

**AMENDMENTS TO FOIA, OPEN MEETINGS ACT, AND
LOCAL RECORDS ACT EFFECTIVE JANUARY 1, 2026¹**

To: ICRMT Members
From: IFMK Law
Re: Public Act 104-0438
Date: December 9, 2025

Governor Pritzker signed [Public Act 104-0438](#) into law on November 21, 2025. The law makes changes to the Freedom of Information Act (FOIA), the Open Meetings Act (OMA), and the Local Records Act (LRA). The changes are effective on January 1, 2026. Members should take note of the changes to ensure that they remain in compliance with the laws.

OMA Changes

1. Meetings

The OMA will now prohibit public bodies from holding regular or special meetings on the day of a general primary election, a general election, a consolidated primary election or a consolidated election. Home rule units are expressly prohibited from holding meetings in a manner inconsistent with the new law.

2. Remote Attendance

The statute currently includes a procedure to allow a member of a public body to attend a meeting remotely for (1) personal illness or disability; (2) employment purposes or the business of the public body; (3) family or other emergency; and (4) unexpected childcare obligations. A fifth reason--the performance of active military duty as a servicemember--will be added to that list on the law's effective date.

3. Training of Township Officials

The OMA training requirements were changed to specifically allow an elected or appointed member of a *township* board to satisfy the training requirements by attending a course conducted by an organization that represents townships, so long as the training includes certain required information.

¹ This memo has been prepared by IFMK Law for ICRMT members. It is for informational purposes only and should not be considered legal advice. Member entities should consult with their State's Attorney, corporation counsel or other legal adviser to address compliance issues.

FOIA Changes

1. Definition of “Person”

FOIA requires a public body to make public records available to a “person.” The new amendment clarifies that a “person” includes individuals who act as an agent of a corporation, partnership, firm, organization or association.

2. Junk Mail

Junk mail will now be excluded from FOIA’s definition of a public record. It is defined as (1) any unsolicited commercial mail sent to a public body and not responded to by an official employee, or agent of the public body or (2) any unsolicited commercial electronic communication sent to a public body and not responded to by an official, employee, or agent of the public body.

3. Electronic Requests

Public bodies can now require that an electronic FOIA request appear in its entirety within the body of the electronic request. No public body will be required to open an attached file or a hyperlink in order to view a request. If a public body receives an electronic request that would require it to open an attachment or a hyperlink, within 5 business days, it must notify the requester of the requirement to include the request within the body of the message.

4. Posting Requirements

Section 4 of FOIA currently requires public bodies to post certain information about itself at its administrative or regional offices, including (1) a brief description of itself, including its purpose; (2) a diagram of its functional subdivisions; (3) its total operating budget, (4) the number and location of all of its offices; (5) the number of employees; and (6) information regarding advisory bodies. Once the amendment goes into effect on January 1, 2026, a public body that has a website is only required to post this information on its website, make it available for inspection or copying, and send it through the mail upon request. If a public body does not have a website, it must still post the information at its administrative and regional offices.

5. Suspicion that Request was not Sent by a Person

If a public body has a reasonable belief that a request was not submitted by a person, it may require the requester to verify orally or in writing that they are a person within 5 business days after receipt of the request. The requester will be required to respond within 30 days of the public body’s request. If the requester does not respond within 30

days, the request may be denied. The public body's deadline to respond to the original request will be paused until the requester verifies that he or she is a person. The public body is prohibited from requiring that the requester submit personal, private, or identifying information as part of the verification process.

6. Security Sensitive Nuclear Records

A new exemption was added for documents that are security sensitive pursuant to the State's Agreement with the U.S. Nuclear Regulatory Commissions. 5 ILCS 7(1)(uu).

7. Immunity

Officers and employees of a public body, in addition to the public body, itself, will now have immunity from all liability if they disclose records in accordance with an opinion of the Attorney General.

LRA Change

1. Junk Mail

The Local Records Act, consistent with the change to FOIA, now also excludes junk mail from the definition of a public record.

Recommendations

Members are encouraged to read [Public Act 104-0438](#) to ensure that they understand the changes and comply with the new FOIA, OMA, and LRA provisions once they become effective on January 1, 2026. Members should also share this information with any employee or official who is responsible for complying with FOIA requests, attending or coordinating public meetings, or preserving public records.