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By BRENDA SCHORY - bschory@kcchronicle.com

League of Women Voters reveals muddy understanding of transparency laws

Illinois' Freedom of Information Act is intended to make government records open to its residents – but sometimes, the requests do not get answered in the way the law intended.

So found a recent transparency audit by the League of Women Voters of Geneva/St. Charles, Batavia and Elgin. They were one of 12 leagues to receive a \$400 national grant to show how difficult – or easy – it is for citizens to use the state's open records laws to access public information.

In all, 42 agencies including the State of Illinois were contacted, said member Susan Secondi of Campton Township. The groups are sponsoring free forum on the Freedom of Information Act, Illinois' open records law 9:15 to 11:30 a.m. Saturday, at the Gail Borden Public Library, 270 N. Grove St., Elgin.

“It was an audit of the process to see what would happen,” Secondi said. “Just to show people what happens.”

The same information was requested of each: Names, salaries, titles and dates of employment of all public employees and officers of public bodies. The League's analysis showed a number of barriers, including additional forms to be filled out, responses with incomplete or wrong information or requesting fees up front. The results are available in the League's report on transparency online at http://lwvgenstc.org/files/kane_county_foia_audit_2009_final.pdf.

Though some readily provided the information, others did not:

Blackberry Township

Blackberry Township Supervisor David Richmond denied Secondi's request and her appeal because he believed an original signature was required, not a faxed or e-mailed one.

“I am an attorney and try to stay as close to the legal as I can find it,” Richmond said. “I also worked for the federal government and we always would require an original signature. I asked the requester to send an original signature, which I did not consider burdensome.”

Attorney General Lisa Madigan's Deputy Press Secretary Natalie Bauer said FOIA requests should not be denied for lack of an original signature.

“A faxed or e-mailed copy of a signed document will suffice for a FOIA request,” Bauer said.

“If the attorney general’s office says faxed or e-mailed requests are legal, then of course I would accept them,” Richmond said.

St. Charles Township

St. Charles Township asked for a \$50 fee up front to cover the cost of an accountant to prepare the information, and at first, left out employees’ names. Later, after checking with the Township Officials of Illinois, the township provided the names.

“There was a question in our minds of whether we had to give out people’s names with the salary,” St. Charles Township Clerk Jack Brainard said.

The League’s audit notes the law does not allow government bodies to charge requesters for the time it takes to collect the information. Public bodies may only charge what it costs to reproduce the records.

Brainard said the \$50 was charged to the requester because it was outside of the accountant’s regular duties.

Campton Township

In Campton Township, administrator Julia Glas said the township does not have a need to track employees’ start dates or titles, and the township, highway and assessor are separate offices.

“We have an annual treasurer’s report that lists names and dollar amount (of salaries) but not electronic, and not one that gives the start date or title,” Glas said.

Glas went to Secondi’s house personally to get a better understanding of what information she was requesting.

“What she ended up giving me was a payroll report that showed one pay period and just the last name of the employee,” Secondi said.

State of Illinois

Illinois Comptroller Daniel Hynes Office at first asked for a \$192 copying fee for a CD with the information on it, but later reduced the charge to \$50.

Hynes press secretary Carol Knowles said the higher amount is charged because businesses FOIA the list to solicit state employees.

Once Knowles confirmed the information was not for a commercial purpose, the cost to copy the information to a disc is \$50. She said all agencies – whether non-profit or news media – are required to pay the fee.

“We do try to provide information to the public when they call,” Knowles said. “The Comptroller’s Office prides itself on being open and responding quickly to FOIA requests requests and providing information.”

Darlene Bakk of Campton Hills, a League member and co-facilitator of the transparency audit, said the open records laws allows citizens to play a role in their government. She said the audit shows that government officials need more education about the Freedom of Information Act.

“The audit tells us they don’t know what the rules are,” Bakk said. “It isn’t our job to tell them; it’s their job to know. A lot of them just did not understand what their role was to taxpayers and people seeking this information.”

Freedom of Information forum

Who: League of Women Voters in Kane County

What: Free forum on the Freedom of Information Act

When: 9:15 to 11:30 a.m. Saturday, Oct. 10

Where: Gail Borden Public Library, 270 N. Grove St., Elgin

Why: Guest speakers will be Maryam Judar, community lawyer for Citizen Advocacy Center in Elmhurst, will talk about changes in FOIA laws taking effect Jan. 1, 2010; and attorney Mark O. Stern, who will discuss his suit against the Wheaton-Warrenville school district to get a copy of the school superintendent’s employment contract.

How: Leagues in Geneva/St. Charles, Batavia and Elgin received a \$400 grant to conduct a Freedom of Information Act audit of 42 local governments and the State of Illinois. The forum is a follow-up to the league's audit results

More information about government transparency:

- Illinois Attorney General Lisa Madigan online at www.illinoisattorneygeneral.gov/ and click on Ensuring Open and Honest Government link

- League of Women Voters - www.lwvgenstc.org/ and transparency audit - http://lwvgenstc.org/files/kane_county_foia_audit_2009_final.pdf

- Better Government Association - www.bettergov.org/

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