



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5020

Introduced 2/18/2020, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

5 ILCS 140/6

from Ch. 116, par. 206

Amends the Freedom of Information Act. Provides that a public body shall take all reasonable steps to provide records in a format that is readable by the requester, including, but not limited to, making the record available in any format that is available to the public body and requested by the requester. Effective immediately.

LRB101 19434 HEP 68906 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 6 as follows:

6 (5 ILCS 140/6) (from Ch. 116, par. 206)

7 Sec. 6. Authority to charge fees.

8 (a) When a person requests a copy of a record maintained in
9 an electronic format, the public body shall furnish it in the
10 electronic format specified by the requester, if feasible. The
11 public body shall take all reasonable steps to provide records
12 in a format that is readable by the requester, including, but
13 not limited to, making the record available in any format that
14 is available to the public body and requested by the requester.

15 If it is not feasible to furnish the public records in the
16 specified electronic format, then the public body shall furnish
17 it in the format in which it is maintained by the public body,
18 or in paper format at the option of the requester. A public
19 body may charge the requester for the actual cost of purchasing
20 the recording medium, whether disc, diskette, tape, or other
21 medium. If a request is not a request for a commercial purpose
22 or a voluminous request, a public body may not charge the
23 requester for the costs of any search for and review of the

1 records or other personnel costs associated with reproducing
2 the records. Except to the extent that the General Assembly
3 expressly provides, statutory fees applicable to copies of
4 public records when furnished in a paper format shall not be
5 applicable to those records when furnished in an electronic
6 format.

7 (a-5) If a voluminous request is for electronic records and
8 those records are not in a portable document format (PDF), the
9 public body may charge up to \$20 for not more than 2 megabytes
10 of data, up to \$40 for more than 2 but not more than 4 megabytes
11 of data, and up to \$100 for more than 4 megabytes of data. If a
12 voluminous request is for electronic records and those records
13 are in a portable document format, the public body may charge
14 up to \$20 for not more than 80 megabytes of data, up to \$40 for
15 more than 80 megabytes but not more than 160 megabytes of data,
16 and up to \$100 for more than 160 megabytes of data. If the
17 responsive electronic records are in both a portable document
18 format and not in a portable document format, the public body
19 may separate the fees and charge the requester under both fee
20 scales.

21 If a public body imposes a fee pursuant to this subsection
22 (a-5), it must provide the requester with an accounting of all
23 fees, costs, and personnel hours in connection with the request
24 for public records.

25 (b) Except when a fee is otherwise fixed by statute, each
26 public body may charge fees reasonably calculated to reimburse

1 its actual cost for reproducing and certifying public records
2 and for the use, by any person, of the equipment of the public
3 body to copy records. No fees shall be charged for the first 50
4 pages of black and white, letter or legal sized copies
5 requested by a requester. The fee for black and white, letter
6 or legal sized copies shall not exceed 15 cents per page. If a
7 public body provides copies in color or in a size other than
8 letter or legal, the public body may not charge more than its
9 actual cost for reproducing the records. In calculating its
10 actual cost for reproducing records or for the use of the
11 equipment of the public body to reproduce records, a public
12 body shall not include the costs of any search for and review
13 of the records or other personnel costs associated with
14 reproducing the records, except for commercial requests as
15 provided in subsection (f) of this Section. Such fees shall be
16 imposed according to a standard scale of fees, established and
17 made public by the body imposing them. The cost for certifying
18 a record shall not exceed \$1.

19 (c) Documents shall be furnished without charge or at a
20 reduced charge, as determined by the public body, if the person
21 requesting the documents states the specific purpose for the
22 request and indicates that a waiver or reduction of the fee is
23 in the public interest. Waiver or reduction of the fee is in
24 the public interest if the principal purpose of the request is
25 to access and disseminate information regarding the health,
26 safety and welfare or the legal rights of the general public

1 and is not for the principal purpose of personal or commercial
2 benefit. For purposes of this subsection, "commercial benefit"
3 shall not apply to requests made by news media when the
4 principal purpose of the request is to access and disseminate
5 information regarding the health, safety, and welfare or the
6 legal rights of the general public. In setting the amount of
7 the waiver or reduction, the public body may take into
8 consideration the amount of materials requested and the cost of
9 copying them.

10 (d) The imposition of a fee not consistent with subsections
11 (6)(a) and (b) of this Act constitutes a denial of access to
12 public records for the purposes of judicial review.

13 (e) The fee for each abstract of a driver's record shall be
14 as provided in Section 6-118 of "The Illinois Vehicle Code",
15 approved September 29, 1969, as amended, whether furnished as a
16 paper copy or as an electronic copy.

17 (f) A public body may charge up to \$10 for each hour spent
18 by personnel in searching for and retrieving a requested record
19 or examining the record for necessary redactions. No fees shall
20 be charged for the first 8 hours spent by personnel in
21 searching for or retrieving a requested record. A public body
22 may charge the actual cost of retrieving and transporting
23 public records from an off-site storage facility when the
24 public records are maintained by a third-party storage company
25 under contract with the public body. If a public body imposes a
26 fee pursuant to this subsection (f), it must provide the

1 requester with an accounting of all fees, costs, and personnel
2 hours in connection with the request for public records. The
3 provisions of this subsection (f) apply only to commercial
4 requests.

5 (Source: P.A. 97-579, eff. 8-26-11; 98-1129, eff. 12-3-14.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.