



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 27, 2007

The Honorable Isaac S. Carothers
Chairman, Committee on Police and Fire
121 N. LaSalle Street
Chicago, IL 60602

RE: *Freedom of Information Assistance Request*
2007ASSIST115

Dear Chairman Carothers:

I am writing regarding a request for assistance that our office received related to the Committee on Police and Fire and its application of the Illinois Freedom of Information Act, 5 ILCS 140.

Mr. Tracy Siska of the Chicago Justice Project filed a request to obtain documents with your office on September 28, 2007 seeking a copy of a transcript of a July 24, 2007 public meeting. He received a response on October 9, 2007 in which you state that the Committee does not have the requested documents in digital format, a response that complies with the Act. However, Mr. Siska also submitted material to our office in which he states that he attempted to obtain from the Committee a paper copy of the transcript in hardcopy but was told by a Committee staff member that he would have to contact the court reporting agency to obtain these documents at a cost of \$917 in either paper or digital format.

The purpose of my letter is to ask that the Committee re-review Mr. Siska's request for documents given that the principal mandate of the Act requires that "Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of this Act. ***Notwithstanding any other law, a public body may not grant to any person or entity, whether by contract, license, or otherwise, the exclusive right to access and disseminate any public record as defined in this Act. 5 ILCS 140/3(a).*** Thus, a public body would not be permitted to refuse to provide records of the public body or to refer the requestor to an outside party, even if the public body has contracted with them to keep the records.

Chairman Isaac Carothers

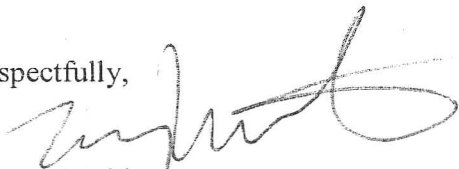
November 27, 2007

Page 2

With regard to copy fees, please be advised that a public body may charge fees reasonably calculated to reimburse its actual cost for reproduction and certifying public records and for the use by any person of the equipment of the public body to copy records. Such fees cannot include the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by State statute. Such fees shall be imposed according to a standard scale of fees, established and made public by the body imposing them. Purposeful imposition of a fee not consistent with subsections (6)(a) and (b) of this Act, shall be considered a denial of access to public records for the purposes of judicial review.

Thank you for your assistance in this matter. If you have any questions, please contact me at 217-558-0486.

Respectfully,

A handwritten signature in black ink, appearing to read "Terry Mutchler", written over the typed name and title.

Terry Mutchler
Public Access Counselor
Assistant Attorney General

TM:dh

cc: Tracy Siska