

A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

- Yes
 No

a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them.

State Records Act, 5 ILL. COMP. STAT. 160/1 et seq. (2000)

ILL. ADMIN. CODE tit. 44, §§ 4400 et seq. (1996)

Electronic Commerce Security Act, 5 ILL. COMP. STAT. 175/1-101 et seq. (2000)

ILL. ADMIN. CODE tit. 14, §§ 100 et seq. (1996)

Comptroller’s Records Act, 15 ILL. COMP. STAT. 415/0.01 et seq. (2000)

Illinois Department of Revenue Sunshine Act, 20 ILL. COMP. STAT. 2515/1 et seq. (2000)

Local Records Act, 50 ILL. COMP. STAT. 205/1 et seq. (2000)

ILL. ADMIN. CODE tit. 44, §§ 4500 et seq. (1996)

Municipal Adoption of Codes and Records Act, 50 ILL. COMP. STAT. 220/0.01 et seq. (2000)

Library Records Confidentiality Act, 75 ILL. COMP. STAT. 70/1 et seq. (2000)

Illinois School Student Records Act, 105 ILL. COMP. STAT. 10/1 et seq. (2000)

ILL. ADMIN. CODE tit. 23, §§ 375 et seq. (1996)

Official Court Reports Act, 705 ILL. COMP. STAT. 65/0.01 et seq. (2000)

b. If “No,” skip this whole section.

Additional comments:

2. The public records statutes/regulations apply to which of the following branches?

- Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

The Illinois State Records Act, 5 ILL. COMP. STAT. 160/1 et seq. (2000), applies to the executive branch and its agencies, including “all parts, boards, and commissions of the executive branch of the State government including but not limited to State colleges and universities and their governing boards and all departments established by the ‘Civil Administrative Code of Illinois’ ...” 5 ILL. COMP. STAT. 160/2 (2000).

Additional comments:

3. Cite to public records statutes/regulations where “public record” is defined.

State Records Act, 5 ILL. COMP. STAT. 160/2 (2000)

Freedom of Information Act, 5 ILL. COMP. STAT. 140/2 (2000)

State Library Act, 15 ILL. COMP. STAT. 320/7 (2000) (defined by reference)

Local Records Act, 50 ILL. COMP. STAT. 205/3 (2000)

Municipal Adoption of Codes and Records Act, 50 ILL. COMP. STAT. 220/1 (2000)

Counties Code – Adoption of Codes and Records by Reference, 55 ILL. COMP. STAT. 5/5-6001 (2000)

Illinois Municipal Code – Incorporation by Reference of Certain Construction Regulations, 65 ILL. COMP. STAT. 5/1-3-1 (2000)

ILL. ADMIN. CODE tit. 2, § 775.20 (1996)

ILL. ADMIN. CODE tit. 2, § 951.15 (1996)

ILL. ADMIN. CODE tit. 2, § 1376.110 (1996)

ILL. ADMIN. CODE tit. 2, § 1828.102 (1996)

ILL. ADMIN. CODE tit. 44, § 4000.20 (1996)

ILL. ADMIN. CODE tit. 44, § 4500.20 (1996)

Additional comments:

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes

No

- a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

The State Records Act was recently amended to include “digitized electronic material” and “databases” in the definition of ‘record.’ Before the Act was amended, the language was more vague: “regardless of physical form or characteristics...” 5 ILL. COMP. STAT. 160/2 (2000). The Local Records Act also specifically defines records as including “digitized electronic material.” 50 ILL. COMP. STAT. 205/3 (2000). The Electronic Commerce Security Act defines “electronic record,” 5 ILL. COMP. STAT. 175/5-105 (2000), and, despite its title, includes provisions allowing state agencies to satisfy records retention requirements by retaining electronic records, 5 ILL.

COMP. STAT. 175/5-135 (2000). Otherwise, the Electronic Commerce Security Act would not be considered a “public records” statute as that term applies to the State and Local Records Acts.

Also newly amended, 5 ILL. COMP. STAT. 160/9(1) now requires each agency to ensure that agency electronic records are retained in a trustworthy manner pursuant to the Electronic Commerce Security Act.

5. Do the public records statutes/regulations address retention of records?

Yes
 No

a. If “Yes,” cite to and briefly summarize the retention provisions.

The State Records Act provides that the Secretary of State shall establish standards for the selective retention of records. 5 ILL. COMP. STAT. 160/14 (2000). The Act also creates the State Records Commission. 5 ILL. COMP. STAT. 160/16 (2000). No record may be disposed of by any agency of the State without the Commission’s approval. 5 ILL. COMP. STAT. 160/17 (2000). The State Archivist (the Secretary of State) may elect to retain any records that the Commission has authorized to be destroyed. They may be deposited in the State Library, State Historical Museum, or with another historical society, museum or library. 5 ILL. COMP. STAT. 160/17 (2000).

The Comptroller’s Records Act also allows the Comptroller to destroy records upon authorization from the State Records Commission. 15 ILL. COMP. STAT. 415/1 (2000). Before destruction, a summary description of the records must be certified and witnessed by at least 2 witnesses. The certificate must stay in the Comptroller’s permanent files. 15 ILL. COMP. STAT. 415/7 (2000).

The Local Records Act provides that no public record shall be destroyed without authorization of the Local Records Commission. The State Archivist (the Secretary of State) may elect to retain any records that the Commission has authorized to be destroyed. They may be deposited in the State Library, State Historical Museum, or with another historical society, museum or library. 50 ILL. COMP. STAT. 205/7 (2000).

b. If “Yes,” also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

The Comptroller’s Records Act allows the reproduction of records in “any electronic media” prior to their destruction, 15 ILL. COMP. STAT. 415/3 (2000).

