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**NEW FREEDOM OF INFORMATION ACT (FOIA) LAW SUPPORTS ANTI-DEMOCRATIC
NOTION THAT TOO MUCH CITIZEN ENGAGEMENT IS BAD FOR OUR DEMOCRACY.**

Elmhurst – Today Governor Quinn signed HB 1716, a bill that creates a new category of FOIA requestors called “reoccurring requestors.” The creation of ‘Recurrent Requestor’ category is based on the idea that at some point, concerned citizens can make “too many” FOIA requests while monitoring or being engaged in government activity. The key element of the bill dictates that after an arbitrary number of FOIA request, a public body can label a requestor as “reoccurring” and delay in providing a response.

In 2009, the Illinois General Assembly made significant strides in reforming Illinois FOIA law. The changes transformed the open government law from one of the weakest in the nation to one of the strongest. “Less than two years after implementation, the General Assembly has passed a series of bills to erode the law, thereby eroding government accountability, transparency, and accountability. For a State that is constantly struggling to overcome an image of corruption, this is a step in the wrong direction,” said Executive Director and Community Lawyer, Ms. Terry Pastika.

In responding to substantive issues the Citizen Advocacy Center highlighted the following anti-democratic:

- The recurrent requestor provision only applies to the public. The media and non-profit organizations are exempt. “A 2010 study from the National Conference on Citizenship documented that only a very small percentage of Illinois residents are actually engaged in government and civic issues. Sadly, the population that will be most affected by this new law are those who actually care enough about governments to attempt to be informed, active, and engaged”, said Ms. Pastika.
- No documentation was produced to illustrate a systemic problem. Absent objective, factual documentation of “FOIA abuse” there is no legitimate reason to insert language that limits public access.
- The current FOIA’s “unduly burdensome” category is perfectly suited to address requests that public bodies deem problematic due to size.
- The ability of requestors to make multiple requests in one FOIA request to bypass the new accounting system will confuse those who seek to obtain government information, increase the burden of government official obligated to respond to FOIA requests and increase litigation to define what “unduly burdensome” in fact now means.
- The creation of a “recurrent requestor category” places Illinois in the minority across the country with respect to limiting access to information based on an arbitrary number of requests and inappropriately shifts the burden of accessing public records to the requestor rather than the governmental body.
- Once a member of the public makes 50 requests in 12 months, 15 requests in 30 days, or seven requests in 7 days, they are labeled a “recurrent requestor.” The law allows a public body to delay fulfilling a request to 21 days. More problematic is that the public body may respond by merely stating “at some point in the ‘reasonable’ future” they will provide the information. The lack of a mandated date to provide the information will lead to government bodies being non-responsive in turning over public information.
- The bill is one-sided. It limits access to information without mandating that routine public records should be available to the public *without* making a FOIA request. Based on the CAC’s experience, many public bodies mandate a FOIA request for routine documents such as meeting minutes, budgets, ordinances, and resolutions.

The Citizen Advocacy Center is a 501(c)(3) community legal organization dedicated to building democracy for the 21st century. For nearly two decades the Center has been a leader in making Illinois government more transparent, accountable, and accessible to the citizenry through advancing policies that keep open the doors of government and empowering the citizenry to engage in the democratic process.

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