

AGENDA ITEM 12B.

APPROVAL OF CLOSED SESSION ACTION ITEMS REPORT OF REDETERMINATION REGARDING CONFIDENTIALITY

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 rationale for maintaining the confidentiality of the foregoing minutes and under separate cover, has been provided the confidential materials in support of this Agenda Item. Based on the foregoing legal authority and General Counsel determination, ISAC staff requests the following action:

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.”

EXHIBIT A

GENERAL COUNSEL REDETERMINATION

Meeting Date	Basis for Confidential Treatment (CT) Under the Open Meetings Act	Should Minutes Remain Closed?
9/16/13	5 ILCS 120/2(c) (21) "litigation matters"	Yes
1/10/14	5 ILCS 120/2(c) (21) "litigation matters"	Yes
1/30/14	5 ILCS 120/2(c) (21) "litigation matters" and (11) "Discuss closed session minutes"	Yes
4/22/14	5 ILCS 120/2(c) (21) "litigation matters"	Yes
7/22/14	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.**