



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 30, 2026

**PUBLIC ACCESS OPINION 26-011
(Request for Review 2026 PAC 95139)**

FREEDOM OF INFORMATION ACT:
Reports of Confining Jail Inmates to
Restraint Chairs Are Not Exempt From
Disclosure Under Section 7(1)(b),
Section 7(1)(c), or Section 7(1)(b-5)

Ms. Grace Hauck
State Investigative Reporter
Illinois Answers Project
223 West Jackson Boulevard, Suite 300
Chicago, Illinois 60606

Mr. David K. Livingstone
Assistant State's Attorney
Madison County State's Attorney's Office
157 North Main Street, Suite 402
Edwardsville, Illinois 62025

Dear Ms. Hauck and Mr. Livingstone:

This binding opinion is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2025 Supp.)). For the reasons discussed below, this office concludes that the Madison County Sheriff's Office (Sheriff's Office) violated the requirements of FOIA by improperly denying Ms. Grace Hauck's FOIA request.

BACKGROUND

On June 22, 2026, Ms. Hauck submitted a FOIA request to the Sheriff's Office on behalf of the Illinois Answers Project seeking copies of "all incident reports pertaining to the use

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of restraint chairs at Madison County Jail in 2024 and 2025."¹ On June 23, 2026, the Sheriff's Office denied the request in its entirety pursuant to sections 7(1)(b) and 7(1)(c) FOIA.² The Sheriff's Office's response stated:

Though an individual is/has been in custody they still have a certain expectation of privacy. Information relative [to] this request will be exempted per the below:

7(1)(b) – Private Information such as SSN, Phone Number(s), Addresses, DL numbers are protected from release

7(1)(c) – Releasing the records constitutes an unreasonable Invasion of Personal Privacy of those involved. Release of records [in] which personal privacy outweighs the public interest are exempt.^[3]

On June 30, 2026, Ms. Hauck submitted the above-referenced Request for Review disputing the Sheriff's Office's denial.⁴ Specifically, she questioned the Sheriff's Office's rationale for denying the request by explaining that the Sheriff's Office previously furnished the same types of records for years 2019-2023 with only the detainees' identifying information redacted.⁵ Ms. Hauck attached to her Request for Review copies of the records responsive to her previously-submitted FOIA requests. Since obtaining those records, she explained, "the Illinois Answers Project published a story^[6] revealing that staff at Madison County Jail were restraining people in chairs for prolonged periods of time. The story revealed that Madison County violated county policies, state standards and manufacturer guidelines."⁷ Ms. Hauck argued that the Sheriff's Office's improperly applied section 7(1)(c) because:

¹FOIA portal message from Grace Hauck, [Reporter, Illinois Answers Project,] to FOIA Officer, Madison County (June 22, 2026).

²5 ILCS 140/7(1)(b), (1)(c) (West 2025 Supp.).

³FOIA portal message from Jaimie Linton, Administrator of Business, Jail, to Grace Hauck (June 23, 2026).

⁴E-mail from Grace Hauck, State Investigative Reporter, Illinois Answers Project, to Public Access Counselor (June 30, 2026).

⁵E-mail from Grace Hauck, State Investigative Reporter, Illinois Answers Project, to Public Access Counselor (June 30, 2026).

⁶Grace Hauck and Janelle O'Dea, *People were Strapped to Chairs for Hours, Days at Madison County Jail. Many were Mentally Ill or in Withdrawal*[,] Illinois Answers Project (January 29, 2025), <https://illinoisanswers.org/2025/01/29/illinois-jail-restrained-mentally-ill-madison-county/>.

⁷E-mail from Grace Hauck, State Investigative Reporter, Illinois Answers Project, to Public Access Counselor (June 30, 2026).

