

# SB2332



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2332

Introduced 2/10/2023, by Sen. Craig Wilcox

### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2  
5 ILCS 140/3.5

from Ch. 116, par. 202

Amends the Freedom of Information Act. Defines "public body official" as an elected or appointed officeholder of a public body. Provides that "public body official" does not include a private attorney or law firm appointed to represent the public body. Provides that a public body's freedom of information officer must be a public body official or employee of the public body.

LRB103 05932 HEP 50953 b

A BILL FOR

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 Sections 2 and 3.5 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,  
9 administrative, or advisory bodies of the State, state  
10 universities and colleges, counties, townships, cities,  
11 villages, incorporated towns, school districts and all other  
12 municipal corporations, boards, bureaus, committees, or  
13 commissions of this State, any subsidiary bodies of any of the  
14 foregoing including but not limited to committees and  
15 subcommittees thereof, and a School Finance Authority created  
16 under Article 1E of the School Code. "Public body" does not  
17 include a child death review team or the Illinois Child Death  
18 Review Teams Executive Council established under the Child  
19 Death Review Team Act, or a regional youth advisory board or  
20 the Statewide Youth Advisory Board established under the  
21 Department of Children and Family Services Statewide Youth  
22 Advisory Board Act.

23 (a-5) "Public body official" means an elected or appointed

1 officeholder of a public body. "Public body official" does not  
2 include a private attorney or law firm appointed to represent  
3 the public body.

4 (b) "Person" means any individual, corporation,  
5 partnership, firm, organization or association, acting  
6 individually or as a group.

7 (c) "Public records" means all records, reports, forms,  
8 writings, letters, memoranda, books, papers, maps,  
9 photographs, microfilms, cards, tapes, recordings, electronic  
10 data processing records, electronic communications, recorded  
11 information and all other documentary materials pertaining to  
12 the transaction of public business, regardless of physical  
13 form or characteristics, having been prepared by or for, or  
14 having been or being used by, received by, in the possession  
15 of, or under the control of any public body.

16 (c-5) "Private information" means unique identifiers,  
17 including a person's social security number, driver's license  
18 number, employee identification number, biometric identifiers,  
19 personal financial information, passwords or other access  
20 codes, medical records, home or personal telephone numbers,  
21 and personal email addresses. Private information also  
22 includes home address and personal license plates, except as  
23 otherwise provided by law or when compiled without possibility  
24 of attribution to any person.

25 (c-10) "Commercial purpose" means the use of any part of a  
26 public record or records, or information derived from public

1 records, in any form for sale, resale, or solicitation or  
2 advertisement for sales or services. For purposes of this  
3 definition, requests made by news media and non-profit,  
4 scientific, or academic organizations shall not be considered  
5 to be made for a "commercial purpose" when the principal  
6 purpose of the request is (i) to access and disseminate  
7 information concerning news and current or passing events,  
8 (ii) for articles of opinion or features of interest to the  
9 public, or (iii) for the purpose of academic, scientific, or  
10 public research or education.

11 (d) "Copying" means the reproduction of any public record  
12 by means of any photographic, electronic, mechanical or other  
13 process, device or means now known or hereafter developed and  
14 available to the public body.

15 (e) "Head of the public body" means the president, mayor,  
16 chairman, presiding officer, director, superintendent,  
17 manager, supervisor or individual otherwise holding primary  
18 executive and administrative authority for the public body, or  
19 such person's duly authorized designee.

20 (f) "News media" means a newspaper or other periodical  
21 issued at regular intervals whether in print or electronic  
22 format, a news service whether in print or electronic format,  
23 a radio station, a television station, a television network, a  
24 community antenna television service, or a person or  
25 corporation engaged in making news reels or other motion  
26 picture news for public showing.

