more of the training sessions may do so at the registration links below:

FOIA for Public Bodies Webinar:



Wednesday, March 18, 2026
10:00 a.m.-12:00 p.m.
https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_0ryEdVpxTc6e7-XT8ouiWQ



Thursday, April 16, 2026
10:00 a.m.-12:00 p.m.
https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_GrUnaWAsRVGkZr98_AO4w

FOIA for Law Enforcement Agencies Webinar – Common Reports:



Wednesday, April 15, 2026
10:00 a.m.-12:00 p.m.
https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_9TKIVaFpTkmuiOhiA8NKdA



Thursday, May 7, 2026
10:00 a.m.-12:00 p.m.
https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_yxveg2zPTceHSKudArEWQA

Open Meetings Act Webinar:



Friday, March 20, 2026
10:00-11:30 a.m.
https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_7Gx3jsCQzSumtjBpXrF_A



Thursday, April 30, 2026
10:00-11:30 a.m.
https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_aT7yIXIeOqCmlgr5Zi2pzQ

FOIA for Law Enforcement Agencies Webinar – Video Recordings:



Wednesday, March 25, 2026
10:00 -11:30 a.m.
https://ilattorneygeneral-gov.zoom.us/webinar/register/WN_690svMkURByliHzjlYSeaw



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.*