

**LOCAL RECORDS ACT**  
**50 ILCS 205**

# IN A NUTSHELL

- Regulates the preservation or disposal of the public record of all units of Local Government in Illinois. The law's purpose is to maintain a mechanism for the retention of those records that are:
  - necessary for the proper functioning of government
  - destruction of obsolete and valueless records
  - archival preservation of those records that have long-term research values but are not necessary for the routine operations of local government.

# WHO IS SUBJECT TO THE ACT?

ALL

- County agencies
- Municipal agencies
- Township offices
- Public school districts
- Public junior colleges
- Special districts including library districts.

# WHAT IS A PUBLIC RECORD?

- “Public record” means any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics... This can include:
- Facebook, Twitter, MySpace web pages, etc. if they meet the definition below
- “made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business
- preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein”

# WHAT IS NOT A PUBLIC RECORD?

- Library or reference material purchased or created solely for reference use or exhibition, stocks of publications, blank forms etc. In addition:
- **TRANSITORY MESSAGES** may also be excluded.

# WHAT IS A TRANSITORY MESSAGE?

- It is material created in any format meant to have short term value. For instance reminders to employees about scheduled meetings or appointments; most telephone messages, announcements of office events or agency events.
- Transitory messages are not intended to:
  - formalize or perpetuate knowledge .
  - do not set policy.
  - establish guidelines or procedures
  - certify a transaction or become a receipt.

# HOW DOES AN AGENCY DISPOSE OF RECORDS?

- The agency must file an **APPLICATION FOR AUTHORITY TO DISPOSE OF LOCAL RECORDS** and the State Archives prepares a retention schedule so the agency knows how long it must keep each record and in what format it may keep it.
- When the agency gets ready to dispose of those records per the schedule, the agency executive officer must file a **LOCAL RECORDS DISPOSAL CERTIFICATE** with the State Archives 30 days prior to disposal. It must be signed by the agency head and have the application number on it.

# CAN I MICROFILM RECORDS?

- Yes you can microfilm but you must meet the specifications contained in:
- Standards for the Reproduction of Records by Micro photographic Processes With a View to the Disposal of the Original Records. [44 Illinois Administrative Code, Part 4000.50](#)
- Minimum Standards of Quality for Permanent Record Photographic Micro copying Film. [44 Illinois Administrative Code, Part 4000.60](#)



# CAN I STORE OFF SITE?

- OFF SITE- NO- FOR THESE RECORD TYPES-  
Reports and records of the obligation, receipt and use of public funds of the units of local government and school districts, including certified audits, management letters and all other audit reports.
- However all records have to be available to the public within a 24 hour period.

# WHAT IS THE PENALTY FOR VIOLATING THE ACT?

- It can be a Class 4 Felony under the Illinois Criminal Code

# A REFERENCE GUIDE

ILLINOIS SECRETARY OF STATE. **Managing Your  
Records and the Local Records Act**

[https://www.cyberdriveillinois.com/publications  
/pdf\\_publications/lr34.pdf](https://www.cyberdriveillinois.com/publications/pdf_publications/lr34.pdf)