



Rep. Will Guzzardi

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10200HB4559ham001

LRB102 20314 RLC 35857 a

1 AMENDMENT TO HOUSE BILL 4559

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4559 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by  
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public  
9 record that contains information that is exempt from  
10 disclosure under this Section, but also contains information  
11 that is not exempt from disclosure, the public body may elect  
12 to redact the information that is exempt. The public body  
13 shall make the remaining information available for inspection  
14 and copying. Subject to this requirement, the following shall  
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from

1 disclosure by federal or State law or rules and  
2 regulations implementing federal or State law.

3 (b) Private information, unless disclosure is required  
4 by another provision of this Act, a State or federal law,  
5 or a court order.

6 (b-5) Files, documents, and other data or databases  
7 maintained by one or more law enforcement agencies and  
8 specifically designed to provide information to one or  
9 more law enforcement agencies regarding the physical or  
10 mental status of one or more individual subjects.

11 (c) Personal information contained within public  
12 records, the disclosure of which would constitute a  
13 clearly unwarranted invasion of personal privacy, unless  
14 the disclosure is consented to in writing by the  
15 individual subjects of the information. "Unwarranted  
16 invasion of personal privacy" means the disclosure of  
17 information that is highly personal or objectionable to a  
18 reasonable person and in which the subject's right to  
19 privacy outweighs any legitimate public interest in  
20 obtaining the information. The disclosure of information  
21 that bears on the public duties of public employees and  
22 officials shall not be considered an invasion of personal  
23 privacy.

24 (d) Records in the possession of any public body  
25 created in the course of administrative enforcement  
26 proceedings, and any law enforcement or correctional

1 agency for law enforcement purposes, but only to the  
2 extent that disclosure would:

3 (i) interfere with pending or actually and  
4 reasonably contemplated law enforcement proceedings  
5 conducted by any law enforcement or correctional  
6 agency that is the recipient of the request;

7 (ii) interfere with active administrative  
8 enforcement proceedings conducted by the public body  
9 that is the recipient of the request;

10 (iii) create a substantial likelihood that a  
11 person will be deprived of a fair trial or an impartial  
12 hearing;

13 (iv) unavoidably disclose the identity of a  
14 confidential source, confidential information  
15 furnished only by the confidential source, or persons  
16 who file complaints with or provide information to  
17 administrative, investigative, law enforcement, or  
18 penal agencies; except that the identities of  
19 witnesses to traffic accidents, traffic accident  
20 reports, and rescue reports shall be provided by  
21 agencies of local government, except when disclosure  
22 would interfere with an active criminal investigation  
23 conducted by the agency that is the recipient of the  
24 request;

25 (v) disclose unique or specialized investigative  
26 techniques other than those generally used and known

1 or disclose internal documents of correctional  
2 agencies related to detection, observation or  
3 investigation of incidents of crime or misconduct, and  
4 disclosure would result in demonstrable harm to the  
5 agency or public body that is the recipient of the  
6 request;

7 (vi) endanger the life or physical safety of law  
8 enforcement personnel or any other person; or

9 (vii) obstruct an ongoing criminal investigation  
10 by the agency that is the recipient of the request.

11 (d-5) A law enforcement record created for law  
12 enforcement purposes and contained in a shared electronic  
13 record management system if the law enforcement agency  
14 that is the recipient of the request did not create the  
15 record, did not participate in or have a role in any of the  
16 events which are the subject of the record, and only has  
17 access to the record through the shared electronic record  
18 management system.

19 (d-6) Records contained in the Officer Professional  
20 Conduct Database under Section 9.2 of the Illinois Police  
21 Training Act, except to the extent authorized under that  
22 Section. This includes the documents supplied to the  
23 Illinois Law Enforcement Training Standards Board from the  
24 Illinois State Police and Illinois State Police Merit  
25 Board.

26 (e) Records that relate to or affect the security of

1       correctional institutions and detention facilities.

2           (e-5) Records requested by persons committed to the  
3       Department of Corrections, Department of Human Services  
4       Division of Mental Health, or a county jail if those  
5       materials are available in the library of the correctional  
6       institution or facility or jail where the inmate is  
7       confined.

