

SB2133



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2133

Introduced 2/15/2019, by Sen. Scott M. Bennett

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 a sexual assault investigation.

LRB101 11230 HEP 56490 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 a sexual assault investigation. Private information
20 also includes home address and personal license plates, except
21 as otherwise provided by law or when compiled without
22 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.)