



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB0031

Introduced 1/9/2025, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2	from Ch. 116, par. 202
5 ILCS 140/3	from Ch. 116, par. 203
5 ILCS 140/3.7 new	
5 ILCS 140/6	from Ch. 116, par. 206
5 ILCS 140/9.5	

Amends the Freedom of Information Act. Defines "automated request" as a request that a public body has a reasonable belief was drafted with the assistance of artificial intelligence or submitted without any specific, affirmative action taken by a human. Provides that a public body shall respond to an automated request within 5 business days after receipt and provide certain types of notice to the requester. Provides procedures for the requester to dispute having the request treated as an automated request. Adds automated requests to certain provisions regarding requests for a commercial purpose and voluminous requests. Allows a public body to charge requesters for the costs of any search for and review of the records or other personnel costs associated with reproducing the records associated with an automated request. Provides that a person whose request to inspect or copy a public record is treated as an automated request may not file a request for review with the Public Access Counselor, with certain exceptions.

LRB104 03194 BDA 13215 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 Sections 2, 3, 6, and 9.5 and by adding Section 3.7 as
6 follows:

7 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

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

1 (b) "Person" means any individual, corporation,
2 partnership, firm, organization or association, acting
3 individually or as a group.

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

13 (c-5) "Private information" means unique identifiers,
14 including a person's social security number, driver's license
15 number, employee identification number, biometric identifiers,
16 personal financial information, passwords or other access
17 codes, medical records, home or personal telephone numbers,
18 and personal email addresses. Private information also
19 includes home address and personal license plates, except as
20 otherwise provided by law or when compiled without possibility
21 of attribution to any person. For a public body that is a
22 HIPAA-covered entity, "private information" includes
23 electronic medical records and all information, including
24 demographic information, contained within or extracted from an
25 electronic medical records system operated or maintained by
26 the public body in compliance with State and federal medical

1 privacy laws and regulations, including, but not limited to,
2 the Health Insurance Portability and Accountability Act and
3 its regulations, 45 CFR Parts 160 and 164. As used in this
4 subsection, "HIPAA-covered entity" has the meaning given to
5 the term "covered entity" in 45 CFR 160.103.

6 (c-10) "Commercial purpose" means the use of any part of a
7 public record or records, or information derived from public
8 records, in any form for sale, resale, or solicitation or
9 advertisement for sales or services. For purposes of this
10 definition, requests made by news media and non-profit,
11 scientific, or academic organizations shall not be considered
12 to be made for a "commercial purpose" when the principal
13 purpose of the request is (i) to access and disseminate
14 information concerning news and current or passing events,
15 (ii) for articles of opinion or features of interest to the
16 public, or (iii) for the purpose of academic, scientific, or
17 public research or education.

18 (d) "Copying" means the reproduction of any public record
19 by means of any photographic, electronic, mechanical or other
20 process, device or means now known or hereafter developed and
21 available to the public body.

22 (e) "Head of the public body" means the president, mayor,
23 chairman, presiding officer, director, superintendent,
24 manager, supervisor or individual otherwise holding primary
25 executive and administrative authority for the public body, or
26 such person's duly authorized designee.

1 (f) "News media" means a newspaper or other periodical
2 issued at regular intervals whether in print or electronic
3 format, a news service whether in print or electronic format,
4 a radio station, a television station, a television network, a
5 community antenna television service, or a person or
6 corporation engaged in making news reels or other motion
7 picture news for public showing.

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

23 For the purposes of this subsection (g), "request" means a
24 written document (or oral request, if the public body chooses
25 to honor oral requests) that is submitted to a public body via
26 personal delivery, mail, telefax, electronic mail, or other

1 means available to the public body and that identifies the
2 particular public record the requester seeks. One request may
3 identify multiple records to be inspected or copied.

4 (h) "Voluminous request" means a request that: (i)
5 includes more than 5 individual requests for more than 5
6 different categories of records or a combination of individual
7 requests that total requests for more than 5 different
8 categories of records in a period of 20 business days; or (ii)
9 requires the compilation of more than 500 letter or
10 legal-sized pages of public records unless a single requested
11 record exceeds 500 pages. "Single requested record" may
12 include, but is not limited to, one report, form, e-mail,
13 letter, memorandum, book, map, microfilm, tape, or recording.

