



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2818

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

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02

from Ch. 102, par. 41.02

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Open Meetings Act and the Freedom of Information Act. Modifies the term "public body" under the respective Acts to include all other units of government, including, but not limited to, township road districts of this State, and any combination of public body entities formed under an intergovernmental agreement that includes provisions for a governing body of the agency created by the agreement.

LRB102 14536 RJF 19889 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 Open Meetings Act is amended by changing  
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering, whether in person or by  
9 video or audio conference, telephone call, electronic means  
10 (such as, without limitation, electronic mail, electronic  
11 chat, and instant messaging), or other means of  
12 contemporaneous interactive communication, of a majority of a  
13 quorum of the members of a public body held for the purpose of  
14 discussing public business or, for a 5-member public body, a  
15 quorum of the members of a public body held for the purpose of  
16 discussing public business.

17 Accordingly, for a 5-member public body, 3 members of the  
18 body constitute a quorum and the affirmative vote of 3 members  
19 is necessary to adopt any motion, resolution, or ordinance,  
20 unless a greater number is otherwise required.

21 "Public body" includes all legislative, executive,  
22 administrative or advisory bodies of the State, counties,  
23 townships, cities, villages, incorporated towns, school

1 districts and all other municipal corporations, boards,  
2 bureaus, committees, ~~or~~ commissions, or any other units of  
3 government, including, but not limited to, township road  
4 districts, of this State, and any subsidiary bodies of any of  
5 the foregoing including but not limited to committees and  
6 subcommittees which are supported in whole or in part by tax  
7 revenue, or which expend tax revenue, except the General  
8 Assembly and committees or commissions thereof, and any  
9 combination of the above entities formed under an  
10 intergovernmental agreement that includes provisions for a  
11 governing body of the agency created by the agreement. "Public  
12 body" includes tourism boards and convention or civic center  
13 boards located in counties that are contiguous to the  
14 Mississippi River with populations of more than 250,000 but  
15 less than 300,000. "Public body" includes the Health  
16 Facilities and Services Review Board. "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, an ethics commission acting under the  
20 State Officials and Employees Ethics Act, a regional youth  
21 advisory board or the Statewide Youth Advisory Board  
22 established under the Department of Children and Family  
23 Services Statewide Youth Advisory Board Act, or the Illinois  
24 Independent Tax Tribunal.

25 (Source: P.A. 97-1129, eff. 8-28-12; 98-806, eff. 1-1-15.)

1 Section 10. The Freedom of Information Act is amended by  
2 changing Section 2 as follows:

3 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

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

24 (b) "Person" means any individual, corporation,  
25 partnership, firm, organization or association, acting

1 individually or as a group.

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

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

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

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

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

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

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

22 (g) "Recurrent requester", as used in Section 3.2 of this  
23 Act, means a person that, in the 12 months immediately  
24 preceding the request, has submitted to the same public body  
25 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
26 requests for records within a 30-day period, or (iii) a

1 minimum of 7 requests for records within a 7-day period. For  
2 purposes of this definition, requests made by news media and  
3 non-profit, scientific, or academic organizations shall not be  
4 considered in calculating the number of requests made in the  
5 time periods in this definition when the principal purpose of  
6 the requests is (i) to access and disseminate information  
7 concerning news and current or passing events, (ii) for  
8 articles of opinion or features of interest to the public, or  
9 (iii) for the purpose of academic, scientific, or public  
10 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)  
19 includes more than 5 individual requests for more than 5  
20 different categories of records or a combination of individual  
21 requests that total requests for more than 5 different  
22 categories of records in a period of 20 business days; or (ii)  
23 requires the compilation of more than 500 letter or  
24 legal-sized pages of public records unless a single requested  
25 record exceeds 500 pages. "Single requested record" may  
26 include, but is not limited to, one report, form, e-mail,

1 letter, memorandum, book, 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  
19 resignation in exchange for payment by the public body.

20 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
21 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)