

# HB4389



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

**HB4389**

Introduced 1/29/2020, by Rep. Patrick Windhorst

### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that "private information" includes, but is not limited to, the name and any identifying information of a victim in an investigation of a sex offense.

LRB101 15685 HEP 65040 b

A BILL FOR

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 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, cities,  
11 villages, incorporated towns, school districts and all other  
12 municipal corporations, boards, bureaus, committees, or  
13 commissions of this State, any subsidiary bodies of any of the  
14 foregoing including but not limited to committees and  
15 subcommittees thereof, and a School Finance Authority created  
16 under Article 1E of the School Code. "Public body" does not  
17 include a child death review team or the Illinois Child Death  
18 Review Teams Executive Council established under the Child  
19 Death Review Team Act, or a regional youth advisory board or  
20 the Statewide Youth Advisory Board established under the  
21 Department of Children and Family Services Statewide Youth  
22 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" includes, but  
18 is not limited to, the name and any identifying information of  
19 a victim in an investigation of a sex offense. Private  
20 information also includes home address and personal license  
21 plates, except as otherwise provided by law or when compiled  
22 without possibility of attribution to any person.

23 (c-10) "Commercial purpose" means the use of any part of a  
24 public record or records, or information derived from public  
25 records, in any form for sale, resale, or solicitation or  
26 advertisement for sales or services. For purposes of this

1 definition, requests made by news media and non-profit,  
2 scientific, or academic organizations shall not be considered  
3 to be made for a "commercial purpose" when the principal  
4 purpose of the request is (i) to access and disseminate  
5 information concerning news and current or passing events, (ii)  
6 for articles of opinion or features of interest to the public,  
7 or (iii) for the purpose of academic, scientific, or public  
8 research or education.

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

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

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

25 (g) "Recurrent requester", as used in Section 3.2 of this  
26 Act, means a person that, in the 12 months immediately

1 preceding the request, has submitted to the same public body  
2 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
3 requests for records within a 30-day period, or (iii) a minimum  
4 of 7 requests for records within a 7-day period. For purposes  
5 of this definition, requests made by news media and non-profit,  
6 scientific, or academic organizations shall not be considered  
7 in calculating the number of requests made in the time periods  
8 in this definition when the principal purpose of the requests  
9 is (i) to access and disseminate information concerning news  
10 and current or passing events, (ii) for articles of opinion or  
11 features of interest to the public, or (iii) for the purpose of  
12 academic, scientific, or public research or education.

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

20 (h) "Voluminous request" means a request that: (i) includes  
21 more than 5 individual requests for more than 5 different  
22 categories of records or a combination of individual requests  
23 that total requests for more than 5 different categories of  
24 records in a period of 20 business days; or (ii) requires the  
25 compilation of more than 500 letter or legal-sized pages of  
26 public records unless a single requested record exceeds 500

1 pages. "Single requested record" may include, but is not  
2 limited to, one report, form, e-mail, letter, memorandum, book,  
3 map, microfilm, tape, or recording.

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

11 For the purposes of this subsection (h), "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 or records the requester seeks. One  
17 request may identify multiple individual records to be  
18 inspected or copied.

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

22 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
23 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)