8           (e-6) Records requested by persons committed to the  
9       Department of Corrections, Department of Human Services  
10      Division of Mental Health, or a county jail if those  
11      materials include records from staff members' personnel  
12      files, staff rosters, or other staffing assignment  
13      information.

14          (e-7) Records requested by persons committed to the  
15      Department of Corrections or Department of Human Services  
16      Division of Mental Health if those materials are available  
17      through an administrative request to the Department of  
18      Corrections or Department of Human Services Division of  
19      Mental Health.

20          (e-8) Records requested by a person committed to the  
21      Department of Corrections, Department of Human Services  
22      Division of Mental Health, or a county jail, the  
23      disclosure of which would result in the risk of harm to any  
24      person or the risk of an escape from a jail or correctional  
25      institution or facility.

26          (e-9) Records requested by a person in a county jail

1 or committed to the Department of Corrections or  
2 Department of Human Services Division of Mental Health,  
3 containing personal information pertaining to the person's  
4 victim or the victim's family, including, but not limited  
5 to, a victim's home address, home telephone number, work  
6 or school address, work telephone number, social security  
7 number, or any other identifying information, except as  
8 may be relevant to a requester's current or potential case  
9 or claim.

10 (e-10) Law enforcement records of other persons  
11 requested by a person committed to the Department of  
12 Corrections, Department of Human Services Division of  
13 Mental Health, or a county jail, including, but not  
14 limited to, arrest and booking records, mug shots, and  
15 crime scene photographs, except as these records may be  
16 relevant to the requester's current or potential case or  
17 claim.

18 (f) Preliminary drafts, notes, recommendations,  
19 memoranda, and other records in which opinions are  
20 expressed, or policies or actions are formulated, except  
21 that a specific record or relevant portion of a record  
22 shall not be exempt when the record is publicly cited and  
23 identified by the head of the public body. The exemption  
24 provided in this paragraph (f) extends to all those  
25 records of officers and agencies of the General Assembly  
26 that pertain to the preparation of legislative documents.

1           (g) Trade secrets and commercial or financial  
2 information obtained from a person or business where the  
3 trade secrets or commercial or financial information are  
4 furnished under a claim that they are proprietary,  
5 privileged, or confidential, and that disclosure of the  
6 trade secrets or commercial or financial information would  
7 cause competitive harm to the person or business, and only  
8 insofar as the claim directly applies to the records  
9 requested.

10           The information included under this exemption includes  
11 all trade secrets and commercial or financial information  
12 obtained by a public body, including a public pension  
13 fund, from a private equity fund or a privately held  
14 company within the investment portfolio of a private  
15 equity fund as a result of either investing or evaluating  
16 a potential investment of public funds in a private equity  
17 fund. The exemption contained in this item does not apply  
18 to the aggregate financial performance information of a  
19 private equity fund, nor to the identity of the fund's  
20 managers or general partners. The exemption contained in  
21 this item does not apply to the identity of a privately  
22 held company within the investment portfolio of a private  
23 equity fund, unless the disclosure of the identity of a  
24 privately held company may cause competitive harm.

25           Nothing contained in this paragraph (g) shall be  
26 construed to prevent a person or business from consenting

1 to disclosure.

2 (h) Proposals and bids for any contract, grant, or  
3 agreement, including information which if it were  
4 disclosed would frustrate procurement or give an advantage  
5 to any person proposing to enter into a contractor  
6 agreement with the body, until an award or final selection  
7 is made. Information prepared by or for the body in  
8 preparation of a bid solicitation shall be exempt until an  
9 award or final selection is made.

10 (i) Valuable formulae, computer geographic systems,  
11 designs, drawings and research data obtained or produced  
12 by any public body when disclosure could reasonably be  
13 expected to produce private gain or public loss. The  
14 exemption for "computer geographic systems" provided in  
15 this paragraph (i) does not extend to requests made by  
16 news media as defined in Section 2 of this Act when the  
17 requested information is not otherwise exempt and the only  
18 purpose of the request is to access and disseminate  
19 information regarding the health, safety, welfare, or  
20 legal rights of the general public.

