



Rep. Kurt M. Granberg

Filed: 4/29/2004

09300HB5252ham001

LRB093 17402 JAM 50143 a

1 AMENDMENT TO HOUSE BILL 5252

2 AMENDMENT NO. _____. Amend House Bill 5252 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and regulations
12 adopted under federal or State law.

13 (b) Information that, if disclosed, would constitute a
14 clearly unwarranted invasion of personal privacy, unless
15 the disclosure is consented to in writing by the individual
16 subjects of the information. The disclosure of information
17 that bears on the public duties of public employees and
18 officials shall not be considered an invasion of personal
19 privacy. Information exempted under this subsection (b)
20 shall include but is not limited to:

21 (i) files and personal information maintained with
22 respect to clients, patients, residents, students or
23 other individuals receiving social, medical,
24 educational, vocational, financial, supervisory or

1 custodial care or services directly or indirectly from
2 federal agencies or public bodies;

3 (ii) personnel files and personal information
4 maintained with respect to employees, appointees or
5 elected officials of any public body or applicants for
6 those positions;

7 (iii) files and personal information maintained
8 with respect to any applicant, registrant or licensee
9 by any public body cooperating with or engaged in
10 professional or occupational registration, licensure
11 or discipline;

12 (iv) information required of any taxpayer in
13 connection with the assessment or collection of any tax
14 unless disclosure is otherwise required by State
15 statute;

16 (v) information revealing the identity of persons
17 who file complaints with or provide information to
18 administrative, investigative, law enforcement or
19 penal agencies; provided, however, that identification
20 of witnesses to traffic accidents, traffic accident
21 reports, and rescue reports may be provided by agencies
22 of local government, except in a case for which a
23 criminal investigation is ongoing, without
24 constituting a clearly unwarranted per se invasion of
25 personal privacy under this subsection; and

26 (vi) the names, addresses, or other personal
27 information of participants and registrants in park
28 district, forest preserve district, and conservation
29 district programs.

30 (c) Records compiled by any public body for
31 administrative enforcement proceedings and any law
32 enforcement or correctional agency for law enforcement
33 purposes or for internal matters of a public body, but only
34 to the extent that disclosure would:

1 (i) interfere with pending or actually and
2 reasonably contemplated law enforcement proceedings
3 conducted by any law enforcement or correctional
4 agency;

5 (ii) interfere with pending administrative
6 enforcement proceedings conducted by any public body;

7 (iii) deprive a person of a fair trial or an
8 impartial hearing;

9 (iv) unavoidably disclose the identity of a
10 confidential source or confidential information
11 furnished only by the confidential source;

12 (v) disclose unique or specialized investigative
13 techniques other than those generally used and known or
14 disclose internal documents of correctional agencies
15 related to detection, observation or investigation of
16 incidents of crime or misconduct;

17 (vi) constitute an invasion of personal privacy
18 under subsection (b) of this Section;

19 (vii) endanger the life or physical safety of law
20 enforcement personnel or any other person; or

21 (viii) obstruct an ongoing criminal investigation.

22 (d) Criminal history record information maintained by
23 State or local criminal justice agencies, except the
24 following which shall be open for public inspection and
25 copying:

26 (i) chronologically maintained arrest information,
27 such as traditional arrest logs or blotters;

28 (ii) the name of a person in the custody of a law
29 enforcement agency and the charges for which that
30 person is being held;

31 (iii) court records that are public;

32 (iv) records that are otherwise available under
33 State or local law; or

34 (v) records in which the requesting party is the

1 individual identified, except as provided under part
2 (vii) of paragraph (c) of subsection (1) of this
3 Section.

4 "Criminal history record information" means data
5 identifiable to an individual and consisting of
6 descriptions or notations of arrests, detentions,
7 indictments, informations, pre-trial proceedings, trials,
8 or other formal events in the criminal justice system or
9 descriptions or notations of criminal charges (including
10 criminal violations of local municipal ordinances) and the
11 nature of any disposition arising therefrom, including
12 sentencing, court or correctional supervision,
13 rehabilitation and release. The term does not apply to
14 statistical records and reports in which individuals are
15 not identified and from which their identities are not
16 ascertainable, or to information that is for criminal
17 investigative or intelligence purposes.

18 (e) Records that relate to or affect the security of
19 correctional institutions and detention facilities.

20 (f) Preliminary drafts, notes, recommendations,
21 memoranda and other records in which opinions are
22 expressed, or policies or actions are formulated, except
23 that a specific record or relevant portion of a record
24 shall not be exempt when the record is publicly cited and
25 identified by the head of the public body. The exemption
26 provided in this paragraph (f) extends to all those records
27 of officers and agencies of the General Assembly that
28 pertain to the preparation of legislative documents.

