

AGENDA ITEM 12.

REPORT OF REDETERMINATION REGARDING CONFIDENTIALITY

Submitted for: Action – Note – action needs to be taken after returning to open session.

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)]

While the Commission may discuss approval of the minutes and the determination of confidential treatment in closed session, the Commission must return to open session to act upon its determination.

This agenda item pertains to the redetermination of confidentiality for the closed minutes for the September 16, 2013, January 10, 2014, January 30, 2014, April 22, 2014, and July 22, 2014 meetings.

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 opened to the public. That recommendation is listed on the attached table.

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”.

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.