Use of force and use of restraints at Madison County Jail remains of deep concern and public interest. It appears the county has now decided to deny the release of additional records, in the wake of a story criticizing jail practices. This denial makes it difficult to determine if the violations of county policies, state standards and manufacturer guidelines are ongoing.^[8]

On July 10, 2026, the Public Access Bureau sent a copy of the Request for Review to the Madison County State's Attorney's Office as legal counsel for the Sheriff's Office.⁹ The Public Access Bureau enclosed a letter asking for unredacted copies of the requested reports for this office's confidential review, together with a detailed written explanation of the legal and factual bases for the applicability of sections 7(1)(b) and 7(1)(c) of FOIA.¹⁰ The letter specifically asked the State's Attorney's Office to "please address why redaction of select portions of the reports would not ameliorate any privacy concerns."¹¹

On July 27, 2026, the Sheriff's Office provided this office with the records at issue and its written response.¹² In addition to sections 7(1)(b) and 7(1)(c), the Sheriff's Office asserted that the records were exempt from disclosure under section 7(1)(b-5) of FOIA.¹³ Later that same day, this office forwarded a copy of Sheriff's Office's answer to Ms. Hauck and notified her of her opportunity to reply.¹⁴ On September 2, 2026, Ms. Hauck's legal counsel, Ms. Shelley Geiszler, submitted a reply on her behalf.¹⁵ On September 22, 2026, the Sheriff's Office

⁸E-mail from Grace Hauck, State Investigative Reporter, Illinois Answers Project, to Public Access Counselor (June 30, 2026).

⁹E-mail from Matthew G. Goodman, Assistant Attorney General, Public Access Bureau, Office of the Illinois Attorney General, to [David K.] Livingstone, Assistant State's Attorney, Madison County State's Attorney's Office (July 10, 2026).

¹⁰Letter from Matt Goodman, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to David K. Livingstone, Assistant State's Attorney, Madison County State's Attorney's Office (July 10, 2026).

¹¹Letter from Matt Goodman, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to David K. Livingstone, Assistant State's Attorney, Madison County State's Attorney's Office (July 10, 2026), at 2.

¹²E-mail from David K. Livingstone, Assistant State's Attorney, Civil Division Chief, Madison County State's Attorney's Office, to Matt [Goodman, Assistant Attorney General, Public Access Bureau] (July 27, 2026).

¹³5 ILCS 140/7(1)(b-5) (West 2025 Supp.).

¹⁴Letter from Matt Goodman, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Grace Hauck, State Investigative Reporter, Illinois Answers Project (July 27, 2026).

¹⁵Letter from Shelley Geiszler, Loevy + Loevy, to Matthew Goodman, Assistant Attorney General, Public Access Bureau (dated September 1, 2026; transmitted via e-mail September 2, 2026).

submitted an unsolicited response to that reply,¹⁶ which is not contemplated by the Request for Review process set forth in section 9.5 of FOIA.¹⁷ On September 23, 2026, an Assistant Attorney General in the Public Access Bureau e-mailed Ms. Hauck to clarify whether she would be satisfied with obtaining copies of the records with the detainee names redacted.¹⁸ Ms. Hauck confirmed that she "would accept the reports provided in the same manner as they previously were on five separate occasions."¹⁹

On August 29, 2026, the Public Access Bureau extended the time within which to issue a binding opinion by 30 business days, to October 13, 2026, pursuant to section 9.5(f) of FOIA.²⁰

ANALYSIS

Section 1 of FOIA²¹ declares that "it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government." Under FOIA, "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." 5 ILCS 140/1.2 (West 2024). The Illinois Supreme Court has "on several occasions, held that the exceptions to disclosure set forth in the FOIA are to be read narrowly so as not to defeat the FOIA's intended purpose." *Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 416 (2006).

Section 7(1)(b) of FOIA

Section 7(1)(b) of FOIA exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Section 2(c-5) of FOIA²² defines "private information" in relevant part as:

¹⁶Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (September 22, 2026).

¹⁷5 ILCS 140/9.5 (West 2025 Supp.).

