**Section 651.450 Requests for Review of Denials − Public Access Counselor**

a) *A person whose request to inspect or copy a record is denied by the* Office of the Treasurer *may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial.* (Section 9.5(a) of FOIA)

b) *A person whose request to inspect or copy a public record is made for a commercial purpose as defined in subsection (c-10) of Section 2 of* FOIA or Section 651.120 *may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose under Section 3.1 of* FOIA or Section 651.330 *may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose.* (Section 9.5(b) of FOIA)

c) *Within 7 business days after the* Office of the Treasurer *receives a request for review from the Public Access Counselor, the* Office of the Treasurer *shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor.* (Section 9.5(c) of FOIA)

d) *Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the* Office of the Treasurer *may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy.* (Section 9.5(d) of FOIA)

e) *The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the* Office of the Treasurer*.* (Section 9.5(d) of FOIA)

f) *In addition to the request for review, and the answer and response thereto, if any, a requester or the* Office of the Treasurer *may furnish affidavits or records concerning any matter germane to the review.* (Section 9.5(e) of FOIA)

g) *A binding opinion from the Attorney General shall be binding upon both the requester and the* Office of the Treasurer*, subject to administrative review under* Section 651.470. (Section 9.5(f) of FOIA)

h) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable.* (Section 9.5(f) of FOIA)

i) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the* Office of the Treasurer *shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under* Section 651.470. *If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under* Section 651.470. (Section 9.5(f) of FOIA)

j) *If the* Office of the Treasurer *discloses records in accordance with an opinion of the Attorney General, the* Office of the Treasurer *is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA.* (Section 9.5(f) of FOIA)

k) *If the requester files suit under* Section 651.460 *with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall so notify the* Office of the Treasurer*.* (Section 9.5(g) of FOIA)

l) *The Attorney General may also issue advisory opinions to the* Office of the Treasurer *regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the* Treasurer or the Office of the Treasurer's General Counsel, *which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the* Office of the Treasurer *in order to assist in the review. If the* Office of the Treasurer *relies in good faith on an advisory opinion of the Attorney General in responding to a request, the* Office of the Treasurer *is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.* (Section 9.5(h) of FOIA)

m) *A person whose request to inspect or copy a public record was treated by* the Office of the Treasurer *as a voluminous request under Section 3.6 of* FOIA or Section 651.350 of this Part *may file a request for review with the Public Access Counselor for the purpose of reviewing whether the public body properly determined that the request was a voluminous request.* (Section 9.5(b-5) of FOIA)

(Source: Amended at 46 Ill. Reg. 1635, effective January 7, 2022)