

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **PUBLIC RECORDS - ILLINOIS**

### **Rushton v. Department of Corrections**

**Supreme Court of Illinois - December 19, 2019 - N.E.3d - 2019 IL 124552 - 2019 WL 6907324**

Journalist and newspaper brought action against Department of Corrections seeking unredacted copy of settlement agreement between contracted medical care provider for inmates at correctional center and estate of former inmate who died of cancer under Freedom of Information Act (FOIA).

The Circuit Court allowed provider to intervene in lawsuit, denied summary judgment for journalist and newspaper, and granted summary judgment for provider. Journalist and newspaper appealed. The Appellate Court reversed and remanded. Provider filed petition for leave to appeal, which was allowed.

The Supreme Court held that settlement agreement was directly related to governmental function that provider performed for Department and, thus, was public record under FOIA.

Settlement agreement between contracted medical care provider for inmates at correctional center and estate of former inmate who died of cancer was directly related to governmental function that provider performed for Department of Corrections and, thus, was public record under Freedom of Information Act (FOIA); governmental function that provider contracted to perform for Department was provision of medical care to inmates, settlement agreement directly related to performance of governmental function, as it was settlement of claim that provider's inadequate medical care, i.e., its alleged inadequate performance of its governmental function, led to death of inmate, and connection between settlement and governmental function was not indirect or tangential but was direct and obvious.