21 (j) The following information pertaining to  
22 educational matters:

23 (i) test questions, scoring keys, and other  
24 examination data used to administer an academic  
25 examination;

26 (ii) information received by a primary or



1 secondary school, college, or university under its  
2 procedures for the evaluation of faculty members by  
3 their academic peers;

4 (iii) information concerning a school or  
5 university's adjudication of student disciplinary  
6 cases, but only to the extent that disclosure would  
7 unavoidably reveal the identity of the student; and

8 (iv) course materials or research materials used  
9 by faculty members.

10 (k) Architects' plans, engineers' technical  
11 submissions, and other construction related technical  
12 documents for projects not constructed or developed in  
13 whole or in part with public funds and the same for  
14 projects constructed or developed with public funds,  
15 including, but not limited to, power generating and  
16 distribution stations and other transmission and  
17 distribution facilities, water treatment facilities,  
18 airport facilities, sport stadiums, convention centers,  
19 and all government owned, operated, or occupied buildings,  
20 but only to the extent that disclosure would compromise  
21 security.

22 (l) Minutes of meetings of public bodies closed to the  
23 public as provided in the Open Meetings Act until the  
24 public body makes the minutes available to the public  
25 under Section 2.06 of the Open Meetings Act.

26 (m) Communications between a public body and an

1 attorney or auditor representing the public body that  
2 would not be subject to discovery in litigation, and  
3 materials prepared or compiled by or for a public body in  
4 anticipation of a criminal, civil, or administrative  
5 proceeding upon the request of an attorney advising the  
6 public body, and materials prepared or compiled with  
7 respect to internal audits of public bodies.

8 (n) Records relating to a public body's adjudication  
9 of employee grievances or disciplinary cases; however,  
10 this exemption shall not extend to the final outcome of  
11 cases in which discipline is imposed.

12 (o) Administrative or technical information associated  
13 with automated data processing operations, including, but  
14 not limited to, software, operating protocols, computer  
15 program abstracts, file layouts, source listings, object  
16 modules, load modules, user guides, documentation  
17 pertaining to all logical and physical design of  
18 computerized systems, employee manuals, and any other  
19 information that, if disclosed, would jeopardize the  
20 security of the system or its data or the security of  
21 materials exempt under this Section.

22 (p) Records relating to collective negotiating matters  
23 between public bodies and their employees or  
24 representatives, except that any final contract or  
25 agreement shall be subject to inspection and copying.

26 (q) Test questions, scoring keys, and other

1 examination data used to determine the qualifications of  
2 an applicant for a license or employment.

3 (r) The records, documents, and information relating  
4 to real estate purchase negotiations until those  
5 negotiations have been completed or otherwise terminated.  
6 With regard to a parcel involved in a pending or actually  
7 and reasonably contemplated eminent domain proceeding  
8 under the Eminent Domain Act, records, documents, and  
9 information relating to that parcel shall be exempt except  
10 as may be allowed under discovery rules adopted by the  
11 Illinois Supreme Court. The records, documents, and  
12 information relating to a real estate sale shall be exempt  
13 until a sale is consummated.

14 (s) Any and all proprietary information and records  
15 related to the operation of an intergovernmental risk  
16 management association or self-insurance pool or jointly  
17 self-administered health and accident cooperative or pool.  
18 Insurance or self insurance (including any  
19 intergovernmental risk management association or self  
20 insurance pool) claims, loss or risk management  
21 information, records, data, advice or communications.

22 (t) Information contained in or related to  
23 examination, operating, or condition reports prepared by,  
24 on behalf of, or for the use of a public body responsible  
25 for the regulation or supervision of financial  
26 institutions, insurance companies, or pharmacy benefit

1 managers, unless disclosure is otherwise required by State  
2 law.

3 (u) Information that would disclose or might lead to  
4 the disclosure of secret or confidential information,  
5 codes, algorithms, programs, or private keys intended to  
6 be used to create electronic signatures under the Uniform  
7 Electronic Transactions Act.