The Local Records Act provides that the Local Records Commission shall set standards for the reproduction of public records in digitized electronic format prior to their destruction. 50 ILL. COMP. STAT. 205/7 (2000).

Additional comments:

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

H.B. 4938, which recently amended the State Records Act, added a legislative policy (new 5 Ill. Comp. Stat. 160/1.5):

"Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois (i) that government records are a form of property whose ownership lies with the citizens and with the State of Illinois; (ii) that those records are to be created, maintained, and administered in support of the rights of those citizens and the operation of the State; (iii) that those records are, with very few exemptions, to be available for the use, benefit, and information of the citizens; and (iv) that those records may not be disposed of without compliance to the regulations in this Act."

Additional comments:

The State FOIA also contains such a statement.

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes
 No

- a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

The Secretary of State, in his/her capacity as State Archivist, State Records Act, 5 ILL. COMP. STAT. 160/1 et seq. (2000).

The State Records Commission, State Records Act, 5 ILL. COMP. STAT. 160/1 et seq. (2000).

The Local Records Commission, Local Records Act, 50 ILL. COMP. STAT. 205/6 (2000). There are currently two Local Records Commissions, the Cook County Local Records Commission and the Downstate Local Records Commission.

ILL. ADMIN. CODE tit. 44, §§ 4400 et seq. (1996)

ILL. ADMIN. CODE tit. 44, §§ 4500 et seq. (1996)

- b. If “Yes,” also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

There is no positive law requiring the permanent maintenance of government information, although the recent addition of a legislative policy statement for the State Records Act (see 6.a above) recognizes the State’s responsibility to retain anything of importance. The retention provisions require consideration of a record’s “administrative, legal, research, or historical value” prior to its being authorized for destruction. State Records Act, 5 ILL. COMP. STAT. 160/16 (2000); Local Records Act, 50 ILL. COMP. STAT. 205/10 (2000).

Additional comments:

- 8. Has any public records legislation/administrative regulation been proposed calling for “permanent public access” to electronic public records?

Yes

No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

None located.

- 9. Has litigation under the public records statutes resulted from the state’s failure to “permanently” maintain a public record?

Yes

No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

None located.

- 10. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under public records statutes/regulations.

B. FREEDOM OF INFORMATION ACT

A state’s freedom of information act (or law) generally addresses public access to “public records.” As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a “freedom of information act,” as referred to in the paragraph above?

Yes

No

a. If “Yes,” cite your state’s freedom of information act (or law) statutes and the administrative regulations that supplement them.

Freedom of Information Act, 5 ILL. COMP. STAT. 140/1 et seq. (2000).