¹⁸E-mail from Matthew G. Goodman, Assistant Attorney General, Public Access Bureau, Office of the Illinois Attorney General, to [Grace] Hauck (September 23, 2026).

¹⁹E-mail from Grace Hauck to Matthew Goodman (September 23, 2026).

²⁰Letter from Matt Goodman, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Grace Hauck, State Investigative Reporter, Illinois Answers Project, and David K. Livingstone, Assistant State's Attorney, Madison County State's Attorney's Office (August 29, 2026).

²¹5 ILCS 140/1 (West 2024).

²²5 ILCS 140/2(c-5) (West 2025 Supp.).

unique identifiers, including a person's social security number, **driver's license number**, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, **home or personal telephone numbers**, and personal email addresses. Private information also includes **home address** and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Emphasis added.)

In its response to this office, the Sheriff's Office stated that "driver's license numbers, personal telephone numbers, and home addresses are redactable[.]"²³ Because those discrete pieces of information fall within the plain language of the definition of "private information," the Sheriff's Office may properly redact them pursuant to section 7(1)(b) of FOIA. As the Sheriff's Office acknowledged, however, "to the extent there exists other non-exempt information remaining in the record, such information must be produced."²⁴

Section 7(1)(c) of FOIA

Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." Section 7(1)(c) defines "unwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." Section 7(1)(c) contains an exception which provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

A public body's assertion that the release of information would constitute a clearly unwarranted invasion of personal privacy is evaluated on a case-by-case basis. *Chicago Journeymen Plumbers' Local Union 130 v. Department of Public Health*, 327 Ill. App. 3d 192, 196 (2001). The General Assembly's use of the language "*clearly unwarranted invasion of personal privacy*[]" evinces a "stricter standard to claim exemption" than a mere "*invasion*" or "*unwarranted invasion of personal privacy*[,]" which the public body possessing the records bears the burden of sustaining. (Emphasis in original.) *Schessler v. Department of Conservation*, 256 Ill. App. 3d 198, 202 (1994).

²³Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [2].

²⁴Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [2].

In its July 27, 2026, written response to this office, the Sheriff's Office asserted: "As it pertains to the records at issue, the identity of the subject and details surrounding their mental health crisis, including whether they are suicidal, homicidal, or engaging in behavior otherwise considered highly personal to a reasonable person, would fall squarely under Section 7(1)(c)."²⁵ The response cited a non-binding determination letter issued by the Public Access Bureau²⁶ which pertained to a police report of an alleged sex crime in which no arrests were made and no charges were filed; this office determined that the details of the alleged assault and highly personal information about the victim's treatment in a hospital were exempt from disclosure under section 7(1)(c), but the information concerning the investigating officers' activities was subject to disclosure.²⁷ The Sheriff's Office asserted:

To ameliorate an unwarranted invasion of personal privacy concern, identifying information of the subject of a report, as well as narrative sections of a report which discusses details of the incident and other highly personal information, have been considered information exempt under Section 7(1)(c). [Citation.] However, descriptions of activities which bear on the public duties of public employees may be disclosable.^[28]

In her reply to the Sheriff's Office's response, counsel for Ms. Hauck argued that any concerns related to privacy could be resolved by redacting the names and other identifying information of the detainees involved.²⁹ She also contended that:

There is a significant public interest in whether the Sheriff's Office's use of restraint chairs complies with county policies, state standards, and manufacturer guidelines. The redacted records would allow the public and our client to understand whether the Sheriff's Office and the Madison County Jail are complying with these standards and guidelines, and the records are the only way for the public to monitor compliance. [Citation.] This public

²⁵Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [2].

²⁶Ill. Att'y Gen. PAC Req. Rev. Ltr. 77465, issued December 30, 2024.

²⁷Ill. Att'y Gen. PAC Req. Rev. Ltr. 77465, at 4.

²⁸Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [2].

