



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2816

Introduced 2/19/2021, by Rep. Brad Halbrook

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 and any combination of public bodies under an intergovernmental agreement that includes provisions for a governing body of the agency created by the agreement. 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.

LRB102 14572 HEP 19925 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 and any combination of the above under an intergovernmental
18 agreement that includes provisions for a governing body of the
19 agency created by the agreement. "Public body" does not
20 include a child death review team or the Illinois Child Death
21 Review Teams Executive Council established under the Child
22 Death Review Team Act, or a regional youth advisory board or
23 the Statewide Youth Advisory Board established under the

1 Department of Children and Family Services Statewide Youth
2 Advisory Board Act.

3 (b) "Person" means any individual, corporation,
4 partnership, firm, organization or association, acting
5 individually or as a group.

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

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

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

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

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

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

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

26 (g) "Recurrent requester", as used in Section 3.2 of this

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

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

22 (h) "Voluminous request" means a request that: (i)
23 includes more than 5 individual requests for more than 5
24 different categories of records or a combination of individual
25 requests that total requests for more than 5 different
26 categories of records in a period of 20 business days; or (ii)

1 requires the compilation of more than 500 letter or
2 legal-sized pages of public records unless a single requested
3 record exceeds 500 pages. "Single requested record" may
4 include, but is not limited to, one report, form, e-mail,
5 letter, memorandum, book, map, microfilm, tape, or recording.

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

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

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

24 (j) "Freedom of Information officer" means an employee or
25 official of a public body who is appointed by the public body
26 and responsible for responding to all requests for information

1 received by the public body.

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

4 (5 ILCS 140/2.16 new)

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

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

9 (2) every instance the name or vehicle registration
10 information of the requester was queried and the name of
11 the person making the inquiry.

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