29 (g) Trade secrets and commercial or financial
30 information obtained from a person or business where the
31 trade secrets or information are proprietary, privileged
32 or confidential, or where disclosure of the trade secrets
33 or information may cause competitive harm, including:

34 (i) All ~~all~~ information determined to be confidential

1 under Section 4002 of the Technology Advancement and
2 Development Act.

3 (ii) Venture capital and private equity portfolio
4 information of privately held companies possessed by a
5 public body, including a public pension fund, for the
6 purpose of investing and managing public funds. The
7 exemption contained in this item does not apply to the
8 aggregate financial performance of a venture capital or
9 private equity firm.

10 Nothing contained in this paragraph (g) shall be construed
11 to prevent a person or business from consenting to disclosure.

12 (h) Proposals and bids for any contract, grant, or
13 agreement, including information which if it were
14 disclosed would frustrate procurement or give an advantage
15 to any person proposing to enter into a contractor
16 agreement with the body, until an award or final selection
17 is made. Information prepared by or for the body in
18 preparation of a bid solicitation shall be exempt until an
19 award or final selection is made.

20 (i) Valuable formulae, computer geographic systems,
21 designs, drawings and research data obtained or produced by
22 any public body when disclosure could reasonably be
23 expected to produce private gain or public loss. The
24 exemption for "computer geographic systems" provided in
25 this paragraph (i) does not extend to requests made by news
26 media as defined in Section 2 of this Act when the
27 requested information is not otherwise exempt and the only
28 purpose of the request is to access and disseminate
29 information regarding the health, safety, welfare, or
30 legal rights of the general public.

31 (j) Test questions, scoring keys and other examination
32 data used to administer an academic examination or
33 determined the qualifications of an applicant for a license
34 or employment.

1 (k) Architects' plans, engineers' technical
2 submissions, and other construction related technical
3 documents for projects not constructed or developed in
4 whole or in part with public funds and the same for
5 projects constructed or developed with public funds, but
6 only to the extent that disclosure would compromise
7 security, including but not limited to water treatment
8 facilities, airport facilities, sport stadiums, convention
9 centers, and all government owned, operated, or occupied
10 buildings.

11 (l) Library circulation and order records identifying
12 library users with specific materials.

13 (m) Minutes of meetings of public bodies closed to the
14 public as provided in the Open Meetings Act until the
15 public body makes the minutes available to the public under
16 Section 2.06 of the Open Meetings Act.

17 (n) Communications between a public body and an
18 attorney or auditor representing the public body that would
19 not be subject to discovery in litigation, and materials
20 prepared or compiled by or for a public body in
21 anticipation of a criminal, civil or administrative
22 proceeding upon the request of an attorney advising the
23 public body, and materials prepared or compiled with
24 respect to internal audits of public bodies.

25 (o) Information received by a primary or secondary
26 school, college or university under its procedures for the
27 evaluation of faculty members by their academic peers.

28 (p) Administrative or technical information associated
29 with automated data processing operations, including but
30 not limited to software, operating protocols, computer
31 program abstracts, file layouts, source listings, object
32 modules, load modules, user guides, documentation
33 pertaining to all logical and physical design of
34 computerized systems, employee manuals, and any other

1 information that, if disclosed, would jeopardize the
2 security of the system or its data or the security of
3 materials exempt under this Section.

4 (q) Documents or materials relating to collective
5 negotiating matters between public bodies and their
6 employees or representatives, except that any final
7 contract or agreement shall be subject to inspection and
8 copying.

9 (r) Drafts, notes, recommendations and memoranda
10 pertaining to the financing and marketing transactions of
11 the public body. The records of ownership, registration,
12 transfer, and exchange of municipal debt obligations, and
13 of persons to whom payment with respect to these
14 obligations is made.

15 (s) The records, documents and information relating to
16 real estate purchase negotiations until those negotiations
17 have been completed or otherwise terminated. With regard to
18 a parcel involved in a pending or actually and reasonably
19 contemplated eminent domain proceeding under Article VII
20 of the Code of Civil Procedure, records, documents and
21 information relating to that parcel shall be exempt except
22 as may be allowed under discovery rules adopted by the
23 Illinois Supreme Court. The records, documents and
24 information relating to a real estate sale shall be exempt
25 until a sale is consummated.

