

AGENDA ITEM 10B.

REPORT OF REDETERMINATION REGARDING CONFIDENTIALITY & DESTRUCTION OF VERBATIM RECORD

Submitted for: Action

Summary: While the Illinois Open Meetings Act, [5 ILCS 120] (the “**Open Meetings Act**”) generally requires that public bodies conduct their business at meetings that are open to the public, the Open Meetings Act also provides various exceptions for matters to be discussed in a closed session. In compliance with the Open Meetings Act, the Illinois Student Assistance Commission (ISAC) has, from time to time, held closed meetings to discuss certain confidential matters that are exempt from public disclosure under the Open Meetings Act.

Under the Open Meetings Act, ISAC is required to “meet at least semi-annually to review minutes of closed meetings to determine (1) whether the need for confidentiality still exists as to all or a part of the closed meeting minutes or (2) whether the minutes or portions thereof no longer require confidential treatment and are available for public inspection.” (5 ILCS 120/2.06(d))

The General Counsel has made the determination that the minutes of the following closed meetings are confidential and should remain closed: September 16, 2013, January 10, 2014, January 30, 2014, April 22, 2014, and July 22, 2014 meetings. The Commission has been provided, attached hereto as Exhibit A, the minutes of the foregoing meetings and the rationale for maintaining their confidentiality.

Additionally, the Open Meetings Act states in relevant part as follows:

“(a) all public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording...

(c) the verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after: (1) the public body approves the destruction of a particular recording; and (2) the public body approves minutes of the closed meeting that meet the written minutes requirements of the Open Meetings Act.” (5 ILCS 120/2.06)

The Illinois Gubernatorial Boards and Commissions Act (15 ILCS 50/20) requires that a “board or commission that maintains a website and has a full-time information technology staff shall make freely available to the public on

that website...[a]ny audio or video recordings of each of its regular or special open meetings, for a period of at least 2 years after the date of the meeting.”

The June 18, 2020 and September 17, 2020 open and closed session meeting minutes which comply with the Open Meetings Act, have been previously approved by the Commission and at least 18 months has transpired since the recording of that meeting, and 24 months has transpired since the web posting of the open session recording. Those minutes were opened to the public by the commission when the minutes were approved.

Based on the foregoing legal authority and General Counsel determination, ISAC staff asks that the commission approve the following resolutions in open session.

Action requested: “**BE IT RESOLVED** that the Commission has determined the need for confidentiality still exists for the minutes of its closed sessions for September 16, 2013, January 10, 2014, January 30, 2014, April 22, 2014, July 22, 2014 and therefore should remain closed”.

“**BE IT FURTHER RESOLVED** that the Commission approves the destruction of the verbatim records of the open and closed sessions of the June 18, 2020 and September 17, 2020 Commission meetings as at least 18 months has transpired since the completion of those meetings and 24 months has transpired since the web posting.

EXHIBIT A

GENERAL COUNSEL REDETERMINATION

Meeting Date	Description	Basis for Confidential Treatment (CT) Under the Open Meetings Act	Should Minutes Remain Closed?
9/16/13	1. Illiquid Security Liquidating Trust with US Bank 2. Camelot Investments	5 ILCS 120/2(c) (21) "litigation matters"	Yes
1/10/14	3. Camelot Investments	5 ILCS 120/2(c) (21) "litigation matters"	Yes
1/30/14	1. Camelot Investments 2. Approval of Closed Minutes: June 21, 2013 and September 16, 2013	5 ILCS 120/2(c) (21) "litigation matters" and (11) "Discuss closed session minutes"	Yes
4/22/14	1. Camelot Investments	5 ILCS 120/2(c) (21) "litigation matters"	Yes
7/22/14	1. Camelot Investments 2. Approval of Closed Minutes April 22, 2014	5 ILCS 120/2(c) (21) "litigation matters" and (11) "Discuss closed session minutes"	Yes

Note – these closed meeting minutes have already been approved by the Commission. So, the only consideration is whether they should remain closed or be opened to the public.