ILL. ADMIN. CODE tit. 2, §§ 76 et seq. (1996) (Joint Comm. on Admin. Rules)

ILL. ADMIN. CODE tit. 2, §§ 200 et seq. (1996) (Legislative Reference Bureau)

ILL. ADMIN. CODE tit. 2, §§ 351 et seq. (1996) (Office of the State’s Attys. App. Pros.)

ILL. ADMIN. CODE tit. 2, §§ 526 et seq. (1996) (Lieut. Gov.)

ILL. ADMIN. CODE tit. 2, §§ 551 et seq. (1996) (Sec’y of State)

ILL. ADMIN. CODE tit. 2, §§ 576 et seq. (1996) (Atty. Gen.)

ILL. ADMIN. CODE tit. 2, §§ 601 et seq. (1996) (Auditor Gen.)

ILL. ADMIN. CODE tit. 2, §§ 625 et seq. (1996) (Comptroller)

ILL. ADMIN. CODE tit. 2, §§ 651 et seq. (1996) (Treasurer)

ILL. ADMIN. CODE tit. 2, §§ 701 et seq. (1996) (Dep’t of Agric.)

ILL. ADMIN. CODE tit. 2, §§ 726 et seq. (1996) (Dep’t on Aging)

ILL. ADMIN. CODE tit. 2, §§ 751 et seq. (1996) (Dep’t of Cent. Mgmt. Servs.)

ILL. ADMIN. CODE tit. 2, §§ 775 et seq. (1996) (Dep’t of Children & Family Servs.)

ILL. ADMIN. CODE tit. 2, §§ 801 et seq. (1996) (Dep’t of Commerce & Cmty. Affairs)

ILL. ADMIN. CODE tit. 2, §§ 826 et seq. (1996) (Dep’t of Conservation)

ILL. ADMIN. CODE tit. 2, §§ 851 et seq. (1996) (Dep’t of Corr.)

ILL. ADMIN. CODE tit. 2, §§ 876 et seq. (1996) (Dep’t of Energy & Natural Res.)

ILL. ADMIN. CODE tit. 2, §§ 901 et seq. (1996) (Dep’t of Fin. Insts.)

ILL. ADMIN. CODE tit. 2, §§ 926 et seq. (1996) (Dep’t of Human Rts.)

ILL. ADMIN. CODE tit. 2, §§ 951 et seq. (1996) (Dep’t of Ins.)

ILL. ADMIN. CODE tit. 2, §§ 1051 et seq. (1996) (Dep’t of Mines & Minerals)

ILL. ADMIN. CODE tit. 2, §§ 1076 et seq. (1996) (Dep’t of Nuclear Safety)

ILL. ADMIN. CODE tit. 2, §§ 1101 et seq. (1996) (Dep’t of Pub. Aid)

ILL. ADMIN. CODE tit. 2, §§ 1126 et seq. (1996) (Dep’t of Pub. Health)

ILL. ADMIN. CODE tit. 2, §§ 1176 et seq. (1996) (Dep’t of Human Servs.)

ILL. ADMIN. CODE tit. 2, §§ 1201 et seq. (1996) (Dep’t of Revenue)

ILL. ADMIN. CODE tit. 2, §§ 1226 et seq. (1996) (Dep’t of Transp.)

ILL. ADMIN. CODE tit. 2, §§ 1270 et seq. (1996) (Dep’t of Veterans Affairs)

ILL. ADMIN. CODE tit. 2, §§ 1301 et seq. (1996) (Dep’t of Employment Sec.)

ILL. ADMIN. CODE tit. 2, §§ 1326 et seq. (1996) (Dep’t of Prof’l Regulation)

ILL. ADMIN. CODE tit. 2, §§ 1376 et seq. (1996) (Dep’t of Military Affairs)

ILL. ADMIN. CODE tit. 2, §§ 1400 et seq. (1996) (Dep’t of Labor)

ILL. ADMIN. CODE tit. 2, §§ 1551 et seq. (1996) (State Bd. of Elections)

ILL. ADMIN. CODE tit. 2, §§ 1601 et seq. (1996) (Bd. of Ethics)

ILL. ADMIN. CODE tit. 2, §§ 1651 et seq. (1996) (Capital Dev. Bd.)

ILL. ADMIN. CODE tit. 2, §§ 1676 et seq. (1996) (Civil Serv. Comm’n)

ILL. ADMIN. CODE tit. 2, §§ 1701 et seq. (1996) (Ill. Commerce Comm’n)

ILL. ADMIN. CODE tit. 2, §§ 1828 et seq. (1996) (Envtl. Prot. Agency)

ILL. ADMIN. CODE tit. 2, §§ 1850 et seq. (1996) (Governor’s Purchased Care Review Bd.)

- ILL. ADMIN. CODE tit. 2, §§ 1901 et seq. (1996) (Ill. Health Facilities Auth.)
- ILL. ADMIN. CODE tit. 2, §§ 1951 et seq. (1996) (Ill. State Historical Library)
- ILL. ADMIN. CODE tit. 2, §§ 2026 et seq. (1996) (Indus. Comm'n)
- ILL. ADMIN. CODE tit. 2, §§ 2301 et seq. (1996) (Office of Banks & Real Estate)
- ILL. ADMIN. CODE tit. 2, §§ 2501 et seq. (1996) (Ill. State Labor Relations Bd./Ill. Local Labor Relations Bd.)
- ILL. ADMIN. CODE tit. 2, §§ 2525 et seq. (1996) (Med. Ctr. Comm'n)
- ILL. ADMIN. CODE tit. 2, §§ 2650 et seq. (1996) (Ill. Asbestos Abatement Auth.)
- ILL. ADMIN. CODE tit. 2, §§ 2676 et seq. (1996) (Ill. Educ. Labor Relations Bd.)
- ILL. ADMIN. CODE tit. 2, §§ 2700 et seq. (1996) (Office of Pub. Counsel)
- ILL. ADMIN. CODE tit. 2, §§ 2701 et seq. (1996) (Office of Pub. Counsel)
- ILL. ADMIN. CODE tit. 2, §§ 2905 et seq. (1996) (Ill. Planning Council on Developmental Disabilities)
- ILL. ADMIN. CODE tit. 2, §§ 2925 et seq. (1996) (Ill. Dev. Fin. Auth.)
- ILL. ADMIN. CODE tit. 2, §§ 2950 et seq. (1996) (Low-Level Radioactive Waste Task Group)
- ILL. ADMIN. CODE tit. 2, §§ 3001 et seq. (1996) (Procurement Policy Bd.)
- ILL. ADMIN. CODE tit. 2, §§ 3100 et seq. (1996) (Drycleaner Env'tl. Response Trust Fund Council of Ill.)
- ILL. ADMIN. CODE tit. 2, §§ 3201 et seq. (1996) (Ill. Bldg. Comm'n)
- ILL. ADMIN. CODE tit. 2, §§ 5001 et seq. (1996) (State Bd. of Educ.)
- ILL. ADMIN. CODE tit. 2, §§ 5025 et seq. (1996) (Bd. of Governors of State Colls. & Univs.)
- ILL. ADMIN. CODE tit. 2, §§ 5051 et seq. (1996) (Bd. of Higher Educ.)
- ILL. ADMIN. CODE tit. 2, §§ 5076 et seq. (1996) (Bd. of Regents)
- ILL. ADMIN. CODE tit. 2, §§ 5151 et seq. (1996) (Bd. of Trs. of the Univ. of Ill.)
- ILL. ADMIN. CODE tit. 2, §§ 5155 et seq. (1996) (Bd. of Trs. of the Univ. of Ill.)
- ILL. ADMIN. CODE tit. 2, §§ 5176 et seq. (1996) (Ill. Cmty. Coll. Bd.)
- ILL. ADMIN. CODE tit. 2, §§ 5276 et seq. (1996) (State Scholarship Comm'n)
- ILL. ADMIN. CODE tit. 2, §§ 5376 et seq. (1996) (Ill. Student Assistance Comm'n)
- ILL. ADMIN. CODE tit. 2, §§ 6000 et seq. (1996) (Bd. of Trs. of E. Ill. Univ.)
- ILL. ADMIN. CODE tit. 8, §§ 1 et seq. (1996) (Dep't of Agric.)
- ILL. ADMIN. CODE tit. 80, §§ 1650 et seq. (1996) (Teachers' Ret. Sys. of the State of Ill.)

b. If "No," skip this whole section.

