



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3136

by Rep. Brad Halbbrook

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

5 ILCS 140/2.16 new

Amends the Freedom of Information Act. Provides that "public body" includes road districts. Defines "Freedom of Information officer" as an employee or official of a public body who is appointed by the public body and responsible for responding to all requests for information received by the public body. Provides that the Department of State Police shall furnish to a requester: (1) all information contained in the Law Enforcement Agencies Data System about the requester; and (2) every instance the name or vehicle registration information of the requester was queried and the name of the person making the inquiry. Provides that the information provided to a requester shall include all information contained in the Law Enforcement Agencies Data System relating to the requester, and is not limited to name and license plate information.

LRB101 10086 HEP 55189 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 Section 2 and by adding Section 2.16 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

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

23 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting  
2 individually or as a group.

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

12 (c-5) "Private information" means unique identifiers,  
13 including a person's social security number, driver's license  
14 number, employee identification number, biometric identifiers,  
15 personal financial information, passwords or other access  
16 codes, medical records, home or personal telephone numbers, and  
17 personal email addresses. Private information also includes  
18 home address and personal license plates, except as otherwise  
19 provided by law or when compiled without possibility of  
20 attribution to any person.

21 (c-10) "Commercial purpose" means the use of any part of a  
22 public record or records, or information derived from public  
23 records, in any form for sale, resale, or solicitation or  
24 advertisement for sales or services. For purposes of this  
25 definition, requests made by news media and non-profit,  
26 scientific, or academic organizations shall not be considered

1 to be made for a "commercial purpose" when the principal  
2 purpose of the request is (i) to access and disseminate  
3 information concerning news and current or passing events, (ii)  
4 for articles of opinion or features of interest to the public,  
5 or (iii) for the purpose of academic, scientific, or public  
6 research or education.

7 (d) "Copying" means the reproduction of any public record  
8 by means of any photographic, electronic, mechanical or other  
9 process, device or means now known or hereafter developed and  
10 available to the public body.

11 (e) "Head of the public body" means the president, mayor,  
12 chairman, presiding officer, director, superintendent,  
13 manager, supervisor or individual otherwise holding primary  
14 executive and administrative authority for the public body, or  
15 such person's duly authorized designee.

16 (f) "News media" means a newspaper or other periodical  
17 issued at regular intervals whether in print or electronic  
18 format, a news service whether in print or electronic format, a  
19 radio station, a television station, a television network, a  
20 community antenna television service, or a person or  
21 corporation engaged in making news reels or other motion  
22 picture news for public showing.

23 (g) "Recurrent requester", as used in Section 3.2 of this  
24 Act, means a person that, in the 12 months immediately  
25 preceding the request, has submitted to the same public body  
26 (i) a minimum of 50 requests for records, (ii) a minimum of 15

1 requests for records within a 30-day period, or (iii) a minimum  
2 of 7 requests for records within a 7-day period. For purposes  
3 of this definition, requests made by news media and non-profit,  
4 scientific, or academic organizations shall not be considered  
5 in calculating the number of requests made in the time periods  
6 in this definition when the principal purpose of the requests  
7 is (i) to access and disseminate information concerning news  
8 and current or passing events, (ii) for articles of opinion or  
9 features of interest to the public, or (iii) for the purpose of  
10 academic, scientific, or public research or education.

11 For the purposes of this subsection (g), "request" means a  
12 written document (or oral request, if the public body chooses  
13 to honor oral requests) that is submitted to a public body via  
14 personal delivery, mail, telefax, electronic mail, or other  
15 means available to the public body and that identifies the  
16 particular public record the requester seeks. One request may  
17 identify multiple records to be inspected or copied.

18 (h) "Voluminous request" means a request that: (i) includes  
19 more than 5 individual requests for more than 5 different  
20 categories of records or a combination of individual requests  
21 that total requests for more than 5 different categories of  
22 records in a period of 20 business days; or (ii) requires the  
23 compilation of more than 500 letter or legal-sized pages of  
24 public records unless a single requested record exceeds 500  
25 pages. "Single requested record" may include, but is not  
26 limited to, one report, form, e-mail, letter, memorandum, book,

1 map, microfilm, tape, or recording.

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

9 For the purposes of this subsection (h), "request" means a  
10 written document, or oral request, if the public body chooses  
11 to honor oral requests, that is submitted to a public body via  
12 personal delivery, mail, telefax, electronic mail, or other  
13 means available to the public body and that identifies the  
14 particular public record or records the requester seeks. One  
15 request may identify multiple individual records to be  
16 inspected or copied.

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

20 (j) "Freedom of Information officer" means an employee or  
21 official of a public body who is appointed by the public body  
22 and responsible for responding to all requests for information  
23 received by the public body.

24 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
25 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

1 (5 ILCS 140/2.16 new)

2 Sec. 2.16. Law Enforcement Agencies Data System. The  
3 Department of State Police shall furnish to a requester:

4 (1) all information contained in the Law Enforcement  
5 Agencies Data System about the requester; and

6 (2) every instance the name or vehicle registration  
7 information of the requester was queried and the name of  
8 the person making the inquiry.

9 The information provided to a requester under this Section  
10 shall include all information contained in the Law Enforcement  
11 Agencies Data System relating to the requester, and is not  
12 limited to name and license plate information.