



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0691

by Rep. Bill Mitchell

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7.5

Creates the Public Safety Officer Privacy Act. Defines terms. Limits the disclosure of a public safety officer's personal information by a person, business, association, or government agency if the entity has received a written request to limit the disclosure. Provides that the public safety officer's personal information shall be exempt from disclosure under the Freedom of Information Act unless a government agency has received consent from the public safety officer to make the personal information available to the public. Allows for injunctive or declaratory relief for violations. Prohibits a person, business, or association from soliciting, selling, or trading on the Internet a public safety officer's personal information with the intent to pose an imminent and serious threat to the health and safety of the public safety officer or the officer's immediate family. Amends the Freedom of Information Act to make a corresponding change.

LRB100 04244 HEP 14250 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 1. Short title. This Act may be cited as the Public  
5 Safety Officer Privacy Act.

6 Section 5. Purpose; scope. The purpose of this Act is to  
7 improve the safety and security of Illinois public safety  
8 officers to ensure they are able to uphold their duty to  
9 maintain public safety without fear of personal reprisal from  
10 individuals affected by the decisions they make in the course  
11 of carrying out their public function. This Act is not intended  
12 to restrain a public safety officer from independently making  
13 public his or her own personal information. Additionally, no  
14 government agency, person, business, or association has any  
15 obligation under this Act to protect the privacy of a public  
16 safety officer's personal information until the public safety  
17 officer makes a written request that his or her personal  
18 information not be publicly posted.

19 Section 10. Definitions. As used in this Act:

20 "Correctional officer" means a person who is employed by or  
21 works for a government agency penal institution.

22 "Fire fighter" means any person appointed to a fire

1 department or fire protection district or employed by a  
2 government agency and sworn or commissioned to perform fire  
3 fighter duties or paramedic duties, including part-time fire  
4 fighters, auxiliary fire fighters, reserve or voluntary fire  
5 fighters, and paid on-call fire fighters.

6 "Government agency" includes all agencies, authorities,  
7 boards, commissions, departments, institutions, offices, and  
8 any other bodies politic and corporate of this State, created  
9 by the constitution or statute, whether in the executive,  
10 judicial, or legislative branch; all units and corporate  
11 outgrowths created by executive order of the Governor or any  
12 constitutional officer, by the Supreme Court, or by resolution  
13 of the General Assembly; or agencies, authorities, boards,  
14 commissions, departments, institutions, offices, and any other  
15 bodies politic and corporate of a unit of local government or  
16 school district.

17 "Home address" includes a public safety officer's  
18 permanent residence and any secondary residences affirmatively  
19 identified by the public safety officer, but does not include a  
20 public safety officer's work address.

21 "Immediate family" includes a public safety officer's  
22 spouse, child, parent, or any blood relative of the public  
23 safety officer or the public safety officer's spouse who lives  
24 in the same residence as the public safety officer.

25 "Peace officer" or "officer" means a person defined under  
26 Section 2-13 of the Criminal Code of 2012.

1 "Penal institution" means an institution defined under  
2 Section 2-14 of the Criminal Code of 2012.

3 "Personal information" means a home address, home  
4 telephone number, mobile telephone number, pager number,  
5 personal email address, social security number, federal tax  
6 identification number, checking and savings account numbers,  
7 credit card numbers, marital status, and identity of children  
8 under the age of 18.

9 "Public safety officer" means a peace officer, fire  
10 fighter, or correctional officer.

11 "Publicly available content" means any written, printed,  
12 or electronic document or record that provides information or  
13 that serves as a document or record maintained, controlled, or  
14 in the possession of a government agency that may be obtained  
15 by any person or entity, from the Internet, from the government  
16 agency upon request either free of charge or for a fee, or in  
17 response to a request under the Freedom of Information Act.

18 "Publicly post" or "publicly display" means to communicate  
19 to another or otherwise make available to the general public.

20 "Written request" means written notice signed by a public  
21 safety officer or a representative of the public safety  
22 officer's employer requesting a government agency, person,  
23 business, or association to refrain from posting or displaying  
24 publicly available content that includes the public safety  
25 officer's personal information.

1           Section 15. Publicly posting or displaying a public safety  
2 officer's personal information.

3           (a) A government agency shall not publicly post or display  
4 publicly available content that includes a public safety  
5 officer's personal information if the government agency has  
6 received a written request in accordance with Section 20 of  
7 this Act. After a government agency has received a written  
8 request, that agency shall remove the public safety officer's  
9 personal information from publicly available content within 5  
10 business days. After the government agency has removed the  
11 public safety officer's personal information from publicly  
12 available content, the agency shall not publicly post or  
13 display the information and the public safety officer's  
14 personal information shall be exempt from disclosure under the  
15 Freedom of Information Act unless the government agency has  
16 received consent from the public safety officer to make the  
17 personal information available to the public.

