



## Vexatious Outcome: New Illinois Law Hurts Freedom of Information Act

### Description

After months of fighting to protect the Freedom of Information Act (FOIA), which protects citizens' access to information about their government, the Better Government Association is disappointed with Gov. Pat Quinn's decision to sign a bill into law that limits the public's right to know.

While state lawmakers made FOIA stronger in 2010, attempts to chip away at the newly minted protections began as soon as the law went into effect.

FOIA gives public bodies five business days to respond to a request for public information, or 10 days if they get an extension.

But the new law allows public bodies to label citizens as "recurrent requesters", referred to as "vexatious requesters" in earlier versions of the legislation.

Recurrent requesters are citizens who make more than 50 FOIA requests in one year, 15 in 30 days, or seven in seven days. Once a citizen is labeled a recurrent requester it's harder for them to access public information for an entire year. Once a public body determines someone is a recurrent requester, there is no appeals process.

The new law requires no set timeline by which a public body must respond to a recurrent requester. Instead, public bodies can take 21 days to give a recurrent requester an estimate as to when they might get the requested documents.

While the new law will also give the Illinois Attorney General more time to spend issuing binding opinions, and less time on bureaucratic paperwork, that does not make up for the bad public policy contained in the remainder of the new law.

Illinois should be moving toward increased openness and transparency, not away from it. Instead of focusing on ways to punish "recurrent requesters", public bodies should be focusing on how to make public information more accessible through use of the web. If more basic public information, like meeting minutes and contracts, were available online, citizens wouldn't need to file as many FOIAs.

Unfortunately, we know this is not the end of the fight to protect FOIA. Without a doubt, lawmakers will continue to try chip away at FOIA.

The BGA remains committed to shining a light on government, and we will continue to fight for the public's right to do the same.