²⁹Letter from Shelley Geiszler, Loevy + Loevy, to Matt Goodman, Assistant Attorney General, Public Access Bureau (dated September 1, 2026; transmitted September 2, 2026), at 1.

interest outweighs any privacy interest in the deidentified records.^[30]

The resolution of a personal privacy exemption claim involves weighing four factors: "(1) the [requester's] interest in disclosure, (2) the public interest in disclosure, (3) the degree of invasion of personal privacy, and (4) the availability of alternative means of obtaining the requested information." *National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill. App. 3d 1, 13 (2010).

Under the first and second factors, Mr. Hauck's personal interest in disclosure of the records is the same as her interest in disseminating information to the public as a reporter with Illinois Answers Project. Therefore, her personal interest aligns with the public interest in the disclosure of information concerning whether the Sheriff's Office's use of restraint chairs complies with county policies, State standards, and manufacturer guidelines.

There is a compelling public interest in the disclosure of records that shed light on the manner that law enforcement officials perform their public duties. *See Gekas v. Williamson*, 393 Ill. App. 3d 573, 585-86 (2009) (noting that section 1 of FOIA³¹ recognizes that the public has a "'duty'" to monitor government and holding that the public is entitled to access complaints against deputies that were deemed to be unfounded by a sheriff's office "to ensure it is being conducted in the public interest"). There is a particularly high level of public interest in restraint practices in local jails such as the Madison County Jail, to shed light on whether the Sheriff's Office is using restraint chairs in an appropriate manner. This office's review of the contested records confirmed that they document the underlying reasons and circumstances for the use of the restraint chairs, which the public has legitimate interest in knowing. The Sheriff's Office's response focused on the identities of the subjects and details surrounding any mental health crises they may have had, but, critically, the incident reports also document how public employees conducted their public duties with respect to decisions and procedures concerning the use of restraint chairs. As noted above, the Sheriff's Office acknowledged that descriptions of activities that bear on the public duties of public employees may be disclosable.³²

As to the third factor—the degree of invasion of personal privacy—the Sheriff's Office asserted in its written response that it withheld the contested records in order to protect the

³⁰Letter from Shelley Geiszler, [Attorney], Loevy + Loevy, to Matt Goodman, Assistant Attorney General, Public Access Bureau (dated September 1, 2026; transmitted September 2, 2026), at 1-2.

³¹5 ILCS 140/1 (West 2006).

³²Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [2].

identities of the subjects and details surrounding their mental health crises.³³ This office's review of the incident reports confirmed that they generally do document mental health crises that involved self-harm, suicidal ideation, and other emotional disturbances that did not result in criminal charges. These incidents are highly personal, and disclosure of the detainees' identities would not advance the public interest in how the Sheriff's Office responded to the incidents. Nonetheless, it is well-settled that when personally identifying information is redacted from a record and it is not otherwise evident to whom the remaining information pertains, disclosure of the record in redacted form would not cause a clearly unwarranted invasion of personal privacy. *See, e.g., Bowie v. Evanston Community Consolidated School District No. 65*, 128 Ill. 2d 373, 380 (1989) (disclosure of a de-identified record does not cause a clearly unwarranted invasion of personal privacy); *State Journal-Register v. University of Illinois Springfield*, 2013 IL App (4th) 120881, ¶ 66 (because nothing in the content of an e-mail identified a student aside from her name, the e-mail was not exempt from disclosure under section 7(1)(c) once the student's name was redacted).

This office's review of the incident reports confirmed that the narrative sections can be disclosed without revealing the identities of the subjects because the individually-identifying information can be separated from the non-individually identifying information. As explained above, Ms. Hauck also confirmed for this office that she would accept copies of the reports with individually-identifying information of the subjects redacted. With respect to the remainder of the information in the reports, the information concerning the subjects who were confined to restraint chairs is not particularly graphic or otherwise comparable to the highly personal details about the alleged sex offense and victim's hospital treatment in the non-binding determination letter cited by the Sheriff's Office.

Lastly, there is no indication that Ms. Hauck has alternative means of obtaining the contested records.

