

How to File a FOIA Request in Illinois

Access to government documents is fundamental in our system of open government. You have a right to know what your governments are doing.

One way people, groups, corporations or organizations can obtain government records is by filing a request under the Freedom of Information Act, or FOIA.

There are many limitations to this law, but knowing how to file a records request is a tool everyone should have and know how to use. It makes us better and more engaged citizens.

Here's what you need to know to file a FOIA request with a government body.

What is FOIA?

FOIA is an acronym for the Freedom of Information Act.

[FOIA is an open-government law](#) grounded in the principle that the public is able to access records and information detailing how its governments work. Instead of just taking the word of elected officials at face value, FOIA provides broader access for people to inspect and analyze the records government bodies generate. Sweeping exemptions do apply, but such access is necessary to assist people to hold their government accountable.

[Click here for the full text of the Illinois FOIA statute.](#)

How do I file a FOIA request in Illinois?

1. Find the FOIA officer.

Every public body is required to have a FOIA officer. It might not be a person's only job, but it is a duty someone in the office must have. The job of a FOIA officer is to handle all FOIA requests or specify where FOIA requests are to be sent. The public body must post this information for the general public, and it is most likely found on that government's website. There should also be information about the

structure of the public body and the kinds of records it maintains. For example, if you are looking to file a FOIA request with the city of Chicago, visit the FOIA page on Chicago.gov. You can find the FOIA officers of all state agencies on the Illinois government website.

2. Write your request.

FOIA Pro Tip

Email or fax are the best methods in sending your request, so you can prove the FOIA officer received it.

- There is no “magic language” to FOIA requests.
- No specific format is required. But it must be in writing, and it cannot be in the form of a question. For example, “How many police cars do you have?” is not a proper request, but “records sufficient to show the number of police cars or invoices pertaining to each police car” is proper.
- The “information” part of the Freedom of Information Act is a bit of a misnomer. “Information” isn’t technically public, but information contained in public records is. Always keep that in mind when filing a FOIA request.
- The public body usually offers a form for citizens to file FOIA requests, but the public body cannot make you use that form. Below, you can find a template FOIA request letter we have written.
- You don’t need a reason to make your request, except for a statement about whether your request is for a “commercial purpose” (see FOIA Section 1(c-10) for a definition), or if you are seeking a waiver to pay copying fees.
- Describe the records you want, either by category (“all documents related to ___”), by specifically identifying the records (“the contract between ___ and ___”), or by specifying an electronic search (“all the mayor’s emails from last week containing the word ‘pothole’ or ‘potholes’”).
- It isn’t necessary, but it can be helpful to know precisely what kinds of records you are seeking. What we mean by that is it helps to know the specific names of government forms or documents you are seeking. Don’t be afraid to be as specific as you can because overly broad requests can be rejected.

- Explain how you want the documents delivered (available for in-person inspection, paper copies, PDF scans, original electronic format, delivered by email, pickup, mail).

A SAMPLE FOIA REQUEST:

[Month, Date, Year]

Dear FOIA Officer,

In accordance with the Illinois Freedom of Information Act (5 ILCS 140), I am requesting access to the following records in your organization's possession related to [provide the topic of your FOIA request].

In the unlikely event that you claim any portion of the above public records to be exempt from disclosure under 5 ILCS 140, in writing please (i) identify which portion or portions you claim are exempt and the statutory provision or provisions you contend apply; (ii) set forth the reasons for your conclusion that such portion or portions are exempt; and (iii) release the remainder of such records for inspection and copying, redacting only the portion or portions you claim are exempt.

Please note that the statute does not allow your agency to withhold documents in their entirety if only parts of the records may be exempt.

Please provide the information within five business days, as required by law. If the records are kept electronically, please provide them that way.

Thank you,

[Your name]

[Your organization, optional]

[Your street address]

[City, state, ZIP code]

[Your phone number]

[Your email address]

3. Wait for the response.

- The public body must respond to your request within five business days. The government can comply with your request, deny it or ask for more time to more fully respond.
- The public body is allowed to automatically extend the deadline an additional five business days but must ask your permission to extend the deadline further than that.
- No response from the public body is the same as a denial. If you are denied in this manner, that still means you can challenge it the same as you would a written denial. ([Find how to push back in the next section!](#))
- Keep notes and records (names, dates, times) of all communications, including phone calls, and communicate in writing as much as possible. Insist that the public body document everything in writing, state the specific FOIA exemptions being asserted, and provide a detailed factual basis for its exemption claims.

What do I do if my FOIA request is denied?

Several options are available.

1. Go to the FOIA statute, and read the actual language of the claimed exemption.

- Has the public body failed to address every part of the exemption language (for example, language saying, “but only to the extent”)? Does something not make sense? If so, contact the public body, explain why you think the public body is wrong, and push back. Sometimes this works.

2. Submit for a review.

- You can submit for a review of your FOIA request by the Illinois attorney general’s public access counselor, or PAC. You can give the PAC a call at 877-299-3642, email public.access@ilag.gov, or you can send your request to this mailing address: 500 S. Second St., Springfield, IL 62706. You can also fax your request to 217-782-1396.

3. File a lawsuit to enforce your FOIA rights.

- You can sue the government body, including the city or state, depending on the government agency from which you requested information.

4. Reach out to the BGA.

- You can contact Bryan Zarou, Director of Policy, by emailing him at policy@bettergov.org.

Matt Topic and Rachel Eun from Loevy & Loevy also contributed as consultants for the BGA.

Learn more about FOIA