14 "Voluminous request" does not include a request made by
15 news media and non-profit, scientific, or academic
16 organizations if the principal purpose of the request is: (1)
17 to access and disseminate information concerning news and
18 current or passing events; (2) for articles of opinion or
19 features of interest to the public; or (3) for the purpose of
20 academic, scientific, or public research or education.

21 For the purposes of this subsection (h), "request" means a
22 written document, or oral request, if the public body chooses
23 to honor oral requests, that is submitted to a public body via
24 personal delivery, mail, telefax, electronic mail, or other
25 means available to the public body and that identifies the
26 particular public record or records the requester seeks. One

1 request may identify multiple individual records to be
2 inspected or copied.

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

6 (j) "Automated request" means a request that a public body
7 has a reasonable belief was (i) drafted in whole or part with
8 the assistance of artificial intelligence or other automating
9 software or (ii) submitted without any specific, affirmative
10 action taken by a human.

11 (Source: P.A. 103-554, eff. 1-1-24.)

12 (5 ILCS 140/3) (from Ch. 116, par. 203)

13 Sec. 3. (a) Each public body shall make available to any
14 person for inspection or copying all public records, except as
15 otherwise provided in Sections 7 and 8.5 of this Act.
16 Notwithstanding any other law, a public body may not grant to
17 any person or entity, whether by contract, license, or
18 otherwise, the exclusive right to access and disseminate any
19 public record as defined in this Act.

20 (b) Subject to the fee provisions of Section 6 of this Act,
21 each public body shall promptly provide, to any person who
22 submits a request, a copy of any public record required to be
23 disclosed by subsection (a) of this Section and shall certify
24 such copy if so requested.

25 (c) Requests for inspection or copies shall be made in

1 writing and directed to the public body. Written requests may
2 be submitted to a public body via personal delivery, mail,
3 telefax, or other means available to the public body. A public
4 body may honor oral requests for inspection or copying. A
5 public body may not require that a request be submitted on a
6 standard form or require the requester to specify the purpose
7 for a request, except to determine whether the records are
8 requested for a commercial purpose or whether to grant a
9 request for a fee waiver. All requests for inspection and
10 copying received by a public body shall immediately be
11 forwarded to its Freedom of Information officer or designee.

12 (d) Each public body shall, promptly, either comply with
13 or deny a request for public records within 5 business days
14 after its receipt of the request, unless the time for response
15 is properly extended under subsection (e) of this Section.
16 Denial shall be in writing as provided in Section 9 of this
17 Act. Failure to comply with a written request, extend the time
18 for response, or deny a request within 5 business days after
19 its receipt shall be considered a denial of the request. A
20 public body that fails to respond to a request within the
21 requisite periods in this Section but thereafter provides the
22 requester with copies of the requested public records may not
23 impose a fee for such copies. A public body that fails to
24 respond to a request received may not treat the request as
25 unduly burdensome under subsection (g).

26 (e) The time for response under this Section may be

1 extended by the public body for not more than 5 business days
2 from the original due date for any of the following reasons:

3 (i) the requested records are stored in whole or in
4 part at other locations than the office having charge of
5 the requested records;

6 (ii) the request requires the collection of a
7 substantial number of specified records;

8 (iii) the request is couched in categorical terms and
9 requires an extensive search for the records responsive to
10 it;

11 (iv) the requested records have not been located in
12 the course of routine search and additional efforts are
13 being made to locate them;

14 (v) the requested records require examination and
15 evaluation by personnel having the necessary competence
16 and discretion to determine if they are exempt from
17 disclosure under Section 7 of this Act or should be
18 revealed only with appropriate deletions;

19 (vi) the request for records cannot be complied with
20 by the public body within the time limits prescribed by
21 subsection (d) of this Section without unduly burdening or
22 interfering with the operations of the public body;

23 (vii) there is a need for consultation, which shall be
24 conducted with all practicable speed, with another public
25 body or among 2 or more components of a public body having
26 a substantial interest in the determination or in the

1 subject matter of the request.