Additional comments:

Each state agency implements its own regulations regarding FOIA. Cited above, they are substantially similar, and in some cases, identical. There are hundreds of additional provisions of the Illinois Administrative Code that address FOIA. The cited provisions are those that specifically cite FOIA as the agency's implementing authority.

2. The freedom of information act statutes/regulations apply to which of the following branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

“Other” marked to indicate FOIA’s application to all administrative agencies other than those associated with the judicial branch. 5 ILL. COMP. STAT. 140/2, 140/3 (2000).

Additional comments:

3. Cite to freedom of information law statutes/regulations where “public record” is defined.

Freedom of Information Act, 5 ILL. COMP. STAT. 140/2(c) (2000).

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

Yes

No

- a. If “Yes,” discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.
- b. If “Yes,” also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

Neither FOIA nor any of the implementing regulations treat electronic records separately from other records, except to the extent that some regulations require that when records are stored on electronic data processing equipment, the Freedom of Information Officer will provide the requester with a computer printout of the requested records, and will also provide the requester with any information necessary to interpret and understand the printout. ILL. ADMIN. CODE tit. 2, § 576.250 (1996); ILL. ADMIN. CODE tit. 2, § 2701.30 (1996).

5. Do any freedom of information act statutes/regulations assure “permanent public access” of electronic public records?

Yes

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

There is no positive law requiring the permanent maintenance of government information. Rather, the previously cited retention provisions require consideration of a record’s “administrative, legal, research, or historical value” prior to its being authorized for destruction. State Records Act, 5 ILL. COMP. STAT. 160/16 (2000); Local Records Act, 50 ILL. COMP. STAT. 205/10 (2000).

6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

"Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest." Freedom of Information Act, 5 ILL. COMP. STAT. § 140/1 (2000).

Additional comments:

7. Has any freedom of information legislation/administrative regulation been proposed calling for "permanent public access" of electronic public records?

Yes
 No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

None found.

8. Has litigation under the freedom of information act resulted from the state's failure to "permanently" maintain a public record?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

None found.

9. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under freedom of information act statutes/regulations.

There is a wide gap between what the State’s FOIA purports to offer and how the law actually works in practice. In a 2/22/01 press release, the Attorney General’s Office announced its intention to seek reform of the Freedom of Information Act. The proposal, which became H.R. 2233 in the 92nd General Assembly, passed the House of Representatives, but the Senate failed to take action. The bill would have established the position of Public Records Access Counsel within the Attorney General’s Office. A person whose request for public records is denied would be able to request a legal opinion from the Counsel on the propriety of the denial. The Counsel would render an opinion within 30 days. The proposal was devised in consultation with the Illinois Press Association, who in 1999 sent reporters to all 102 Illinois counties to see how easily the reporters (without revealing who they were) could get the government information they sought (e.g., log of prisoners; minutes from a city council meeting; travel vouchers from a school superintendent). Sixty percent of the time, the reporters had to explain the law to the officials of whom they requested documents. The legislation proposed to reform this situation is described as “modeled after a successful Indiana law” (2/22/01 press release.)

C. PUBLIC ACCESS LAWS

The term “public access law” is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the “Free Public Access to the Code of Maryland Regulations Act,” whose title alone explains much about its purpose.

1. Does your state have any “public access laws,” as referred to in the paragraph above?

Yes
 No

- a. If “Yes,” cite each of your state’s public access law statutes and the administrative regulations that supplement them.
- b. If “No,” skip this whole section.

Additional comments:

But see the State Library Act, 15 Ill. Comp. Stat. § 320/21 (2000), wherein all state agencies are required to “provide and deposit with the Illinois State Library sufficient copies of all publications issued by such State agencies for its collection and for exchange purposes.”

2. For each public access law, specify the branches to which it applies.

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

Yes
 No

- a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

Yes
 No

- a. If "Yes," for each public access law, cite to and briefly discuss the permanency provisions.

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

Yes
 No

- a. If "Yes," cite to and briefly discuss the accessibility provisions.

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government publications or acknowledge the state's responsibility to permanently maintain government publications?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

8. Has any public access legislation/administrative regulation been proposed calling for “permanent public access” of electronic publications?

Yes
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state’s failure to “permanently” maintain a government publication?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of government publications under public access laws.

D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes
 No

- a. If “Yes,” provide the complete official name for the office and/or officer; cite to the statute giving that information.

Illinois Technology Office
2 1/2 State House
Springfield, Illinois 62706
Telephone: 217/557-5944
Fax: 217/524-1678

Mary Barber Reynolds, Chief Technology Officer

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<<http://www100.state.il.us/tech/technology/contacts.cfm>> (accessed June 16, 2002)

According to the Illinois state Web site at <<http://www100.state.il.us/tech/technology>> (accessed June 16, 2002), "On February 19, 1999, Governor George H. Ryan created the Illinois Technology Office through Executive Order Number 5. The Illinois Technology Office is located in the Office of the Governor and is responsible for managing and coordinating technology initiatives in various areas such as education and research."

However, there is no mention of the office in either the Illinois Compiled Statutes or the Illinois Administrative Code.

- b. If "No," skip this whole section.

Additional comments:

See above.

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

See above. Executive Order No. 5 (1999) is available at <<http://www100.state.il.us/tech/technology/execorder.cfm>> (accessed June 16, 2002).

