



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5021

Introduced 2/18/2020, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

5 ILCS 140/6

from Ch. 116, par. 206

Amends the Freedom of Information Act. Provides that, unless the request is made for a commercial purpose, a public body may not charge a fee to a requester who is a taxpayer within the jurisdiction of the public body. Effective immediately.

LRB101 19432 HEP 68904 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 6 as follows:

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

7 Sec. 6. Authority to charge fees.

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

1 applicable to those records when furnished in an electronic
2 format.

3 (a-5) If a voluminous request is for electronic records and
4 those records are not in a portable document format (PDF), the
5 public body may charge up to \$20 for not more than 2 megabytes
6 of data, up to \$40 for more than 2 but not more than 4 megabytes
7 of data, and up to \$100 for more than 4 megabytes of data. If a
8 voluminous request is for electronic records and those records
9 are in a portable document format, the public body may charge
10 up to \$20 for not more than 80 megabytes of data, up to \$40 for
11 more than 80 megabytes but not more than 160 megabytes of data,
12 and up to \$100 for more than 160 megabytes of data. If the
13 responsive electronic records are in both a portable document
14 format and not in a portable document format, the public body
15 may separate the fees and charge the requester under both fee
16 scales.

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

21 (b) Except when a fee is otherwise fixed by statute, each
22 public body may charge fees reasonably calculated to reimburse
23 its actual cost for reproducing and certifying public records
24 and for the use, by any person, of the equipment of the public
25 body to copy records. No fees shall be charged for the first 50
26 pages of black and white, letter or legal sized copies

1 requested by a requester. The fee for black and white, letter
2 or legal sized copies shall not exceed 15 cents per page. If a
3 public body provides copies in color or in a size other than
4 letter or legal, the public body may not charge more than its
5 actual cost for reproducing the records. In calculating its
6 actual cost for reproducing records or for the use of the
7 equipment of the public body to reproduce records, a public
8 body shall not include the costs of any search for and review
9 of the records or other personnel costs associated with
10 reproducing the records, except for commercial requests as
11 provided in subsection (f) of this Section. Such fees shall be
12 imposed according to a standard scale of fees, established and
13 made public by the body imposing them. The cost for certifying
14 a record shall not exceed \$1.

15 (c) Documents shall be furnished without charge or at a
16 reduced charge, as determined by the public body, if the person
17 requesting the documents states the specific purpose for the
18 request and indicates that a waiver or reduction of the fee is
19 in the public interest. Waiver or reduction of the fee is in
20 the public interest if the principal purpose of the request is
21 to access and disseminate information regarding the health,
22 safety and welfare or the legal rights of the general public
23 and is not for the principal purpose of personal or commercial
24 benefit. For purposes of this subsection, "commercial benefit"
25 shall not apply to requests made by news media when the
26 principal purpose of the request is to access and disseminate

1 information regarding the health, safety, and welfare or the
2 legal rights of the general public. In setting the amount of
3 the waiver or reduction, the public body may take into
4 consideration the amount of materials requested and the cost of
5 copying them.

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

9 (e) The fee for each abstract of a driver's record shall be
10 as provided in Section 6-118 of "The Illinois Vehicle Code",
11 approved September 29, 1969, as amended, whether furnished as a
12 paper copy or as an electronic copy.

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

1 (g) Notwithstanding any other provision of this Act, a
2 public body may not charge a fee to a requester who is a
3 taxpayer within the jurisdiction of the public body. This
4 subsection does not apply to requests made for a commercial
5 purpose, as that term is defined in Section 2.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.