1 (g) "Recurrent requester", as used in Section 3.2 of this  
2 Act, means a person that, in the 12 months immediately  
3 preceding the request, has submitted to the same public body  
4 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
5 requests for records within a 30-day period, or (iii) a  
6 minimum of 7 requests for records within a 7-day period. For  
7 purposes of this definition, requests made by news media and  
8 non-profit, scientific, or academic organizations shall not be  
9 considered in calculating the number of requests made in the  
10 time periods in this definition when the principal purpose of  
11 the requests is (i) to access and disseminate information  
12 concerning news and current or passing events, (ii) for  
13 articles of opinion or features of interest to the public, or  
14 (iii) for the purpose of academic, scientific, or public  
15 research or education.

16 For the purposes of this subsection (g), "request" means a  
17 written document (or oral request, if the public body chooses  
18 to honor oral requests) that is submitted to a public body via  
19 personal delivery, mail, telefax, electronic mail, or other  
20 means available to the public body and that identifies the  
21 particular public record the requester seeks. One request may  
22 identify multiple records to be inspected or copied.

23 (h) "Voluminous request" means a request that: (i)  
24 includes more than 5 individual requests for more than 5  
25 different categories of records or a combination of individual  
26 requests that total requests for more than 5 different

1 categories of records in a period of 20 business days; or (ii)  
2 requires the compilation of more than 500 letter or  
3 legal-sized pages of public records unless a single requested  
4 record exceeds 500 pages. "Single requested record" may  
5 include, but is not limited to, one report, form, e-mail,  
6 letter, memorandum, book, map, microfilm, tape, or recording.

7 "Voluminous request" does not include a request made by  
8 news media and non-profit, scientific, or academic  
9 organizations if the principal purpose of the request is: (1)  
10 to access and disseminate information concerning news and  
11 current or passing events; (2) for articles of opinion or  
12 features of interest to the public; or (3) for the purpose of  
13 academic, scientific, or public research or education.

14 For the purposes of this subsection (h), "request" means a  
15 written document, or oral request, if the public body chooses  
16 to honor oral requests, that is submitted to a public body via  
17 personal delivery, mail, telefax, electronic mail, or other  
18 means available to the public body and that identifies the  
19 particular public record or records the requester seeks. One  
20 request may identify multiple individual records to be  
21 inspected or copied.

22 (i) "Severance agreement" means a mutual agreement between  
23 any public body and its employee for the employee's  
24 resignation in exchange for payment by the public body.

25 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
26 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

1 (5 ILCS 140/3.5)

2 Sec. 3.5. Freedom of Information officers.

3 (a) Each public body shall designate one or more public  
4 body officials or employees to act as its Freedom of  
5 Information officer or officers. Except in instances when  
6 records are furnished immediately, Freedom of Information  
7 officers, or their designees, shall receive requests submitted  
8 to the public body under this Act, ensure that the public body  
9 responds to requests in a timely fashion, and issue responses  
10 under this Act. Freedom of Information officers shall develop  
11 a list of documents or categories of records that the public  
12 body shall immediately disclose upon request.

13 Upon receiving a request for a public record, the Freedom  
14 of Information officer shall:

15 (1) note the date the public body receives the written  
16 request;

17 (2) compute the day on which the period for response  
18 will expire and make a notation of that date on the written  
19 request;

20 (3) maintain an electronic or paper copy of a written  
21 request, including all documents submitted with the  
22 request until the request has been complied with or  
23 denied; and

24 (4) create a file for the retention of the original  
25 request, a copy of the response, a record of written

1           communications with the requester, and a copy of other  
2           communications.

3           (b) All Freedom of Information officers shall, within 6  
4           months after the effective date of this amendatory Act of the  
5           96th General Assembly, successfully complete an electronic  
6           training curriculum to be developed by the Public Access  
7           Counselor and thereafter successfully complete an annual  
8           training program. Thereafter, whenever a new Freedom of  
9           Information officer is designated by a public body, that  
10          person shall successfully complete the electronic training  
11          curriculum within 30 days after assuming the position.  
12          Successful completion of the required training curriculum  
13          within the periods provided shall be a prerequisite to  
14          continue serving as a Freedom of Information officer.

15          (Source: P.A. 96-542, eff. 1-1-10.)