2 The person making a request and the public body may agree
3 in writing to extend the time for compliance for a period to be
4 determined by the parties. If the requester and the public
5 body agree to extend the period for compliance, a failure by
6 the public body to comply with any previous deadlines shall
7 not be treated as a denial of the request for the records.

8 (f) When additional time is required for any of the above
9 reasons, the public body shall, within 5 business days after
10 receipt of the request, notify the person making the request
11 of the reasons for the extension and the date by which the
12 response will be forthcoming. Failure to respond within the
13 time permitted for extension shall be considered a denial of
14 the request. A public body that fails to respond to a request
15 within the time permitted for extension but thereafter
16 provides the requester with copies of the requested public
17 records may not impose a fee for those copies. A public body
18 that requests an extension and subsequently fails to respond
19 to the request may not treat the request as unduly burdensome
20 under subsection (g).

21 (g) Requests calling for all records falling within a
22 category shall be complied with unless compliance with the
23 request would be unduly burdensome for the complying public
24 body and there is no way to narrow the request and the burden
25 on the public body outweighs the public interest in the
26 information. Before invoking this exemption, the public body

1 shall extend to the person making the request an opportunity
2 to confer with it in an attempt to reduce the request to
3 manageable proportions. If any public body responds to a
4 categorical request by stating that compliance would unduly
5 burden its operation and the conditions described above are
6 met, it shall do so in writing, specifying the reasons why it
7 would be unduly burdensome and the extent to which compliance
8 will so burden the operations of the public body. Such a
9 response shall be treated as a denial of the request for
10 information.

11 Repeated requests from the same person for the same
12 records that are unchanged or identical to records previously
13 provided or properly denied under this Act shall be deemed
14 unduly burdensome under this provision.

15 (h) Each public body may promulgate rules and regulations
16 in conformity with the provisions of this Section pertaining
17 to the availability of records and procedures to be followed,
18 including:

19 (i) the times and places where such records will be
20 made available, and

21 (ii) the persons from whom such records may be
22 obtained.

23 (i) The time periods for compliance or denial of a request
24 to inspect or copy records set out in this Section shall not
25 apply to automated requests, requests for records made for a
26 commercial purpose, requests by a recurrent requester, or

1 voluminous requests. Such requests shall be subject to the
2 provisions of Sections 3.1, 3.2, ~~and 3.6,~~ and 3.7 of this Act,
3 as applicable.

4 (Source: P.A. 101-81, eff. 7-12-19.)

5 (5 ILCS 140/3.7 new)

6 Sec. 3.7. Automated requests.

7 (a) Notwithstanding any provision of this Act to the
8 contrary, a public body shall respond to an automated request
9 within 5 business days after receipt. The response shall
10 provide the requester: (i) notice that the public body is
11 treating the request as an automated request; (ii) notice of
12 the reasons why the public body is treating the request as an
13 automated request; (iii) notice that the requester must
14 respond to the public body within 10 business days after the
15 public body's response was sent and provide specific,
16 articulable reasons why the public body should not treat the
17 request as an automated request; (iv) notice that if the
18 requester does not respond within 10 business days, the public
19 body will respond to the request and assess any fees the public
20 body charges pursuant to Section 6 of this Act; (v) notice that
21 the public body has 5 business days after receipt of the
22 requester's response or 5 business days from the last day for
23 the requester to respond, whichever is sooner, to respond to
24 the request; (vi) notice that the public body may request an
25 additional 30 business days to comply with the request; (vii)

1 notice of the requester's right to review of the public body's
2 determination by the Public Access Counselor and provide the
3 address and phone number for the Public Access Counselor; and
4 (viii) notice that if the requester fails to accept or collect
5 the responsive records, the public body may still charge the
6 requester for its response pursuant to Section 6 of this Act
7 and the requester's failure to pay will be considered a debt
8 due and owing to the public body and may be collected in
9 accordance with applicable law.

