

IL. Supreme Court rules – IHSA not a public body as defined by FOIA -Ruling problematic for COD Foundation

Illinois ([ECWd](#)) –

For the foregoing reasons, we hold that the IHSA is not a public body as defined by the FOIA and that the requested records are not the public records of District 230. Accordingly, we affirm the judgment of the appellate court, which affirmed the circuit court's dismissal of the BGA's complaint.

This ruling from the Supreme Court may well prove to be very troubling for the College of DuPage Foundation in their Freedom of Information Act case with the Chicago Tribune. Some of the key points made in that case as justification the COD Foundation was subject to FOIA are found in this ruling.

Illinois High School Association Case:

*“Accordingly, where the IHSA **has not contracted** to perform a governmental function on behalf of District 230, the requested records are not public records of the District under section 7(2) of the FOIA. Therefore, the circuit court properly granted District 230's motion to dismiss.”*

College Of DuPage Foundation Case:

*“In so ruling, the circuit court found that the College **had contracted** with the Foundation to perform a governmental*

function on its behalf and that the subpoena directly related to that governmental function”

Based on our non-legal opinion, as we are not attorneys, this recent ruling from the Illinois Supreme Court is going to make the COD Foundation’s case very difficult to have overturned. As pointed out in the COD Foundation case, they were contracted by a Memorandum of Understanding and that connection was key in that matter. Since IHSA is not contracted, a distinct line of separation was established and they were not subject to FOIA.

COD Foundation, please provide the records!

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