18           (b) A person, business, or association shall not publicly  
19 post or display on the Internet available content that includes  
20 a public safety officer's personal information if the public  
21 safety officer has made a written request in accordance with  
22 Section 20 of this Act to the person, business, or association.  
23 After a person, business, or association has received a written  
24 request from a public safety officer, the person, business, or  
25 association shall have 5 business days to remove the personal  
26 information from the Internet. The person, business, or

1 association shall also ensure that the public safety officer's  
2 personal information is not made available on any website or  
3 subsidiary website controlled by the person, business, or  
4 association, nor transferred to any other person, business, or  
5 association through any medium. Regardless of whether a written  
6 request has been made, no person, business, or association  
7 shall solicit, sell, or trade on the Internet a public safety  
8 officer's personal information with the intent to pose an  
9 imminent and serious threat to the health and safety of the  
10 public safety officer or the public safety officer's immediate  
11 family.

12 (c) A public safety officer whose personal information is  
13 made public as a result of a violation of this Act may bring an  
14 action seeking injunctive or declaratory relief in any court of  
15 competent jurisdiction.

16 Section 20. Procedure for completing a written request.

17 (a) A government agency, person, business, or association  
18 shall not be found to have violated any provision of this Act  
19 if the public safety officer fails to submit a written request  
20 under this Section.

21 (b) A written request is valid if the public safety officer  
22 or representative acting in accordance with subsection (c) of  
23 this Section sends a written request directly to a government  
24 agency, person, business, or association.

25 (c) A representative from the public safety officer's

1 employer may submit a written request on behalf of the public  
2 safety officer if the public safety officer gives written  
3 consent to the representative and the representative agrees to  
4 furnish a copy of the consent when a written request is made.  
5 The representative shall submit the written request as provided  
6 in this Section.

7 (d) A public safety officer's written request shall specify  
8 which personal information shall be maintained private. If a  
9 public safety officer wishes to identify a secondary residence  
10 as a home address, the designation shall be made in the written  
11 request. A public safety officer shall disclose the identity of  
12 the officer's immediate family and indicate that the personal  
13 information of these family members shall also be excluded to  
14 the extent that it could reasonably be expected to reveal the  
15 personal information of the public safety officer.

16 (e) A public safety officer's written request is valid  
17 until he or she provides the government agency, person,  
18 business, or association with written permission to release the  
19 private information. A public safety officer's written request  
20 expires upon the death of the officer.

21 Section 105. The Freedom of Information Act is amended by  
22 changing Section 7.5 as follows:

23 (5 ILCS 140/7.5)

24 Sec. 7.5. Statutory exemptions. To the extent provided for

1 by the statutes referenced below, the following shall be exempt  
2 from inspection and copying:

3 (a) All information determined to be confidential  
4 under Section 4002 of the Technology Advancement and  
5 Development Act.

6 (b) Library circulation and order records identifying  
7 library users with specific materials under the Library  
8 Records Confidentiality Act.

9 (c) Applications, related documents, and medical  
10 records received by the Experimental Organ Transplantation  
11 Procedures Board and any and all documents or other records  
12 prepared by the Experimental Organ Transplantation  
13 Procedures Board or its staff relating to applications it  
14 has received.

15 (d) Information and records held by the Department of  
16 Public Health and its authorized representatives relating  
17 to known or suspected cases of sexually transmissible  
18 disease or any information the disclosure of which is  
19 restricted under the Illinois Sexually Transmissible  
20 Disease Control Act.

21 (e) Information the disclosure of which is exempted  
22 under Section 30 of the Radon Industry Licensing Act.

23 (f) Firm performance evaluations under Section 55 of  
24 the Architectural, Engineering, and Land Surveying  
25 Qualifications Based Selection Act.

26 (g) Information the disclosure of which is restricted

1 and exempted under Section 50 of the Illinois Prepaid  
2 Tuition Act.

3 (h) Information the disclosure of which is exempted  
4 under the State Officials and Employees Ethics Act, and  
5 records of any lawfully created State or local inspector  
6 general's office that would be exempt if created or  
7 obtained by an Executive Inspector General's office under  
8 that Act.

9 (i) Information contained in a local emergency energy  
10 plan submitted to a municipality in accordance with a local  
11 emergency energy plan ordinance that is adopted under  
12 Section 11-21.5-5 of the Illinois Municipal Code.