10 (b) A public body shall provide a person making an
11 automated request 10 business days from the date the public
12 body's response pursuant to subsection (a) of this Section is
13 sent to provide specific, articulable reasons why the public
14 body should not treat the request as an automated response.

15 (c) If a requester does not provide specific, articulable
16 reasons why the request should not be considered an automated
17 request under subsection (b) of this Section or the requester
18 fails to respond, the public body shall respond within the
19 earlier of 5 business days after it receives the response from
20 the requester or 5 business days after the final day for the
21 requester to respond to the public body's notification under
22 this subsection. The response shall: (i) provide an estimate
23 of the fees to be charged, which the public body may require
24 the person to pay in full before copying the requested
25 documents; (ii) deny the request pursuant to one or more of the
26 exemptions set out in this Act; (iii) notify the requester

1 that the request is unduly burdensome and extend an
2 opportunity to the requester to attempt to reduce the request
3 to manageable proportions; or (iv) provide the records
4 requested.

5 (d) The time for response by the public body under
6 subsection (c) of this Section may be extended by the public
7 body for not more than 30 business days from the final day for
8 the requester to respond to the public body's notification
9 under subsection (c) of this Section for any of the reasons
10 provided in subsection (e) of Section 3 of this Act. The person
11 making a request and the public body may agree in writing to
12 extend the time for compliance for a period to be determined by
13 the parties. If the requester and the public body agree to
14 extend the period for compliance, a failure by the public body
15 to comply with any previous deadlines shall not be treated as a
16 denial of the request for the records.

17 (e) If a requester does not pay a fee charged pursuant to
18 Section 6 of this Act for an automated request, the debt shall
19 be considered a debt due and owing to the public body and may
20 be collected in accordance with applicable law. This fee may
21 be charged by the public body even if the requester fails to
22 accept or collect records the public body has prepared in
23 response to an automated request.

24 (5 ILCS 140/6) (from Ch. 116, par. 206)

25 Sec. 6. Authority to charge fees.

1 (a) When a person requests a copy of a record maintained in
2 an electronic format, the public body shall furnish it in the
3 electronic format specified by the requester, if feasible. If
4 it is not feasible to furnish the public records in the
5 specified electronic format, then the public body shall
6 furnish it in the format in which it is maintained by the
7 public body, or in paper format at the option of the requester.
8 A public body may charge the requester for the actual cost of
9 purchasing the recording medium, whether disc, diskette, tape,
10 or other medium. If a request is not an automated request, a
11 request for a commercial purpose, or a voluminous request, a
12 public body may not charge the requester for the costs of any
13 search for and review of the records or other personnel costs
14 associated with reproducing the records. Except to the extent
15 that the General Assembly expressly provides, statutory fees
16 applicable to copies of public records when furnished in a
17 paper format shall not be applicable to those records when
18 furnished in an electronic format.

19 (a-5) If a voluminous request is for electronic records
20 and those records are not in a portable document format (PDF),
21 the public body may charge up to \$20 for not more than 2
22 megabytes of data, up to \$40 for more than 2 but not more than
23 4 megabytes of data, and up to \$100 for more than 4 megabytes
24 of data. If a voluminous request is for electronic records and
25 those records are in a portable document format, the public
26 body may charge up to \$20 for not more than 80 megabytes of

1 data, up to \$40 for more than 80 megabytes but not more than
2 160 megabytes of data, and up to \$100 for more than 160
3 megabytes of data. If the responsive electronic records are in
4 both a portable document format and not in a portable document
5 format, the public body may separate the fees and charge the
6 requester under both fee scales.

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

11 (b) Except when a fee is otherwise fixed by statute, each
12 public body may charge fees reasonably calculated to reimburse
13 its actual cost for reproducing and certifying public records
14 and for the use, by any person, of the equipment of the public
15 body to copy records. No fees shall be charged for the first 50
16 pages of black and white, letter or legal sized copies
17 requested by a requester. The fee for black and white, letter
18 or legal sized copies shall not exceed 15 cents per page. If a
19 public body provides copies in color or in a size other than
20 letter or legal, the public body may not charge more than its
21 actual cost for reproducing the records. In calculating its
22 actual cost for reproducing records or for the use of the
23 equipment of the public body to reproduce records, a public
24 body shall not include the costs of any search for and review
25 of the records or other personnel costs associated with
26 reproducing the records, except for commercial requests as

1 provided in subsection (f) of this Section. Such fees shall be
2 imposed according to a standard scale of fees, established and
3 made public by the body imposing them. The cost for certifying
4 a record shall not exceed \$1.

