The Citizen Advocacy Center’s Guide to the Illinois Local Records Act

What is the Illinois Local Records Act (LRA)?

The Illinois Local Records Act (50 ILCS 205/s et seq.) is a statute that requires local governments to keep public records and outlines the procedure by which public bodies may destroy public records. This law was signed into effect on July 1, 1984.

What is a “public record”? 

According to the statute, a public record can be any “book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, as any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein” (50 ILCS 205/3a). For example, audit reports, management letters, and documents with the use of public funds by local governments and school districts are considered public records protected under this statute. (50 ILCS 205/3a.)

The following items are not public records, can be legally disposed of at any time without permission from the Local Records Commission: materials from a library or museum that are used for reference or exhibitions; extra copies of documents that exist for convenience or reference; and all other publications not included in the previous definition of a record. (50 ILCS 205/3.)

Where are the records kept? Who is responsible for them?

The law requires that records of a local government's obligation, receipt and use of public funds be kept at the agency's place of business. An agency is any court, all part, boards, departments, bureaus and commissions of any county, municipal corporation or political subdivisions (50 ILCS 205/6).

The Illinois Local Records Commission, housed under the Secretary of State’s office, is responsible for regulating the preservation and/or destruction of public records. In large counties (population over 3 million), the Local Records Commission is chaired by the county board president. Other members include the mayor of the county's largest city, the State’s attorney for the particular county, the County comptroller, the State archivist and the State historian. Local Records Commissions for other agencies are chaired by the chairman of a county board and comprised of the State archivist and historian as well as the following members to be appointed by the Governor: a mayor/president of a city/village/town, a State's attorney and a county auditor. Local Records Commissions meet monthly at the Norton Building in Springfield, IL.

With permission from the Local Records Commission, some records may move to the Illinois State Archives office or be destroyed. After authorization from agency heads, the Local Records Commission can grant permission for records to be destroyed.
How long must records be kept?

The state sets minimum time requirements for keeping all records based on “the four factors”: the fiscal, historical, administrative and legal value of each record. Retention periods can range from 7 days to 80 years, or records can be deemed permanent, to be kept forever. For example, personnel records are generally kept for ten years after the death of the employee. There are over 6,000 different classification types of records, plus numerous exceptions to any of these categories, making it difficult to adopt standards for record retention. If a record falls into two categories, the longer retention time takes precedence. After the minimum retention period has been reached, each individual entity has the power to decide how long to keep them.

How are records to be maintained?

In 2001 the LRA was amended to allow the reproduction of public records in digitized electronic format with the intent of disposing of the original records. This amendment aimed to increase accessibility and usability of records. Records stored on microfilm only allow one person at one time at one place to access the records. Paper records are often difficult to find and take up a large amount of space. Electronic storing of records resolves both of these problems, and the Secretary of State’s office has established guidelines for electronic maintenance or records.

What is the relationship of LRA to the Freedom of Information Act (FOIA)?

The LRA established guidelines for keeping and destroying public records whereas FOIA provides for citizen access to these records. Further, when the LRA was signed, it specifically stated that the statute was to apply to records and reports prepared or received prior to the date of its signing (July 1, 1984). For records received after that date, the statute states that they shall be covered under the provisions of FOIA.

How do I obtain a copy of the records?

Procedure for requests for local records is comprised of practices used under FOIA provisions to obtain a record. State statute requires that records are kept at the site of the agency and are made available during normal office hours. (50 ILCS 205/3.a.) After the request for records is made, the agency has 24 hours to produce the records or provide reasoning as to why they cannot do so.

Note that the Local Records Commission may have authorized the move or destruction of some records to the State Archives. To contact the State Archives office, use the following address:

Records Management Section
Illinois State Archives
Springfield, IL 62756

The office is also available by phone at (217) 782-7075 or by fax at (217) 534-3930. The Illinois State Archives Contact From is available at the following website (select Records Management as the subject): https://www.ilsos.gov/ContactFormsWeb/isacontact.html

Vital records—birth, death and marriage certificates, divorce papers—are available from other sources. The Illinois State Archives carries death records from 1916-1947. The Illinois Regional Archives
Depositories, County Clerks, Department of Public Health's Office of Vital Records hold records on births, deaths, and marriages. Divorce records are available through the Circuit Clerks of the Illinois Regional Archives Depositories and the Circuit Clerks.

**Is there a cost associated with getting a record?**

Yes, the fee includes the cost of supplies plus a service charge that is 15% of whatever the cost of supplies is. (50 ILCS 205/3a.)

**What is the process for disposing of a public record?**

Each individual agency head (the superintendent of a school district, for example) is responsible, with help from the Secretary of State’s office, for inventoring their records and producing a retention schedule. Then, the agency head is to fill out an application for authority to dispose of local records. Once the request is processed, an audit is held to ensure the documents were labeled correctly. Changes can be made to the list of records and retention schedule as necessary. The Local Records Commission then issues a document called a Local Records Disposal Certificate that allows the agency, once the set retention period is up and provided that there is no pending litigation involving the records, to destroy records.

Both the application for authority and the disposal certificate are considered permanent public records and can be accessed through a FOIA request.

**What happens if a public body destroys a record without permission?**

If a public body destroys a record before its retention period is up and without notifying the Local Records Commission, it is considered a Class 4 felony. If this were to happen, the state’s attorney would be the official to investigate.

**Resources:**

Secretary of State's website (and additional information regarding electronic records):


Secretary of State’s Office Personnel:
Phone interview with the Local Records Commission at the Illinois State Archives Building at: (217) 782- 7075.

Guidelines for Storing Records:
http://www.cyberdriveillinois.com/departments/archives/records_management/electrecs.html#Summary

ILCS website (full legal text):
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CAC Guidance:  
http://www.citizenadvocacycenter.org/Procurement/procurementbro1.htm#ILRA

Additional Resource:  
http://pasboerc.org/erc/NewSFUploads/2058ManagingYourRecordsLocalRecordsAct.ppt

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