Taking all the factors into account, this office concludes that the public interest in disclosure of the de-identified information Ms. Hauck seeks concerning the Sheriff's Office's use of restraint chairs outweighs the subjects' right to privacy. Thus, the Sheriff's Office has not sustained its burden of proving by clear and convincing evidence that the records at issue are exempt from disclosure in their entirety pursuant to section 7(1)(c) of FOIA. The personally-identifying information of the subjects, however, may be redacted pursuant to section 7(1)(c) given Ms. Hauck's consent to those redactions and because the subjects' right to privacy outweighs the public interest in disclosure of their identities. This redactable information includes the subjects' names, inmate numbers, home addresses, and birth dates.

³³Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [2].

Section 7(1)(b-5) of FOIA

Section 7(1)(b-5) of FOIA exempts from disclosure "[f]iles, documents, and other data or databases maintained by one or more law enforcement agencies and *specifically designed* to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects." (Emphasis added.)

In its written response to this office, the Sheriff's Office argued that the section 7(1)(b-5) exemption authorizes withholding the incident reports in their entirety.³⁴ The Sheriff's Office contended that the "incident reports at issue document the precipitating cause for the use of the restraint chair, and they are specifically designed to alert jail officers about a specific detainee's mental health crisis or mental health issue."³⁵ The Sheriff's Office also stated that "the reports note whether the subject admitted feelings of suicide or homicide, or whether the subject actually engaged in harmful behavior such as an attack on deputies, self-harm, or self-mutilation."³⁶ Further, the Sheriff's Office asserted, "[t]he reports effectively warn officers about the potential and proclivity for future behavior, and they suggest methods and frequency of observation and/or signal to officers that heightened interaction sensitivity or de-escalation attempts may be warranted as a result of the subject's proclivity to act harmfully to themselves or others."³⁷

In her reply to the Sheriff's Office's response, counsel for Ms. Hauck argued that while "the reports could be used to alert jail officers about an individual's mental health crisis," they were not "*specifically designed* to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects."³⁸ (Emphasis in original.) Rather, the reply argued, "these reports appear 'specifically designed' to

³⁴Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [3].

³⁵Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [3].

³⁶Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [3].

³⁷Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (July 27, 2026), at [3].

³⁸Letter from Shelley Geiszler, Loevy + Loevy, to Matt Goodman, Assistant Attorney General, Public Access Bureau (dated September 1, 2026; transmitted September 2, 2026), at 2.

comply with" sections 701.160(j)(5),³⁹ 701.30(c),⁴⁰ and 720.130(c)⁴¹ of title 20 of the Illinois Administrative Code, which generally require jails to document uses of restraints.⁴² Furthermore, counsel for Ms. Hauck alleged, the Sheriff's Office's policies reflect that the purpose of the reports is to fulfill these regulations.⁴³

In its response to that reply, the Sheriff's Office asserted that Ms. Hauck had referenced outdated versions of its restraint policies, and argued that "the former policy and the revised policy *do show* that the reports are 'specifically designed' to provide information to law enforcement agencies regarding the physical or mental status of a subject."⁴⁴ (Emphasis in original.) The Sheriff's Office acknowledged,⁴⁵ however, that the pertinent language of its "Use of Restraints" policy⁴⁶ was unchanged; this policy expressly ties the creation of reports on the use of restraints to an Illinois Administrative Code provision referenced above⁴⁷ that requires the creation of the reports for the purpose of upholding county jail standards.

In construing a statute, the primary objective is to ascertain and give effect to the intent of the General Assembly. *Southern Illinoisan*, 218 Ill. 2d at 415 (2006). "[T]he surest and most reliable indicator of" legislative intent "is the statutory language itself, given its plain and ordinary meaning." *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, ¶ 24. "If the language of a statute is ambiguous," a

³⁹20 Ill. Adm. Code § 701.160(j)(5) (2026), last amended at 38 Ill. Reg. 18859, effective October 1, 2014 ("A written report shall be placed on file whenever restraint devices are applied[.]").

