**Section 1301.202 Records that Will Be Withheld from Disclosure**

a) Information and data that meet one or more exemption as set forth in Section 7 of FOIA will be withheld. If it is not unduly burdensome, as defined in Section 1301.402, to redact exempt information and data from a record and produce a redacted copy of the record, the exempt information may be redacted and the redacted record produced as provided for in Section 7 of FOIA.

b) *A record that is not in the possession of the* Agency *but is in the possession of a party with whom the* Agency *has contracted to perform a governmental function on behalf of the* Agency*, and that directly relates to the governmental function and is not otherwise exempt under* FOIA*, shall be considered a record of the* Agency *for purposes of* Subpart C*.* (Section 7(2) of FOIA)

c) *When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the* Agency *shall make the remaining information available for inspection and copying.* (Section 7(1) of FOIA).

(Source: Amended at 48 Ill. Reg. 10197, effective June 28, 2024)