

## AGENDA ITEM 12A.

### 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 periodically meet 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 minutes of the foregoing meetings and the rationale for maintaining their confidentiality.

Staff has determined that there are no verbatim records eligible for destruction at this time because the Commission does not enter closed session at every meeting and all eligible closed session verbatim records have been previously approved for destruction.

Based on the foregoing legal authority and General Counsel determination, ISAC staff asks that the commission approve the following resolutions in open session.

**Actions 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**

<b>Meeting Date</b>	<b>Description</b>	<b>Basis for Confidential Treatment (CT) Under the Open Meetings Act</b>	<b>Should Minutes Remain Closed?</b>
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.**