Additional comments:

Executive Order No. 5 (1999) deals generally with the Technology Office's duties regarding Y2K. An additional mission statement is available at <<http://www100.state.il.us/tech/technology/mission.cfm>> (accessed June 16, 2002).

3. Does the office/officer have power to promulgate administrative regulations?

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the office/officer.

Additional comments:

It does not appear that the body has any authority to promulgate regulations. It has not done so since its inception.

4. The office/officer has jurisdiction over which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

The office does not have jurisdiction over any branches but, according to its mission, is to work with staff from “multiple state agencies and outside advisors...”

<<http://www100.state.il.us/tech/technology/mission.cfm>> (accessed June 16, 2002)

Additional comments:

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to “permanent public access” of government information?

Yes

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

7. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

Notwithstanding the State & Local Record Acts’ provisions disallowing the destruction of records unless authorized by the State or Local Records Commissions discussed in Part I above.

8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

No such acknowledgment encountered.

9. Has the office/officer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes

No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

The Office is currently communicating with all Executive agencies concerning the need to have a common "look and feel" for all Illinois state web sites. They are encountering resistance because many of the agencies have gone to a lot of expense to have an attractive site (without regard to what other agencies are doing). The goal of the Office is to convince the agencies that citizens' access to information and the services of government should be the paramount consideration, rather than individual agencies' web site goals. Although 'permanent' has been given less emphasis than the 'public access' features, this is a start, and the Office is well aware that permanent public access is the desired goal. (From notes made of a telephone call to the Technology Office, 9/02).

Additional comments:

The Office has published a Web page regarding "Technical Considerations When Storing Public Records in Digital Format" at <<http://www100.state.il.us/tech/technology/recordsretention.cfm>> (accessed June 16, 2002).

The Office has also promulgated "Illinois Web Accessibility Standards" that were made binding on Illinois agencies by a Gubernatorial administrative order on February 14, 2002. The standards may be accessed from <<http://www100.state.il.us/Tech/technology/accessibility/default.cfm>> (accessed June 16, 2002). The administrative order is accessible at <http://www100.state.il.us/Tech/tech_administrative.cfm> (accessed June 16, 2002).

In addition, the Office has given attention to permanency as it affects local government records. The Local Records Act, 50 ILCS 205, as amended, allows local governments to reproduce public records in either microfilm or digitized electronic formats. It stipulates that if the local government keeps a public record in an electronic format, the method must be a "trustworthy manner so that the records, and the information contained in the records, are accessible and usable for subsequent reference at all times while the information must be retained."

While these projects are not specifically addressed to providing "permanent" access, their motives including ensuring electronic access.

10. Has any litigation involving the office/officer resulted from the state's failure to "permanently" maintain government information?

Yes

No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

None found.

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

At this time, it appears that any authority the office/officer has is advisory only unless put into administrative order by governor.

E. STATE TECHNOLOGY PLANS

1. Does your state have a current official information technology plan (or equivalent)?

Yes

No

a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

The plan ("VentureTECH") is a creature of Governor Ryan's office. Authority to implement the plan was granted in Executive Order No. 14 (2000), available at <<http://www100.state.il.us/tech/technology/vtech/eorder.cfm>> (accessed June 16, 2002).

b. If "Yes," also provide complete bibliographic information about the plan; when was it published?

The executive order creating the VentureTECH Advisory Committee was filed in the Secretary of State's office on July 19, 2000. A short (15-page) status report on VentureTECH's progress, including a very short section on information technology was published in 2002 (the document is undated). It is available at <<http://www100.state.il.us/tech/technology/pdf/Vtechdocfinal.pdf>> (accessed June 16, 2002).

c. If "No," skip this whole section.

Additional comments:

VentureTECH is largely concerned with attracting high technology business and capital to Illinois. The status report only contains a short paragraph of interest to this project: "Digital Signatures Project / Public Key Infrastructure – An investment has been made through *VentureTECH* to enable secure, authenticated and encrypted electronic communications among various levels of government as well as citizens and businesses. This infrastructure enables

on-line transactions that require signatures and secure transmission of electronic documents in a way that improves government efficiency and public service. Illinois is the first state in the nation to build this secure internal infrastructure across government.” While this project has to do with the electronic dissemination of government documents, it is not necessarily concerned with issues of permanent public access.

2. The technology plan covers which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

See additional comments under Item E.1, above.

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

- Yes
- No

a. If “Yes,” cite to and provide relevant language of the plan.

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

- Yes
- No

a. If “Yes,” provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.

b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the printing office/official printer.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

Yes
 No

- a. If “Yes,” cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. Then:

- a. Describe your state’s use of in-house agency publishing and/or commercial publishing of government information.
- b. What percentage of official state government documents are printed by the printing office/official printer?
- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to “permanent public access” of government information?

Yes
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the printing office/official printer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the printing office/official printer resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state's official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes
 No

- a. If "Yes," provide the complete official name for the archives and/or archivist; cite the statute giving that information.

Illinois State Archives; the Secretary of State serves as State Archivist. The archives were created by the State Records Act, 5 ILL. COMP. STAT. § 160/5 (2000). The official name is the Department of Archives and Records, Office of the Secretary of State (ILL. ADMIN. CODE tit. 44, § 4400.25 (1996).

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the archives/archivist.

The State Records Act, 5 ILL. COMP. STAT. § 160/1 et seq. (2000).

Additional comments:

3. Does the archive/archivist have power to promulgate administrative regulations?

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the archive/archivist.

