

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC RECORDS - ILLINOIS

City of Champaign v. Madigan

Appellate Court of Illinois, Fourth District - July 16, 2013 - N.E.2d - 2013 IL App (4th) 120662

This case arose from Patrick Wade's request pursuant to the Illinois Freedom of Information Act (FOIA) for copies of electronic communications sent and received during city council meetings from members of the Champaign city council as well as the mayor of the City of Champaign. The City partially denied Wade's request, explaining personal communications on privately owned electronic devices are not within the scope of FOIA, even when they relate to city business.

The Attorney General issued a binding opinion, finding texts and emails sent or received from a council member's personal electronic device during public meetings, concerning city council business, are by definition public records and thus subject to FOIA.

The City appealed, arguing that the requested electronic communications are not public records as defined by FOIA.

The court concluded that communications "pertaining to public business" and sent to and from individual city council member's personal electronic devices during the time city council meetings (and study sessions) were convened are subject to FOIA. "To hold otherwise would allow members of a public body, convened as the public body, to subvert the Open Meetings Act (5 ILCS 120/1 to 7.5 (West 2010)) and FOIA requirements simply by communicating about city business during a city council meeting on a personal electronic device."