⁴⁰20 Ill. Adm. Code § 701.30(c) (2026), last amended at 38 Ill. Reg. 18859, effective October 1, 2014 (requiring county jails to report extraordinary or unusual occurrences, which include "use of a control device, such as chemical agents, oleoresin capsicum (OC), electro-muscular disruption device, restraint chair, baton, etc.").

⁴¹20 Ill. Adm. Code § 720.130(c) (2026), last amended at 38 Ill. Reg. 18859, effective October 1, 2014 (concerning "extraordinary or unusual circumstances" reports for municipal jails).

⁴²Letter from Shelley Geiszler, Loevy + Loevy, to Matt Goodman, Assistant Attorney General, Public Access Bureau (dated September 1, 2026; transmitted September 2, 2026), at 2.

⁴³Letter from Shelley Geiszler, Loevy + Loevy, to Matt Goodman, Assistant Attorney General, Public Access Bureau (dated September 1, 2026; transmitted September 2, 2026), at 2 (citing Madison County Sheriff's Office, Custody Manual, Policy 1005 (September 26, 2023)).

⁴⁴Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (September 22, 2026), at [1].

⁴⁵Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (September 22, 2026), at [2].

⁴⁶Madison County Sheriff's Office, Custody Manual, Policy 510.3 (last amended June 9, 2026).

⁴⁷20 Ill. Adm. Code § 701.160(j) (2026), last amended at 38 Ill. Reg. 18859, effective October 1, 2014.

reviewing body "turns to extrinsic aids of statutory construction, including legislative history[.]" *Poris v. Lake Holiday Prop. Owners Ass'n*, 2013 IL 113907, ¶ 47.

By its plain language, section 7(1)(b-5) applies only to information "specifically designed" to inform law enforcement agencies about the physical or mental status of subjects. The scope of what records are "specifically designed" for that purpose, however, is not evident from the plain language of the statute. To resolve this ambiguity, this office looks to the legislative history behind the exemption.

The legislative history of section 7(1)(b-5) reveals that the exemption "seeks to protect medical records as it pertains to emergency dispatching for law enforcement agencies to better serve those that they're... responding to and to be made aware of special concerns, disabilities an individual may have so they could respond and act appropriately when trying to assist them."⁴⁸ In response to a question about the purpose of the bill that eventually created the exemption, one of the House sponsors, Representative Dan Brady, explained:

The initiative is that of one of my local law enforcement agencies. And what it would do is that if a family would voluntarily share information to that law enforcement agency for means of dispatching, for instance, if the individual might have autism. They may... the individual might have some other type of disability that the law enforcement agency would share only with responding emergency crew or law enforcement that that information under the Freedom of Information Act would not be shared with any other individual[.]^[49]

When asked to explain further, Representative Brady advised: "[W]e're just trying to make sure that when the families [that] voluntarily give this information are being told from the program that this information will not be shared [except] with law enforcement officials for the protection and safety of the individuals they may be responding to to render help, that that's in fact the situation."⁵⁰ The legislative history thus clarifies that the purpose of the exemption is to allow family members to confidentially share sensitive information about their loved ones' disabilities or other pertinent physical or mental conditions so that law enforcement officers and emergency responders may account for them when responding to incidents involving those individuals.

⁴⁸Remarks of Representative Dan Brady, March 17, 2009, House Debate on House Bill No. 47 (which, as Public Act 96-558, effective January 1, 2010, enacted section 7(1)(b-5) of FOIA), at 52.

⁴⁹Remarks of Representative Dan Brady, March 17, 2009, House Debate on House Bill No. 47 (which, as Public Act 96-558, effective January 1, 2010, enacted section 7(1)(b-5) of FOIA), at 53.

