

Legislative Fact Sheet - BGA Policy

BGA POLICY

Bill Number: [SB1826](#)

Short Description: FOIA-JUDICIAL EXEMPTIONS

Background

Currently, judicial records in Illinois are not subject to the state's Freedom of Information Act. Given the courts' wide-reaching jurisdiction in Illinois, this exemption substantially restricts the public's ability to understand a wide range of issues.

Senate Bill 1826 aims to remedy this issue by adding the judicial branch to Illinois' Freedom of Information Act. **This bill would allow greater access to court administration records, NOT case file information.**

Without Judicial FOIA, the public has limited access to:

- How courts use public funds.
- All organizational/administrative records within the Administrative Office of the Illinois Courts and offices of the chief judges.
- How long court cases take to go through the system, such as how long it takes to get a divorce, or how long detainees wait in jail before trial.
- Administrative judiciary records, such as plain docket information.
- Information regarding diversion programs.

All Probation and Pretrial records are exempt from FOIA. This includes:

- All records from the Office of Statewide Pretrial Services.
- All records from court-run Electronic Monitoring Programs (the only non-court EM program is the Cook County Sheriff's program, which is sunseting).
- All records from Juvenile Detention Centers, including incident logs, use of solitary confinement and use of force records.

What the bill does not do:

- Does NOT grant access to work product or any other nonpublic information in case files.
- Does NOT allow the Public Access Counselor to review denials of FOIA requests from the judicial branch.
- Does NOT grant access to preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed.
- Does NOT grant access to confidential personnel or litigant information

All existing exemptions, such as those for privacy and law enforcement investigations, would also apply to the judicial branch.

For more information, please contact:

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