Additional comments:

4. The archive/archivist has defined responsibilities for which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Pursuant to the State Records Act, “The Secretary: (1) whenever it appears to him to be in the public interest, may accept for deposit in the State Archives the records of any agency or of the Legislative or Judicial branches of the State government that are determined by him to have sufficient historical or other value to warrant the permanent preservation of such records by the State of Illinois...” State Records Act, 5 ILL. COMP. STAT. § 160/7(1) (2000).

Additional comments:

The above-cited provision shows the extension of the Archivist’s (Secretary of State’s) responsibilities to all of the governmental branches.

5. Briefly discuss the functions of the archive/archivist.

In addition to the above-cited provision, the archivist also has the power to “accept for deposit in the State Archives official papers, drawings, maps, writings, and records of every description of counties, municipal corporations, political subdivisions and courts of this State, and records of the federal government pertaining to Illinois, when such materials are deemed by the Secretary to have sufficient historical or other value to warrant their continued preservation by the State of Illinois; accept for deposit in the State Archives motion picture films, still pictures, and sound recordings that are appropriate for preservation by the State government as evidence of its organization, functions and policies; be responsible for the custody, use, servicing and withdrawal of records transferred for deposit in the State Archives; make provision for the preservation, arrangement, repair, and rehabilitation, duplication and reproduction, description, and exhibition of records deposited in the State Archives as may be needed or appropriate; make or reproduce and furnish upon demand authenticated or unauthenticated copies of any of the documents, photographic material or other records deposited in the State Archives, the public examination of which is not prohibited by statutory limitations or restrictions or protected by copyright; require of all persons, firms, corporations or other legal entities who desire access to information not defined as public records or as records open to public inspection, but open to the public, as provided in this Act, an affidavit dated and signed by the person making the request or his representative, notarized by a notary public; and cooperate with the Illinois State Genealogical Society, or its successor organization, for the mutual benefit of the Society and the Illinois State Archives, with the State Archives furnishing necessary space for the society to carry on its functions and keep its records, to receive publications of the Illinois State Genealogical Society, to use members of the Illinois State Genealogical Society as volunteers in various archival projects and to store the Illinois State Genealogical Society’s film collections...” State Records Act, 5 ILL. COMP. STAT. § 160/7 (2000).

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to "permanent public access" of government information?

Yes

No

- a. If "Yes," cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

Notwithstanding the power of the archivist to retain records authorized for destruction by the State or Local Records Commissions, discussed in Part I, above.

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

State Records Act, 5 ILL. COMP. STAT. § 160/7(1) (2000) mentions permanency: The Secretary: (1) whenever it appears to him to be in the public interest, may accept for deposit in the State Archives the records of any agency or of the Legislative or Judicial branches of the State government that are determined by him to have sufficient historical or other value to warrant the *permanent* preservation of such records by the State of Illinois. (emphasis added)

The new legislative policy statement of H.B. 4938 (see A.6 a above) recognizes the need to preserve government information, although the need for permanent preservation and permanent public access is not precisely expressed in the language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

The Illinois State Archives’ Web page at <http://www.cyberdriveillinois.com/departments/archives/archives.html> (accessed June 16, 2002) includes the following statement: “The Illinois State Archives serves by law as the depository of public records of Illinois state and local governmental agencies which possess *permanent* administrative, legal, or historical research values.” (emphasis added)

The page also includes the following quotation, which may be construed as such an acknowledgment: “*the archivist is bound by law to protect the integrity of...records in such a manner that their value to the individual shall not be impaired.*” –Margaret Cross Norton, First Director of the Illinois State Archives

Additional comments:

10. Has the archive/archivist undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

Notwithstanding duties/responsibilities or the Illinois Regional Archives Depository System discussed above. Also, see H.7 below, where a special initiative regarding permanent public access is described. One must remember that in Illinois, the State Archivist is the same person as the State Librarian.

11. Has any litigation involving the archive/archivist resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

None found.

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state's official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes

No

- a. If "Yes," provide the complete official name for the library and/or librarian; cite to the statute giving that information.

The Secretary of State is State Librarian. The Illinois State Library was created by the State Library Act, 15 ILL. COMP. STAT. §§ 320/1 et seq. (2000).

There is also a Historical Library Division of the Historic Preservation Agency, under the Director of Historic Preservation, 20 ILL. COMP. STAT. §§ 3425/0.01 et seq. (2000).

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the library/librarian.

State Library Act, 15 ILL. COMP. STAT. §§ 320/1 et seq. (2000).

State Historical Library Act, 20 ILL. COMP. STAT. §§ 3425/0.01 et seq. (2000).

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes

No

- a. If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

ILL. ADMIN. CODE tit. 23, §§ 3010 et seq. (1996)

ILL. ADMIN. CODE tit. 23, §§ 3020 et seq. (1996)

ILL. ADMIN. CODE tit. 23, §§ 3040 et seq. (1996)

ILL. ADMIN. CODE tit. 23, §§ 3070 et seq. (1996)

Additional comments:

The above regulations were promulgated under the State Library Act. The Illinois Administrative Code does not have any regulations promulgated under the State Historical Library Act.

4. The library/librarian has defined responsibilities for which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Under 15 ILL. COMP. STAT. § 320/3 (2000), the library has responsibility to maintain library services “on a State level for all State Officers, Offices, the General Assembly, the Judiciary and all State agencies, bodies and commissions, and to promote, support and implement library services on a statewide basis.”