⁵⁰Remarks of Representative Dan Brady, March 17, 2009, House Debate on House Bill No. 47 (which, as Public Act 96-558, effective January 1, 2010, enacted section 7(1)(b-5) of FOIA), at 53-54.

This office's confidential review of the incident reports at issue confirmed that they fall outside the scope of the section 7(1)(b-5) exemption, as they are not *specifically designed* to alert emergency responders or law enforcement agencies to the mental or physical conditions of subjects they may encounter upon dispatch. Instead, the incident reports document occurrences at the jail where restraint devices had been used. The Illinois Administrative Code requires such reports to be generated whenever restraint devices are applied.⁵¹ The regulatory context of this requirement is that safeguards such as "[r]estraint devices * * * shall not be applied as a penalty[.]"⁵² and "each individual case shall be reviewed at least once every 24 hours to determine the necessity for restraints."⁵³ In other words, these rules reflect that incident reports on the use of restraint devices serve as a check on the propriety of a public body's use of the restraints. As such, they are not the type of record specifically designed to alert law enforcement to the mental or physical conditions of subjects they may encounter when responding to a call. To the extent that the Sheriff's Office also uses the reports Ms. Hauck requested "to communicate the mental health status and alert the jail staff about the condition of the detainee[.]"⁵⁴ neither the language of the exemption nor the legislative history suggests that section 7(1)(b-5) is intended to shield when, how, or why law enforcement officers place detainees in restraints. Accordingly, this office concludes that the Sheriff's Office has not sustained its burden of proving by clear and convincing evidence that the responsive incident reports are exempt from disclosure in whole or in part pursuant to section 7(1)(b-5) of FOIA.

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On June 22, 2026, Ms. Grace Hauck submitted a FOIA request to the Madison County Sheriff's Office on behalf of the Illinois Answers Project seeking copies of incident reports pertaining to the use of restraint chairs at Madison County Jail in 2024 and 2025.

2) On June 23, 2026, the Sheriff's Office responded by denying the request in its entirety under sections 7(1)(b) and 7(1)(c) of FOIA.

⁵¹20 Ill. Admin. Code § 701.160(j)(5) (2026), last amended at 38 Ill. Reg. 18859, effective October 1, 2014.

⁵²20 Ill. Admin. Code § 701.160(j) (2026), last amended at 38 Ill. Reg. 18859, effective October 1, 2014.

⁵³20 Ill. Admin. Code § 701.160(j)(5) (2026), last amended at 38 Ill. Reg. 18859, effective October 1, 2014.

⁵⁴Letter from David K. Livingstone, Assistant State's Attorney, Office of the State's Attorney, Madison County, Illinois, to Matt Goodman, Assistant Attorney General, Public Access Bureau (September 22, 2026), at [2].

3) In an e-mail transmitted to the Public Access Bureau on June 30, 2026, Ms. Hauck submitted a Request for Review contesting the Sheriff's Office denial. The Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2025 Supp.)).

4) On July 10, 2026, the Public Access Bureau sent a copy of the Request for Review to the Sheriff's Office. The Public Access Bureau also sent the Sheriff's Office a letter asking for unredacted copies of the responsive records for this office's confidential review, and a detailed written explanation of the legal and factual bases for the applicability of the asserted exemptions.

5) On July 27, 2026, the Sheriff's Office provided this office with unredacted copies of the responsive incident reports and its written answer, in which it additionally asserted the section 7(1)(b-5) exemption.

6) On July 27, 2026, the Public Access Bureau forwarded a copy of the Sheriff's Office's answer to Ms. Hauck and notified her of her opportunity to reply. On September 2, 2026, counsel for Ms. Hauck submitted a written reply. On September 22, 2026, the Sheriff's Office submitted an unsolicited response to that reply. On September 23, 2026, Ms. Hauck confirmed for this office that she did not dispute the redaction of detainees' names.

7) On August 29, 2026, this office extended the time within which to issue a binding opinion by 30 business days, to October 13, 2026. Accordingly, the Attorney General may properly issue a binding opinion with respect to this matter.

