



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 23, 2009

Mr. Justino Petrarca
Scariano Himes & Petrarca
Two Prudential Plaza, Suite 3100
180 North Stetson
Chicago, IL 60601-6702

*RE: Official's Access to Information
2009ASSIST243*

Dear Mr. Petrarca:

I write in regard to a recent complaint received by the Office of the Illinois Attorney General Lisa Madigan in relation to the Hinsdale Township High School District 86 Board of Education and its response to trustee inquiries for information. It is my understanding that the Board has attempted to restrict trustee Dianne Barrett's access to information in the files and records of the body of which she is a member. It is my further understanding that she is being required to submit written Freedom of Information requests in order to obtain pertinent information from the District.

It has been held a public official, by virtue of the office, is generally entitled to access information held by that public body, including information which might not necessarily be made available to or accessible by members of the general public. *Ebert v. Thompson*, 282 Ill.App.3d 385 at 388 (1st Dist. 1996). A public official is generally not required to file a Freedom of Information Act request to obtain records or information needed in the performance of his or her duties. *Ebert*, 387-388.

While a member of a public body is not necessarily entitled to particular documents of a public body merely because they are a member of that body, a Board member cannot be denied access to information relevant to the exercise of his or her duties, including information that would not generally be subject to public disclosure. *Att'y Gen. Op. 32, 1996*.

Each member of a board of a public body has a fiduciary duty to the body and the citizens of the district it serves. Therefore, to the extent that a trustee wishes to access

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information reasonably relevant to the exercise of his or her duties, the same should be made available upon request. We ask that you reconsider the District's position in this regard.

Respectfully,

Heather V. Kimmons

Heather V. Kimmons
Assistant Public Access Counselor
Assistant Attorney General

HVK:dh

cc: **Board Members:**
Mr. Dennis Brennan
Mr. Michael Kuhn
Ms. Vinaya Sharma
Ms. Dianne Barrett
Ms. Kay Gallo
Ms. DeeDee Gorgol
Mr. George Kumis