13 (j) Information and data concerning the distribution  
14 of surcharge moneys collected and remitted by wireless  
15 carriers under the Wireless Emergency Telephone Safety  
16 Act.

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

21 (l) Records and information provided to a residential  
22 health care facility resident sexual assault and death  
23 review team or the Executive Council under the Abuse  
24 Prevention Review Team Act.

25 (m) Information provided to the predatory lending  
26 database created pursuant to Article 3 of the Residential

1 Real Property Disclosure Act, except to the extent  
2 authorized under that Article.

3 (n) Defense budgets and petitions for certification of  
4 compensation and expenses for court appointed trial  
5 counsel as provided under Sections 10 and 15 of the Capital  
6 Crimes Litigation Act. This subsection (n) shall apply  
7 until the conclusion of the trial of the case, even if the  
8 prosecution chooses not to pursue the death penalty prior  
9 to trial or sentencing.

10 (o) Information that is prohibited from being  
11 disclosed under Section 4 of the Illinois Health and  
12 Hazardous Substances Registry Act.

13 (p) Security portions of system safety program plans,  
14 investigation reports, surveys, schedules, lists, data, or  
15 information compiled, collected, or prepared by or for the  
16 Regional Transportation Authority under Section 2.11 of  
17 the Regional Transportation Authority Act or the St. Clair  
18 County Transit District under the Bi-State Transit Safety  
19 Act.

20 (q) Information prohibited from being disclosed by the  
21 Personnel Records Review Act.

22 (r) Information prohibited from being disclosed by the  
23 Illinois School Student Records Act.

24 (s) Information the disclosure of which is restricted  
25 under Section 5-108 of the Public Utilities Act.

26 (t) All identified or deidentified health information

1 in the form of health data or medical records contained in,  
2 stored in, submitted to, transferred by, or released from  
3 the Illinois Health Information Exchange, and identified  
4 or deidentified health information in the form of health  
5 data and medical records of the Illinois Health Information  
6 Exchange in the possession of the Illinois Health  
7 Information Exchange Authority due to its administration  
8 of the Illinois Health Information Exchange. The terms  
9 "identified" and "deidentified" shall be given the same  
10 meaning as in the Health Insurance Portability and  
11 Accountability Act of 1996, Public Law 104-191, or any  
12 subsequent amendments thereto, and any regulations  
13 promulgated thereunder.

14 (u) Records and information provided to an independent  
15 team of experts under Brian's Law.

16 (v) Names and information of people who have applied  
17 for or received Firearm Owner's Identification Cards under  
18 the Firearm Owners Identification Card Act or applied for  
19 or received a concealed carry license under the Firearm  
20 Concealed Carry Act, unless otherwise authorized by the  
21 Firearm Concealed Carry Act; and databases under the  
22 Firearm Concealed Carry Act, records of the Concealed Carry  
23 Licensing Review Board under the Firearm Concealed Carry  
24 Act, and law enforcement agency objections under the  
25 Firearm Concealed Carry Act.

26 (w) Personally identifiable information which is

1           exempted from disclosure under subsection (g) of Section  
2           19.1 of the Toll Highway Act.

3           (x) Information which is exempted from disclosure  
4           under Section 5-1014.3 of the Counties Code or Section  
5           8-11-21 of the Illinois Municipal Code.

6           (y) Confidential information under the Adult  
7           Protective Services Act and its predecessor enabling  
8           statute, the Elder Abuse and Neglect Act, including  
9           information about the identity and administrative finding  
10          against any caregiver of a verified and substantiated  
11          decision of abuse, neglect, or financial exploitation of an  
12          eligible adult maintained in the Registry established  
13          under Section 7.5 of the Adult Protective Services Act.

14          (z) Records and information provided to a fatality  
15          review team or the Illinois Fatality Review Team Advisory  
16          Council under Section 15 of the Adult Protective Services  
17          Act.

18          (aa) Information which is exempted from disclosure  
19          under Section 2.37 of the Wildlife Code.

20          (bb) Information which is or was prohibited from  
21          disclosure by the Juvenile Court Act of 1987.

22          (cc) Recordings made under the Law Enforcement  
23          Officer-Worn Body Camera Act, except to the extent  
24          authorized under that Act.

25          (dd) Information that is prohibited from being  
26          disclosed under Section 45 of the Condominium and Common

1 Interest Community Ombudsperson Act.

2 (ee) ~~(dd)~~ Information that is exempted from disclosure  
3 under Section 30.1 of the Pharmacy Practice Act.

4 (ff) Information that is exempt from disclosure under  
5 the Public Safety Officer Privacy Act.

6 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,  
7 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;  
8 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;  
9 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.  
10 8-19-16; revised 9-1-16.)