8) Section 7(1)(b) exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Section 2(c-5) of FOIA defines "private information" to include driver's license numbers, home or personal telephone numbers, and home addresses (except as otherwise provided by law or when compiled without possibility of attribution to any person).

9) The Sheriff's Office has sustained its burden of proving that driver's license numbers, home or personal telephone numbers, and home addresses are exempt from disclosure pursuant to section 7(1)(b).

10) Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." Section 7(1)(c) defines "unwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." Section 7(1)(c) contains an exception which provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

11) The incident reports include highly personal information describing detainees experiencing mental health crises. The public interest in how the Sheriff's Office handled these incidents would not be advanced by disclosing the identities of the detainees. Because disclosure of information identifying the detainees who were confined to restraint chairs during mental health crises would constitute a clearly unwarranted invasion of the detainees' personal privacy, their personally-identifying information is exempt from disclosure pursuant to section 7(1)(c) of FOIA.

12) Disclosure of the incident reports with the identifying information of the subjects redacted would not cause a clearly unwarranted invasion of any subject's personal privacy. The compelling public interest in disclosure of information concerning the reasons for the use of restraint chairs in county jails outweighs any privacy interests once the names of the subjects of the reports have been redacted. Moreover, the incident reports pertain to the performance of public duties by public employees or officials. Therefore, the Sheriff's Office did not prove by clear and convincing evidence that section 7(1)(c) of FOIA exempts the entireties of the records from disclosure.

13) Section 7(1)(b-5) of FOIA exempts from disclosure "[f]iles, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects."

14) The incident reports are not *specifically designed* to alert law enforcement agencies to information about the mental or physical status of subjects they may encounter. Instead, the incident reports document the use of restraint chairs within the county jail in accordance with Illinois Administrative Code provisions that require such documentation. Section 7(1)(b-5) is intended to protect information shared by family members about loved ones' disabilities or other sensitive conditions to enable law enforcement officers and emergency responders to account for these considerations. Because the incident reports do not contain such information or otherwise document the physical or mental status of subjects for the specific purpose of alerting law enforcement officers and emergency responders to disabilities or other sensitive conditions, the Sheriff's Office did not sustain its burden of proving by clear and convincing evidence that the incident reports are exempt from disclosure pursuant to the section 7(1)(b-5) exemption.

Therefore, it is the opinion of the Attorney General that the Sheriff's Office violated the requirements of FOIA by improperly denying the incident reports responsive to Ms. Hauck's Freedom of Information Act request. Accordingly, the Sheriff's Office is hereby directed to take immediate and appropriate action to comply with this opinion by providing Ms. Hauck and the Illinois Answers Project with copies of the reports, subject only to permissible redactions of the discrete information described above.

Ms. Grace Hauck
Mr. David K. Livingstone
September 30, 2026
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This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law, 735 ILCS 5/3-101 *et seq.* (West 2024). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and Ms. Grace Hauck as defendants. *See* 5 ILCS 140/11.5 (West 2024).

Very truly yours,

KWAME RAOUL
ATTORNEY GENERAL

By:



R. Douglas Rees
Chief Deputy Attorney General

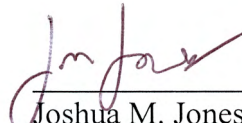
CERTIFICATE OF SERVICE

Joshua M. Jones, Bureau Chief, Public Access Bureau, Chicago, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 26-011) upon:

Ms. Grace Hauck
State Investigative Reporter
Illinois Answers Project
223 West Jackson Boulevard, Suite 300
Chicago, Illinois 60606
ghauck@bettergov.org

Mr. David K. Livingstone
Assistant State's Attorney
Madison County State's Attorney's Office
157 North Main Street, Suite 402
Edwardsville, Illinois 62025
dklivingstone@madisoncountyil.gov

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on September 30, 2026.



Joshua M. Jones
Bureau Chief

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Bureau Chief
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