**Section 949.30 Complaints**

a) *Any person may register a complaint with the Department, a State-certified local public health department, or a local law enforcement agency for a violation of* theAct or this Part*.* (Section 40(b) of the Act) Complaints shall be registered with the Department by calling the following toll-free telephone number: 1-866-973-4646 or by registering a complaint or downloading a complaint form from the Department's website (www.dph.illinois.gov). A complaint registered with the Department, a State-certified local public health department, or a local law enforcement agency shall include:

1) The name and address of the public place or place of employment that is the subject of the complaint (if available) and the name and address of the business owner (if available);

2) The date and approximate time of the occurrence that prompted the complaint;

3) A description of the occurrence that prompted the complaint; and

4) Any other information relevant to the occurrence that prompted the complaint.

b) The Department will protect the confidentiality of the complainant and will not disclose the complainant's name or other identifying information, including pursuant to any Freedom of Information Act request, unless he or she consents to the disclosure.

c) Information about the complaint, including the date and time of the complaint, the complainant's name, the name of the public place or place of employment, and the specific allegations registered, will be maintained by the Department.

d) After the receipt of a complaint, a State-certified local public health department or a local law enforcement agency shall investigate the complaint in accordance with the local health department's Smoke-Free Illinois enforcement policy on file with Department by:

1) Notifying the proprietor at the public place or place of employment of the complaint; or

2) Conducting an inspection of the public place or place of employment for compliance with the Act and this Part.

e) In determining whether a violation of the Act or this Part has occurred, the Department, State-certified local public health department, or local law enforcement agency shall consider the following:

1) The presence of a used ashtray or container with ashes or cigarette butts in an area where smoking is prohibited;

2) The lack of a sign that is required under the Act and this Part;

3) The presence of smoke or smoking;

4) The presence of ashes, cigarette butts or filters, or cigar stubs in an area where smoking is prohibited;

5) The presence of smoke that drifts into a place of employment or public place through entrances, windows, ventilation systems or other means; and

6) The presence of smoke or ashtrays within 15 feet fromentrances, open windows or ventilation systems.

f) Information concerning complaints can be requested pursuant to the Freedom of Information Act and the Department's rules titled Access to Records of the Department of Public Health; however, the identity of the complainant is not disclosable.