

1                                    AMENDMENT TO SENATE BILL 1510

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1510, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

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

8            Sec. 7. Exemptions.

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

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

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

1 (i) files and personal information maintained  
2 with respect to clients, patients, residents,  
3 students or other individuals receiving social,  
4 medical, educational, vocational, financial,  
5 supervisory or custodial care or services directly  
6 or indirectly from federal agencies or public  
7 bodies;

8 (ii) personnel files and personal information  
9 maintained with respect to employees, appointees or  
10 elected officials of any public body or applicants  
11 for those positions;

12 (iii) files and personal information  
13 maintained with respect to any applicant, registrant  
14 or licensee by any public body cooperating with or  
15 engaged in professional or occupational  
16 registration, licensure or discipline;

17 (iv) information required of any taxpayer in  
18 connection with the assessment or collection of any  
19 tax unless disclosure is otherwise required by State  
20 statute; and

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

32 (c) Records compiled by any public body for  
33 administrative enforcement proceedings and any law  
34 enforcement or correctional agency for law enforcement

1 purposes or for internal matters of a public body, but  
2 only to the extent that disclosure would:

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

7 (ii) interfere with pending administrative  
8 enforcement proceedings conducted by any public  
9 body;

10 (iii) deprive a person of a fair trial or an  
11 impartial hearing;

12 (iv) unavoidably disclose the identity of a  
13 confidential source or confidential information  
14 furnished only by the confidential source;

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

21 (vi) constitute an invasion of personal  
22 privacy under subsection (b) of this Section;

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

25 (viii) obstruct an ongoing criminal  
26 investigation.

27 (d) Criminal history record information maintained  
28 by State or local criminal justice agencies, except the  
29 following which shall be open for public inspection and  
30 copying:

31 (i) chronologically maintained arrest  
32 information, such as traditional arrest logs or  
33 blotters;

34 (ii) the name of a person in the custody of a

1 law enforcement agency and the charges for which  
2 that person is being held;

3 (iii) court records that are public;

4 (iv) records that are otherwise available  
5 under State or local law; or

6 (v) records in which the requesting party is  
7 the individual identified, except as provided under  
8 part (vii) of paragraph (c) of subsection (1) of  
9 this Section.

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

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

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

1 (g) Trade secrets and commercial or financial  
2 information obtained from a person or business where the  
3 trade secrets or information are proprietary, privileged  
4 or confidential, or where disclosure of the trade secrets  
5 or information may cause competitive harm, including:

6 (i) All information determined to be  
7 confidential under Section 4002 of the Technology  
8 Advancement and Development Act.

9 (ii) Venture capital and private equity  
10 portfolio information of privately held companies  
11 possessed by a public body, including a public  
12 pension fund, for the purpose of investing and  
13 managing public funds. The exemption contained in  
14 this item does not apply to the aggregate financial  
15 performance of a venture capital or private equity  
16 firm.

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

20 (h) Proposals and bids for any contract, grant, or  
21 agreement, including information which if it were  
22 disclosed would frustrate procurement or give an  
23 advantage to any person proposing to enter into a  
24 contractor agreement with the body, until an award or  
25 final selection is made. Information prepared by or for  
26 the body in preparation of a bid solicitation shall be  
27 exempt until an award or final selection is made.

28 (i) Valuable formulae, computer geographic systems,  
29 designs, drawings and research data obtained or produced  
30 by any public body when disclosure could reasonably be  
31 expected to produce private gain or public loss.

32 (j) Test questions, scoring keys and other  
33 examination data used to administer an academic  
34 examination or determined the qualifications of an

1 applicant for a license or employment.

2 (k) Architects' plans and engineers' technical  
3 submissions for projects not constructed or developed in  
4 whole or in part with public funds and for projects  
5 constructed or developed with public funds, to the extent  
6 that disclosure would compromise security.

7 (l) Library circulation and order records  
8 identifying library users with specific materials.

9 (m) Minutes of meetings of public bodies closed to  
10 the public as provided in the Open Meetings Act until the  
11 public body makes the minutes available to the public  
12 under Section 2.06 of the Open Meetings Act.

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

21 (o) Information received by a primary or secondary  
22 school, college or university under its procedures for  
23 the evaluation of faculty members by their academic  
24 peers.

25 (p) Administrative or technical information  
26 associated with automated data processing operations,  
27 including but not limited to software, operating  
28 protocols, computer program abstracts, file layouts,  
29 source listings, object modules, load modules, user  
30 guides, documentation pertaining to all logical and  
31 physical design of computerized systems, employee  
32 manuals, and any other information that, if disclosed,  
33 would jeopardize the security of the system or its data  
34 or the security of materials exempt under this Section.

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

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

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

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

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

1           (v) Course materials or research materials used by  
2 faculty members.

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

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

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

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

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

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

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

34           (dd) Information the disclosure of which is



1 exempted under Section 30 of the Radon Industry Licensing  
2 Act.

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

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

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

16 (hh) Information the disclosure of which is  
17 exempted under Section 80 of the State Gift Ban 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  
25 energy plan submitted to a municipality in accordance  
26 with a local emergency energy plan ordinance that is  
27 adopted under Section 11-21.5-5 of the Illinois Municipal  
28 Code.

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

33 (2) This Section does not authorize withholding of  
34 information or limit the availability of records to the

1 public, except as stated in this Section or otherwise  
2 provided in this Act.

3 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;  
4 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.  
5 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,  
6 eff. 7-11-02.)".