Additional comments:

5. Briefly discuss the functions of the library/librarian.

Under 15 ILL. COMP. STAT. § 320/7 (2000), there are roughly twenty separate purposes attributed to the State Library. Among these include “Mak[ing] available to the public, by means of access by way of the largest nonproprietary nonprofit cooperative public computer network, certain records of state agencies.” 15 ILL. COMP. STAT. § 320/7(q) (2000).

The network consists of 1) the Virtual Illinois Catalog (VIC), which permits easy searching of the catalogs of more than 600 Illinois libraries, including their Illinois government publications. In addition to VIC, the State Library makes available 2) GILS, the Government Information Locator Service, which uses Find-It! as the search engine to provide web-based access to state documents. An explanation of the Find-It! service and its importance is explained in an online memo to state agency webmasters (<<http://www.finditillinois.org/metadata/webmasters.htm>>), which urges them to get their agency into Find-It! Illinois. The Find-It! site received a 1999 Notable Government Document award from the ALA Government Documents Roundtable (GODORT). Background information indicates that the Find-It! service was created due to legislative mandates – the 1967 legislation that made the Illinois State Library the depository for all State publications and the administrator of the Documents Depository Program. When the State Library Act was amended in 1995, making the State Librarian responsible for making electronic state records available via the web, the need for the new service was obvious. The last component – 3) of the Find-It! network is OCLC FirstSearch, which provides many databases to libraries throughout the state.

The State Librarian (who is also the Secretary of State and State Archivist) acknowledges in descriptions of Find-It! Illinois that he is charged with providing permanent public access to electronic publications of state government, even though the statute does not explicitly give that responsibility.

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

Notwithstanding provision of State Library Act requiring the State Librarian and each agency to specify the types and categories of records that will be made accessible through the public computer network. 15 ILL. COMP. STAT. § 320/7(q) (2000).

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to "permanent public access" of government information?

Yes

No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

In October 2001, the State Librarian/Secretary of State announced that State Library/State Archives was awarded a National Leadership Grant of nearly \$250,000 from the federal Institute of Museum and Library Services (IMLS). During the past year, the State Library has worked with the State Library of Ohio and the Univ. of Illinois at Urbana/Champaign's Graduate School of Library and Information Science "to develop a plan for monitoring and evaluating changes made to electronically published state government documents and records to ensure permanent public access" using the grant funds. They have devised a model and software that can eventually be used by all 50 states, and that "pave[s] the way for interstate site searching." Software developed under the grant will be officially unveiled in Spring 2003.

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

Notwithstanding other provisions discussed in previous parts of the questionnaire.

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

None located.

10. Has the library/librarian undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes

No

See Item H.7, above

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

See Item H.7, above

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state's failure to "permanently" maintain government information?

Yes

No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

None found.

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a “depository library program,” as referred to in the paragraph above?

Yes
 No

- a. If “Yes,” cite your state’s depository library law statutes and the administrative regulations that supplement them.

State Library Act, 15 ILL. COMP. STAT. §§ 320/1 et seq. (2000)
ILL. ADMIN. CODE tit. 23, §§ 3020 et seq. (1996)

- b. If “No,” skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?
- b. If “No,” explain whether or not the statutes/regulations have been construed to cover electronic government information?

The State Library Act did not itself create the depository library system, but the administrative regulations that pertain to the system (ILL. ADMIN. CODE tit. 23, §§ 3020 et seq. (1996)) were implemented pursuant to the State Library Act. The administrative regulations deal with ownership of the documents, status as a depository library, and access to materials. “Publications” under the regulations are defined as “all forms of media, including microforms, recordings, and other printed material...” However, the State Library Act includes references to electronic government information as referenced above in answer 6 of the previous part regarding provision of State Library Act requiring the State Librarian and each agency to specify the types and categories of records that will be made accessible through the public computer network. 15 ILL. COMP. STAT. § 320/7(q) (2000).

Additional comments:

3. Do any depository library statutes/regulations assure “permanent public access” of electronic government information?

Yes
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government information or acknowledge the state's responsibility to permanently maintain public records?

Yes

No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

Although it does not specifically contain a statement of public policy, ILL. ADMIN. CODE tit. 23, § 3020.220 (1996) provides that "a) the depository library must make reference service available not only to the library's primary users but to all Illinois Citizens. Cataloging of the documents is required in order to make state documents easily accessible and retrievable. b) Depository libraries shall permit all Illinois citizens access to the depository documents in their collection."

5. Have depository libraries as a whole undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes

No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

None found.

6. Please determine the absolute number or percentage of titles:

Formerly distributed in print, now distributed exclusively in electronic format.

Never before distributed, now distributed in electronic format.

Additional comments:

This information has not been collected, but there are examples everyone knows about that should be pointed out herein: e.g., The *Illinois Administrative Code* was discontinued several years ago, and now is available only on CD-Rom. The table of contents and the regulations of some agencies are available on the Secretary of State's web site. [The State Library has informally announced that we should expect to see a web-based *Illinois Administrative Code* in early Spring 2003, which we hope is true.]

Illinois legislation and bill-tracking information is available on the General Assembly web site, but that site is very difficult to use, and one must have a bill number to search effectively. The bills are still available in print.

The Attorney General Opinions are available electronically, but not in print; also available on microfiche.

Theoretically, VIC (Virtual Illinois Catalog, mentioned elsewhere) makes it easy for a citizen to discover a cataloged item (be it government documents or any other library holdings) in a library nearby with an easy search. GILS (mentioned elsewhere along with Find-It! Illinois) was designed to make electronic government documents more easily available.

7. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

The depository program distributes documents, as well as lists that itemize what was distributed. Depository libraries are required to provide access, but it is up to them how they do that. There are no effective outreach programs to ensure that the documents will become known, besides circulation of the list of items. If the government documents are in electronic form, the State Library's Find-It! Illinois network is supposed to lead them to the documents.

