



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3990

Introduced 3/4/2021, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
775 ILCS 55/40 new

Amends the Reproductive Health Act. Provides that a health care professional who provides abortion-related care may submit, to any governmental agency, person, business, or association, a written request that the governmental agency, person, business, or association refrain from disclosing any personal information about the health care professional. Provides that if a governmental agency receives a written request from a health care professional, the governmental agency shall not publicly post or display publicly available content that includes any personal information of the health care professional. Exempts the personal information of the health care professional from the Freedom of Information Act. Provides that if a person, business, or association receives a written request from a health care professional, the person, business, or association shall refrain from publicly posting or displaying on the Internet publicly available content that includes the personal information of a health care professional. Provides that no person, business, or association shall solicit, sell, or trade any personal information of the health care professional with the intent to post an imminent or serious threat to the health and safety of the health care professional or his or her immediate family. Allows a health care professional to bring an action against a governmental agency, person, business, or association, seeking injunctive or declaratory relief if a written request is violated. Provides that it is a Class 3 felony for any person to knowingly publicly post on the Internet the personal information of a health care professional or his or her immediate family if the person knows or reasonably should know that publicly posting the personal information poses an imminent and serious threat to the health and safety of the health care professional or his or her immediate family, and the violation is a proximate cause of bodily injury or death of the health care professional or his or her immediate family member. Makes a conforming change in the Freedom of Information Act.

LRB102 04388 LNS 14406 b

1 AN ACT concerning human rights.

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 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a
21 local emergency energy plan ordinance that is adopted
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act. This subsection (n) shall
16 apply until the conclusion of the trial of the case, even
17 if the prosecution chooses not to pursue the death penalty
18 prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Regional Transportation Authority under Section 2.11 of
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Record Review Act.

5 (r) Information prohibited from being disclosed by the
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information
10 in the form of health data or medical records contained
11 in, stored in, submitted to, transferred by, or released
12 from the Illinois Health Information Exchange, and
13 identified or deidentified health information in the form
14 of health data and medical records of the Illinois Health
15 Information Exchange in the possession of the Illinois
16 Health Information Exchange Office due to its
17 administration of the Illinois Health Information
18 Exchange. The terms "identified" and "deidentified" shall
19 be given the same meaning as in the Health Insurance
20 Portability and Accountability Act of 1996, Public Law
21 104-191, or any subsequent amendments thereto, and any
22 regulations promulgated thereunder.

23 (u) Records and information provided to an independent
24 team of experts under the Developmental Disability and
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed
7 Carry Licensing Review Board under the Firearm Concealed
8 Carry Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of
22 an eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being
17 disclosed under Section 7-603.5 of the Illinois Vehicle
18 Code.

19 (hh) Records that are exempt from disclosure under
20 Section 1A-16.7 of the Election Code.

21 (ii) Information which is exempted from disclosure
22 under Section 2505-800 of the Department of Revenue Law of
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be
25 submitted to the Department of Labor by registering day
26 and temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted
6 and exempted under Section 5-30.8 of the Illinois Public
7 Aid Code.

8 (mm) Records that are exempt from disclosure under
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) Information that is exempt from disclosure under
11 Section 70 of the Higher Education Student Assistance Act.

12 (oo) Communications, notes, records, and reports
13 arising out of a peer support counseling session
14 prohibited from disclosure under the First Responders
15 Suicide Prevention Act.

16 (pp) Names and all identifying information relating to
17 an employee of an emergency services provider or law
18 enforcement agency under the First Responders Suicide
19 Prevention Act.

20 (qq) Information and records held by the Department of
21 Public Health and its authorized representatives collected
22 under the Reproductive Health Act.

23 (rr) Information that is exempt from disclosure under
24 the Cannabis Regulation and Tax Act.

25 (ss) Data reported by an employer to the Department of
26 Human Rights pursuant to Section 2-108 of the Illinois

1 Human Rights Act.

2 (tt) Recordings made under the Children's Advocacy
3 Center Act, except to the extent authorized under that
4 Act.

5 (uu) Information that is exempt from disclosure under
6 Section 50 of the Sexual Assault Evidence Submission Act.

7 (vv) Information that is exempt from disclosure under
8 subsections (f) and (j) of Section 5-36 of the Illinois
9 Public Aid Code.

10 (ww) Information that is exempt from disclosure under
11 Section 16.8 of the State Treasurer Act.

12 (xx) Information that is exempt from disclosure or
13 information that shall not be made public under the
14 Illinois Insurance Code.

15 (yy) Information prohibited from being disclosed under
16 the Illinois Educational Labor Relations Act.

17 (zz) Information prohibited from being disclosed under
18 the Illinois Public Labor Relations Act.

19 (aaa) Information prohibited from being disclosed
20 under Section 1-167 of the Illinois Pension Code.

21 (bbb) Information that is exempt from disclosure under
22 Section 40 of the Reproductive Health Act.

23 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
24 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
25 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
26 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;

1 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
2 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
3 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
4 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
5 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,
6 eff. 7-7-20.)

7 Section 10. The Reproductive Health Act is amended by
8 adding Section 40 as follows:

9 (775 ILCS 55/40 new)

10 Sec. 40. Health care professional privacy.

11 (a) A health care professional who provides
12 abortion-related care may submit, to any governmental agency,
13 person, business, or association, a written request that the
14 governmental agency, person, business, or association refrain
15 from disclosing any personal information about the health care
16 professional.

17 A representative from the health care professional's
18 employer may submit a written request on behalf of the health
19 care professional, if: (i) the health care professional gives
20 written consent to the representative; and (ii) the
21 representative agrees to furnish a copy of that consent when a
22 written request is made. The representative shall submit the
23 written request directly to a governmental agency, person,
24 business or association.