26 (t) Any and all proprietary information and records
27 related to the operation of an intergovernmental risk
28 management association or self-insurance pool or jointly
29 self-administered health and accident cooperative or pool.

30 (u) Information concerning a university's adjudication
31 of student or employee grievance or disciplinary cases, to
32 the extent that disclosure would reveal the identity of the
33 student or employee and information concerning any public
34 body's adjudication of student or employee grievances or

1 disciplinary cases, except for the final outcome of the
2 cases.

3 (v) Course materials or research materials used by
4 faculty members.

5 (w) Information related solely to the internal
6 personnel rules and practices of a public body.

7 (x) Information contained in or related to
8 examination, operating, or condition reports prepared by,
9 on behalf of, or for the use of a public body responsible
10 for the regulation or supervision of financial
11 institutions or insurance companies, unless disclosure is
12 otherwise required by State law.

13 (y) Information the disclosure of which is restricted
14 under Section 5-108 of the Public Utilities Act.

15 (z) Manuals or instruction to staff that relate to
16 establishment or collection of liability for any State tax
17 or that relate to investigations by a public body to
18 determine violation of any criminal law.

19 (aa) Applications, related documents, and medical
20 records received by the Experimental Organ Transplantation
21 Procedures Board and any and all documents or other records
22 prepared by the Experimental Organ Transplantation
23 Procedures Board or its staff relating to applications it
24 has received.

25 (bb) Insurance or self insurance (including any
26 intergovernmental risk management association or self
27 insurance pool) claims, loss or risk management
28 information, records, data, advice or communications.

29 (cc) Information and records held by the Department of
30 Public Health and its authorized representatives relating
31 to known or suspected cases of sexually transmissible
32 disease or any information the disclosure of which is
33 restricted under the Illinois Sexually Transmissible
34 Disease Control Act.

1 (dd) Information the disclosure of which is exempted
2 under Section 30 of the Radon Industry Licensing Act.

3 (ee) Firm performance evaluations under Section 55 of
4 the Architectural, Engineering, and Land Surveying
5 Qualifications Based Selection Act.

6 (ff) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Regional Transportation Authority under Section 2.11 of
10 the Regional Transportation Authority Act or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (gg) Information the disclosure of which is restricted
14 and exempted under Section 50 of the Illinois Prepaid
15 Tuition Act.

16 (hh) Information the disclosure of which is exempted
17 under the State Officials and Employees Ethics Act.

18 (ii) Beginning July 1, 1999, information that would
19 disclose or might lead to the disclosure of secret or
20 confidential information, codes, algorithms, programs, or
21 private keys intended to be used to create electronic or
22 digital signatures under the Electronic Commerce Security
23 Act.

24 (jj) Information contained in a local emergency energy
25 plan submitted to a municipality in accordance with a local
26 emergency energy plan ordinance that is adopted under
27 Section 11-21.5-5 of the Illinois Municipal Code.

28 (kk) Information and data concerning the distribution
29 of surcharge moneys collected and remitted by wireless
30 carriers under the Wireless Emergency Telephone Safety
31 Act.

32 (ll) Vulnerability assessments, security measures, and
33 response policies or plans that are designed to identify,
34 prevent, or respond to potential attacks upon a community's

1 population or systems, facilities, or installations, the
2 destruction or contamination of which would constitute a
3 clear and present danger to the health or safety of the
4 community, but only to the extent that disclosure could
5 reasonably be expected to jeopardize the effectiveness of
6 the measures or the safety of the personnel who implement
7 them or the public. Information exempt under this item may
8 include such things as details pertaining to the
9 mobilization or deployment of personnel or equipment, to
10 the operation of communication systems or protocols, or to
11 tactical operations.

12 (mm) Maps and other records regarding the location or
13 security of a utility's generation, transmission,
14 distribution, storage, gathering, treatment, or switching
15 facilities.

16 (nn) Law enforcement officer identification
17 information or driver identification information compiled
18 by a law enforcement agency or the Department of
19 Transportation under Section 11-212 of the Illinois
20 Vehicle Code.

21 (oo) Records and information provided to a residential
22 health care facility resident sexual assault and death
23 review team or the Residential Health Care Facility
24 Resident Sexual Assault and Death Review Teams Executive
25 Council under the Residential Health Care Facility
26 Resident Sexual Assault and Death Review Team Act.

27 (2) This Section does not authorize withholding of
28 information or limit the availability of records to the public,
29 except as stated in this Section or otherwise provided in this
30 Act.

31 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,
32 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,
33 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;
34 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.

1 8-21-03; 93-617, eff. 12-9-03.)".