5 (c) Documents shall be furnished without charge or at a
6 reduced charge, as determined by the public body, if the
7 person requesting the documents states the specific purpose
8 for the request and indicates that a waiver or reduction of the
9 fee is in the public interest. Waiver or reduction of the fee
10 is in the public interest if the principal purpose of the
11 request is to access and disseminate information regarding the
12 health, safety and welfare or the legal rights of the general
13 public and is not for the principal purpose of personal or
14 commercial benefit. For purposes of this subsection,
15 "commercial benefit" shall not apply to requests made by news
16 media when the principal purpose of the request is to access
17 and disseminate information regarding the health, safety, and
18 welfare or the legal rights of the general public. In setting
19 the amount of the waiver or reduction, the public body may take
20 into consideration the amount of materials requested and the
21 cost of copying them.

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

25 (e) The fee for each abstract of a driver's record shall be
26 as provided in Section 6-118 of "The Illinois Vehicle Code",

1 approved September 29, 1969, as amended, whether furnished as
2 a paper copy or as an electronic copy.

3 (f) A public body may charge up to \$10 for each hour spent
4 by personnel in searching for and retrieving a requested
5 record or examining the record for necessary redactions. No
6 fees shall be charged for the first 8 hours spent by personnel
7 in searching for or retrieving a requested record. A public
8 body may charge the actual cost of retrieving and transporting
9 public records from an off-site storage facility when the
10 public records are maintained by a third-party storage company
11 under contract with the public body. If a public body imposes a
12 fee pursuant to this subsection (f), it must provide the
13 requester with an accounting of all fees, costs, and personnel
14 hours in connection with the request for public records. The
15 provisions of this subsection (f) apply only to commercial
16 requests.

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

18 (5 ILCS 140/9.5)

19 Sec. 9.5. Public Access Counselor; opinions.

20 (a) A person whose request to inspect or copy a public
21 record is denied by a public body, except the General Assembly
22 and committees, commissions, and agencies thereof, may file a
23 request for review with the Public Access Counselor
24 established in the Office of the Attorney General not later
25 than 60 days after the date of the final denial. The request

1 for review must be in writing, signed by the requester, and
2 include (i) a copy of the request for access to records and
3 (ii) any responses from the public body.

4 (b) A person whose request to inspect or copy a public
5 record is made for a commercial purpose as defined in
6 subsection (c-10) of Section 2 of this Act may not file a
7 request for review with the Public Access Counselor. A person
8 whose request to inspect or copy a public record was treated by
9 the public body as a request for a commercial purpose under
10 Section 3.1 of this Act may file a request for review with the
11 Public Access Counselor for the limited purpose of reviewing
12 whether the public body properly determined that the request
13 was made for a commercial purpose.

14 (b-5) A person whose request to inspect or copy a public
15 record was treated by a public body, except the General
16 Assembly and committees, commissions, and agencies thereof, as
17 a voluminous request under Section 3.6 of this Act may file a
18 request for review with the Public Access Counselor for the
19 purpose of reviewing whether the public body properly
20 determined that the request was a voluminous request.

21 (b-10) A person whose request to inspect or copy a public
22 record is treated as an automated request may not file a
23 request for review with the Public Access Counselor. A person
24 whose request to inspect or copy a public record was treated by
25 a public body, except the General Assembly and committees,
26 commissions, and agencies thereof, as an automated request

1 under Section 3.7 of this Act may file a request for review
2 with the Public Access Counselor for the limited purpose of
3 reviewing whether the public body properly determined that the
4 request was an automated request.

