

**AGENDA ITEM 9B.**

**REPORT OF DETERMINATION REGARDING CONFIDENTIALITY  
OF CLOSED MINUTES OF THE AUDIT COMMITTEE**

**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) Audit Committee 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)] Also, under the Open Meetings Act, the Committee may approve the destruction of the verbatim transcript and/or audio recordings of a closed session 18 months after the completion of the meeting as long as minutes have been approved by the Committee. [5 ILCS 120/2.06(c)].

The Illinois Student Assistance Commission is committed to the best practices in records management and retention, which include both the proper retention of documents as well as the appropriate destruction of materials deemed no longer necessary for retention in accordance with state and federal laws. As part of this ongoing commitment and in the regular course of business, ISAC will continue to regularly review materials and take appropriate action.

While the Committee may discuss approval of the minutes, the determination of their confidential treatment or whether to destroy closed session verbatim transcripts and/or audio recordings in closed session, the Committee must return to open session to act upon its determination.

This agenda item pertains to the determination of confidentiality for the closed minutes for the meetings held from January 27, 2012 through November 18, 2015.

The General Counsel has made a determination of whether or not the need for confidential treatment still exists and if the minutes should remain closed or be made opened to the public. That recommendation is listed on the attached table.

**Action requested:**

That the Committee approve the following resolution:

**“BE IT RESOLVED** that the Committee has determined the need for confidentiality still exists for the minutes of its closed sessions for: January 27, 2012, March 26, 2012, June 25, 2012, June 21, 2013 and January 27, 2015 and therefore should remain closed to the public.

**“BE IT FURTHER RESOLVED** that the Committee has determined the need for confidentiality no longer exists for the minutes of its closed sessions for: September 14, 2012, November 16, 2012, January 24, 2013, September 16, 2013, November 13, 2013, January 30, 2014, April 22, 2014, July 22, 2014, October 16, 2014, December 15, 2014, April 1, 2015, June 19, 2015, October 15, 2015 and November 18, 2015 and therefore may be made open to the public”.

**“BE IT FURTHER RESOLVED** that the Committee approves the destruction of the verbatim transcripts and/or audio recordings of the closed session of the January 27, 2012, March 26, 2012, June 25, 2012, September 14, 2012, November 16, 2012, January 24, 2013, June 21, 2013, September 16, 2013, November 13, 2013, January 30, 2014, April 22, 2014 and July 22, 2014 Audit Committee meetings as at least 18 months has transpired since the completion of those meetings.”

**GENERAL COUNSEL DETERMINATION**

<b>MEETING DATE</b>	<b>DESCRIPTION</b>	<b>SHOULD MINUTES REMAIN CLOSED? &amp; REASON FOR REMAINING CLOSED</b>
1/27/12	1. Internal Control Weaknesses 2. External Quality Assessment	Yes Confidential Internal Audit finding
3/26/12	1. Internal Control Weaknesses 2. Closed Minutes	Yes Security & Confidential Internal Audit findings
6/25/12	1. Internal Control Weaknesses	Yes Security reasons
9/14/12	1. Internal Control Weaknesses	No
11/16/12	1. Closed minutes 2. Internal Control Weaknesses	No
1/24/13	1. Internal Control Weaknesses	No
6/21/13	1. Internal Control Weaknesses	Yes Security reasons.
9/16/13	1. Closed Minutes 2. Internal Control Weaknesses	No
11/13/13	1. Closed Minutes 2. Security Procedure 3. Internal Control Weaknesses	No
1/30/14	1. Closed Minutes 2. Internal Control Weaknesses 3. Self-Evaluation	No
4/22/14	1. Closed Minutes 2. Internal Control Weaknesses	No
7/22/14	1. External Auditors 2. Closed Minutes 3. Internal Control Weaknesses	No
10/16/14	1. Closed Min 2. Internal Control Weaknesses	No
12/15/14	1. Closed Min 2. Internal Control Weaknesses 3. Annual Performance Audit Function	No
1/27/15	1. Closed Min 2. Internal Control Weaknesses 3. Self-Evaluation	Yes Committee Confidential Self Evaluation
4/1/15	1. Closed Min 2. Status Update FY 15	No
6/19/15	1. External Auditors 2. Closed Min 3. Status Update FY15	No
10/15/15	1. Closed Min 2. Internal Control Weaknesses	No
11/18/15	1. Closed Min 2. Internal Control Weaknesses 3. Self-Evaluation	Once approved: No