Additional comments:

J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure "permanent public access." A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state's highest court relies on the state bar association to publish the court's decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes
 No

- a. If "Yes," describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

Long ago, in the late 1970s, the State Library worked with OCLC to help connect Illinois libraries and enable sharing of resources. That relationship continues, with FirstSearch being available to all Illinois libraries. This early relationship with them no doubt helped to fuel the later Illinet/Virtual Illinois Catalog work that has been so successful.

The State Library has received IMLS grants to 1) develop the Find-It! Illinois tool described above (p. 25) and 2) to experiment on how best to provide permanent public access to electronic government materials (p. 26). They have been lauded for both projects, with 1) getting an award. We'll see what happens with 2). Progress being made!

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes

No

- a. If "Yes," describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

Additional comments:

3. Does any state agency or other government entity secure "permanent public access" through any other type of cooperative arrangement?

Yes

No – none found

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS

1. If "permanent public access" is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:

- a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.

The Freedom of Information Act reads well, but has not lived up to its promise. H.R. 2233 (referred to elsewhere in this survey) would have given some teeth to the Freedom of Information Act, and it will be interesting to see if this is taken up again. This should be tracked.

Whenever I talked with anyone (Technology Office; State Library; State Archives), I was assured that more would be done to go back to the established web sites and bring them up to the standard they should be. My favorite example is the General Assembly's site, which requires one to know the bill number to find most of the information. Evidently the General Assembly has not yet signed on to the Find-It! Illinois plan, and I resolve to continue digging to find out when (if?) they plan to do so.

- b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for "permanent public access."

Additional comments:

2. Discuss known failed efforts in your state to achieve “permanent public access”; how might new efforts succeed?

Additional comments:

L. DIRECTORY

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Officer (or equivalent)

Illinois Technology Office

2 1/2 State House

Springfield, Illinois 62706

Telephone: (217) 557-5944

Fax: (217) 524-1678

Mary Barber Reynolds, Chief Technology Officer

E-Mail: mary_reynolds@gov.state.il.us

<http://www100.state.il.us/tech/technology/contacts.cfm> (accessed June 16, 2002)

2. State Printer

None

3. State Archivist

(presently) Jesse White, Secretary of State and State Librarian/State Archivist

213 State Capitol

Springfield, IL 62706

Toll-Free in Illinois: (800) 252-8980

4. State Librarian and/or State Law Librarian

(presently) Jesse White, Secretary of State and State Librarian/State Archivist

213 State Capitol

Springfield, IL 62706

Toll-Free in Illinois: (800) 252-8980

There is no state law librarian in Illinois; however, the Illinois Supreme Court Library is the *de facto* state law library. The legal materials in the State Library were removed from the general collections back in the late 1830s and are now at the Supreme Court Library.

5. State Attorney General (on freedom of information act issues, etc.)

The Office of the Attorney General does not have a specific contact with respect to FOIA issues. The general contact information is:

Office of the Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: (217) 782-1090
TTY: 217-785-2771

E-mail is via an on-line form available at: <http://www.ag.state.il.us/ag_email.htm> (accessed June 17, 2002)

M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page

<<http://www100.state.il.us>> (accessed June 17, 2002).

2. State agency portal

<<http://www100.state.il.us/government/agency.cfm>> (accessed June 17, 2002).

a. Does the portal have a searching capability similar to FirstGov?

The State agency portal noted in Item M.2, above, does not have a search function that is easy to use. However, the Secretary of State's Office/and the State Library has a site that is supposed to serve as both a state digital library and the same function as FirstGov, to make information more easily accessible by the public. However, for the past several days a click on "Laws and regulations" has not worked. I emailed the site and it will be interesting to see how quickly they respond: <<http://findit.ilsos.net>>

3. Legislative website

<http://www100.state.il.us/government/gov_legislature.cfm> (accessed June 17, 2002).

a. Does the website cover the current year only?

Yes.

b. Are services free or fee-based?

Free.

4. Judicial websites

<<http://www100.state.il.us/government/judiciary.cfm>> (accessed June 17, 2002).

5. Regulatory agency websites

A list of over 75 agencies, with links to their Web pages, is available at <<http://www100.state.il.us/government/agency.cfm>> (accessed June 17, 2002).

6. Freedom of Information Service Hotline

The Office of the Attorney General maintains a Web page for FOIA information. It includes a 62-page FOIA guide in .html and .pdf formats. No FOIA-specific contact information is provided. The page is located at <<http://www.ag.state.il.us/foia/foiatoc.htm>> (accessed June 17, 2002).

a. Does the state have an ombudsman for freedom of information act issues?

No. In a 2/22/01 press release, the Attorney General's Office announced its intention to seek reform of the Freedom of Information Act. The proposal, which became H.R. 2233 in the 92nd General Assembly, passed the House of Representatives, but the Senate failed to take action. The bill would have established the position of Public Records Access Counsel within the Attorney General's Office. A person whose request for public records is denied would be able to request a legal opinion from the Counsel on the propriety of the denial. The Counsel would render an opinion within 30 days. The proposal was devised in consultation with the Illinois Press Association, who in 1999 sent reporters to all 102 Illinois counties to see how easily the reporters (without revealing who they were) could get the information sought. Sixty percent of the time, the reporters had to explain the law to the officials of whom they requested documents.

b. Is the state attorney general's office the public's contact for freedom of information act issues?

Yes.