5 (c) Upon receipt of a request for review, the Public
6 Access Counselor shall determine whether further action is
7 warranted. If the Public Access Counselor determines that the
8 alleged violation is unfounded, he or she shall so advise the
9 requester and the public body and no further action shall be
10 undertaken. In all other cases, the Public Access Counselor
11 shall forward a copy of the request for review to the public
12 body within 7 business days after receipt and shall specify
13 the records or other documents that the public body shall
14 furnish to facilitate the review. Within 7 business days after
15 receipt of the request for review, the public body shall
16 provide copies of records requested and shall otherwise fully
17 cooperate with the Public Access Counselor. If a public body
18 fails to furnish specified records pursuant to this Section,
19 or if otherwise necessary, the Attorney General may issue a
20 subpoena to any person or public body having knowledge of or
21 records pertaining to a request for review of a denial of
22 access to records under the Act. Records or documents obtained
23 by the Public Access Counselor from a public body for the
24 purpose of addressing a request for review under this Section
25 may not be disclosed to the public, including the requester,
26 by the Public Access Counselor. These records, while in the

1 possession of the Public Access Counselor, are exempt under
2 this Act from disclosure by the Public Access Counselor.

3 (d) Within 7 business days after it receives a copy of a
4 request for review and request for production of records from
5 the Public Access Counselor, the public body may, but is not
6 required to, answer the allegations of the request for review.
7 The answer may take the form of a letter, brief, or memorandum.
8 The Public Access Counselor shall forward a copy of the answer
9 to the person submitting the request for review, with any
10 alleged confidential information to which the request pertains
11 redacted from the copy. The requester may, but is not required
12 to, respond in writing to the answer within 7 business days and
13 shall provide a copy of the response to the public body.

14 (e) In addition to the request for review, and the answer
15 and the response thereto, if any, a requester or a public body
16 may furnish affidavits or records concerning any matter
17 germane to the review.

18 (f) Unless the Public Access Counselor extends the time by
19 no more than 30 business days by sending written notice to the
20 requester and the public body that includes a statement of the
21 reasons for the extension in the notice, or decides to address
22 the matter without the issuance of a binding opinion, the
23 Attorney General shall examine the issues and the records,
24 shall make findings of fact and conclusions of law, and shall
25 issue to the requester and the public body an opinion in
26 response to the request for review within 60 days after its

1 receipt. The opinion shall be binding upon both the requester
2 and the public body, subject to administrative review under
3 Section 11.5.

4 In responding to any request under this Section 9.5, the
5 Attorney General may exercise his or her discretion and choose
6 to resolve a request for review by mediation or by a means
7 other than the issuance of a binding opinion. The decision not
8 to issue a binding opinion shall not be reviewable.

9 Upon receipt of a binding opinion concluding that a
10 violation of this Act has occurred, the public body shall
11 either take necessary action immediately to comply with the
12 directive of the opinion or shall initiate administrative
13 review under Section 11.5. If the opinion concludes that no
14 violation of the Act has occurred, the requester may initiate
15 administrative review under Section 11.5.

16 A public body that discloses records in accordance with an
17 opinion of the Attorney General is immune from all liabilities
18 by reason thereof and shall not be liable for penalties under
19 this Act.

20 (g) If the requester files suit under Section 11 with
21 respect to the same denial that is the subject of a pending
22 request for review, the requester shall notify the Public
23 Access Counselor, and the Public Access Counselor shall take
24 no further action with respect to the request for review and
25 shall so notify the public body.

26 (h) The Attorney General may also issue advisory opinions

1 to public bodies regarding compliance with this Act. A review
2 may be initiated upon receipt of a written request from the
3 head of the public body or its attorney, which shall contain
4 sufficient accurate facts from which a determination can be
5 made. The Public Access Counselor may request additional
6 information from the public body in order to assist in the
7 review. A public body that relies in good faith on an advisory
8 opinion of the Attorney General in responding to a request is
9 not liable for penalties under this Act, so long as the facts
10 upon which the opinion is based have been fully and fairly
11 disclosed to the Public Access Counselor.

12 (Source: P.A. 103-69, eff. 1-1-24.)