1 A written request is valid if the health care
2 professional, or representative of the health care
3 professional's employer, sends a written request directly to a
4 governmental agency, person, business, or association.

5 (b) The written request shall specify:

6 (1) what personal information of the health care
7 professional shall be maintained private;

8 (2) if a health care professional wishes to identify a
9 secondary residence as a home address, the designation of
10 such; and

11 (3) the identity of any immediate family, and any
12 personal information of those persons that shall be
13 excluded to the extent that it could reasonably be
14 expected to reveal the personal information of the health
15 care professional.

16 (c) A written request is valid until the health care
17 professional provides the governmental agency, person,
18 business, or association with written permission to release
19 the personal information. Otherwise, a written request from a
20 health care professional expires on death.

21 (d) If a governmental agency receives a written request
22 from a health care professional in accordance with subsections
23 (a) and (b), the governmental agency shall not publicly post
24 or display publicly available content that includes any
25 personal information of the health care professional. After
26 receipt of the request, the governmental agency shall remove

1 any personal information of the health care professional from
2 the publicly available content within 5 business days, and
3 shall not publicly post or display the personal information
4 unless the health care professional has given the governmental
5 agency written permission to release the personal information
6 as required under subsection (c). The personal information of
7 the health care professional is exempt from the Freedom of
8 Information Act unless the governmental agency receives
9 consent from the health care professional to make the personal
10 information available to the public.

11 (e) If a governmental agency fails to comply with a
12 written request under subsection (d), the health care
13 professional may bring an action seeking injunctive or
14 declaratory relief in any court of competent jurisdiction.

15 (f) If a person, business, or association receives a
16 written request from a health care professional in accordance
17 with subsections (a) and (b), the person, business, or
18 association shall refrain from publicly posting or displaying
19 on the Internet publicly available content that includes the
20 personal information of a health care professional. After
21 receipt of a written request, the person, business, or
22 association: (i) has 72 hours to remove the personal
23 information from the Internet; (ii) shall ensure that the
24 personal information of the health care professional is not
25 made available on any website or subsidiary website controlled
26 by that person, business, or association; and (iii) shall not

1 transfer the personal information of the health care
2 professional to any other person, business, or association
3 through any medium.

4 (g) No person, business, or association shall solicit,
5 sell, or trade on the Internet any personal information of the
6 health care professional with the intent to post an imminent
7 or serious threat to the health and safety of the health care
8 professional or his or her immediate family.

9 (h) A health care professional whose personal information
10 is made public as a result of a violation of subsection (f) or
11 (g) may bring an action seeking injunctive or declaratory
12 relief in any court of competent jurisdiction. A court shall
13 award a prevailing health care professional costs and
14 reasonable attorney's fees.

15 (i) No governmental agency, person, business, or
16 association shall be found to have violated any provision of
17 this Section if the health care professional fails to submit a
18 written request calling for the protection of the personal
19 information of the health care professional.

20 (j) It is unlawful for any person to knowingly publicly
21 post on the Internet the personal information of a health care
22 professional or his or her immediate family if the person
23 knows or reasonably should know that publicly posting the
24 personal information poses an imminent and serious threat to
25 the health and safety of the health care professional or his or
26 her immediate family, and the violation is a proximate cause

1 of bodily injury or death of the health care professional or
2 his or her immediate family member. A person who violates this
3 subsection is guilty of a Class 3 felony.

4 (k) It is not a violation of subsection (j) if an employee
5 of a governmental agency publishes personal information, in
6 good faith, on the website of the governmental agency in the
7 ordinary course of carrying out public functions if the
8 employee complied with the conditions of this Section.

9 (l) This Section and any rules adopted to implement this
10 Section shall be construed broadly to favor the protection of
11 the personal information of a health care professional.

12 (m) As used in this Section:

13 "Governmental agency" means all agencies, authorities,
14 boards, commissions, departments, institutions, offices, and
15 any other bodies politic and corporate of this State created
16 by the constitution or statute, whether in the executive,
17 judicial, or legislative branch; all units and corporate
18 outgrowths created by executive order of the Governor or any
19 constitutional officer, by the Supreme Court, or by resolution
20 of the General Assembly; or agencies, authorities, boards,
21 commissions, departments, institutions, offices, and any other
22 bodies politic and corporate of a unit of local government, or
23 school district.

24 "Home address" means a permanent residence of the health
25 care professional and any secondary residences affirmatively
26 identified by the health care professional.

1 "Immediate family" means a spouse, child, parent, or any
2 blood relative of the health care professional or the spouse
3 of the health care representative who lives in the same
4 residence.

5 "Personal information" means a home address, home
6 telephone number, mobile telephone number, pager number,
7 personal email address, social security number, federal tax
8 identification number, checking and savings account numbers,
9 credit card numbers, marital status, and identity of children
10 under the age of 18.

11 "Publicly available content" means any written, printed,
12 or electronic document or record that provides information or
13 that serves as a document or record maintained, controlled, or
14 in the possession of a governmental agency that may be
15 obtained by any person or entity, from the Internet, from a
16 governmental agency upon request free of charge or for a fee,
17 or in response to a request under the Freedom of Information
18 Act.

19 "Publicly post" or "publicly display" means to communicate
20 to another or otherwise make available to the general public.

21 "Written request" means written notice signed by a health
22 care professional requesting a governmental agency, person,
23 business, or association to refrain from posting or displaying
24 publicly available content that includes the personal
25 information of the health care professional.