**Section 926.210 Investigation Records and Files**

a) This Section pertains to oral requests for files and written requests that do not comply with Section 926.402. All contents of files maintained by the Agency pertaining to charges shall be confidential and not subject to public disclosure. The only exceptions are as follows:

1) The parties to a charge may request permission to inspect portions of a file, pursuant to subsection (b) of this Section, excluding:

A) internal memoranda;

B) work papers and draft documents;

C) fact-finding conference notes and U.S. Equal Employment Opportunity Commission investigator's notes;

D) materials reflecting the deliberative processes, mental impressions, or legal theories and advice of the Agency;

E) material generated in preparation for judicial or administrative proceedings;

F) the identities of confidential witnesses; and

G) documents maintained by the Agency pertaining to conciliation, mediation, or other settlement effort conducted upon any charge, including but not limited to any reports furnished to or prepared by the Agency in connection with conciliation efforts, unless all parties and the Agency agree in writing to disclosure and to the persons to whom they may be disclosed.

2) If the Director determines that the disclosure of information is in the public interest, at any stage of the proceedings, the Director may authorize release; however, documents that are privileged pursuant to subsection (a)(1) may not be disclosed unless the Director finds in writing that disclosure would be in the public interest.

b) Parties to a charge may inspect materials that are disclosable pursuant to subsection (a)(1) of this Section upon making arrangements with the Agency at any time subsequent to:

1) Written notification of substantial evidence, notice of default, or notice of dismissal;

2) Administrative closure; or

3) Approval of terms of settlement by the Human Rights Commission.

c) During Request for Review proceedings, the Agency's Chief Legal Counsel may inspect the Agency's investigation file, except for documents listed in subsections (a)(1)(A) through (E) and (G) of this Section. The Chief Legal Counsel may review documents listed in subsection (a)(1)(F) of this Section.

d) The Agency may acknowledge publicly the existence of a charge, the names of the parties and the stage of the proceedings at which it is pending.

e) Notwithstanding any other provision of this Section, the Director may assert a privilege with respect to any item available for inspection by a party under this Section if disclosure might jeopardize or prejudice pending proceedings or reveal the identity of a confidential informant, or if such item otherwise qualifies for a privilege against disclosure under applicable law.

(Source: Amended at 34 Ill. Reg. 16393, effective October 8, 2010)