8 (v) Vulnerability assessments, security measures, and  
9 response policies or plans that are designed to identify,  
10 prevent, or respond to potential attacks upon a  
11 community's population or systems, facilities, or  
12 installations, the destruction or contamination of which  
13 would constitute a clear and present danger to the health  
14 or safety of the community, but only to the extent that  
15 disclosure could reasonably be expected to jeopardize the  
16 effectiveness of the measures or the safety of the  
17 personnel who implement them or the public. Information  
18 exempt under this item may include such things as details  
19 pertaining to the mobilization or deployment of personnel  
20 or equipment, to the operation of communication systems or  
21 protocols, or to tactical operations.

22 (w) (Blank).

23 (x) Maps and other records regarding the location or  
24 security of generation, transmission, distribution,  
25 storage, gathering, treatment, or switching facilities  
26 owned by a utility, by a power generator, or by the

1 Illinois Power Agency.

2 (y) Information contained in or related to proposals,  
3 bids, or negotiations related to electric power  
4 procurement under Section 1-75 of the Illinois Power  
5 Agency Act and Section 16-111.5 of the Public Utilities  
6 Act that is determined to be confidential and proprietary  
7 by the Illinois Power Agency or by the Illinois Commerce  
8 Commission.

9 (z) Information about students exempted from  
10 disclosure under Sections 10-20.38 or 34-18.29 of the  
11 School Code, and information about undergraduate students  
12 enrolled at an institution of higher education exempted  
13 from disclosure under Section 25 of the Illinois Credit  
14 Card Marketing Act of 2009.

15 (aa) Information the disclosure of which is exempted  
16 under the Viatical Settlements Act of 2009.

17 (bb) Records and information provided to a mortality  
18 review team and records maintained by a mortality review  
19 team appointed under the Department of Juvenile Justice  
20 Mortality Review Team Act.

21 (cc) Information regarding interments, entombments, or  
22 inurnments of human remains that are submitted to the  
23 Cemetery Oversight Database under the Cemetery Care Act or  
24 the Cemetery Oversight Act, whichever is applicable.

25 (dd) Correspondence and records (i) that may not be  
26 disclosed under Section 11-9 of the Illinois Public Aid

1 Code or (ii) that pertain to appeals under Section 11-8 of  
2 the Illinois Public Aid Code.

3 (ee) The names, addresses, or other personal  
4 information of persons who are minors and are also  
5 participants and registrants in programs of park  
6 districts, forest preserve districts, conservation  
7 districts, recreation agencies, and special recreation  
8 associations.

9 (ff) The names, addresses, or other personal  
10 information of participants and registrants in programs of  
11 park districts, forest preserve districts, conservation  
12 districts, recreation agencies, and special recreation  
13 associations where such programs are targeted primarily to  
14 minors.

15 (gg) Confidential information described in Section  
16 1-100 of the Illinois Independent Tax Tribunal Act of  
17 2012.

18 (hh) The report submitted to the State Board of  
19 Education by the School Security and Standards Task Force  
20 under item (8) of subsection (d) of Section 2-3.160 of the  
21 School Code and any information contained in that report.

22 (ii) Records requested by persons committed to or  
23 detained by the Department of Human Services under the  
24 Sexually Violent Persons Commitment Act or committed to  
25 the Department of Corrections under the Sexually Dangerous  
26 Persons Act if those materials: (i) are available in the

1 library of the facility where the individual is confined;  
2 (ii) include records from staff members' personnel files,  
3 staff rosters, or other staffing assignment information;  
4 or (iii) are available through an administrative request  
5 to the Department of Human Services or the Department of  
6 Corrections.

7 (jj) Confidential information described in Section  
8 5-535 of the Civil Administrative Code of Illinois.

9 (kk) The public body's credit card numbers, debit card  
10 numbers, bank account numbers, Federal Employer  
11 Identification Number, security code numbers, passwords,  
12 and similar account information, the disclosure of which  
13 could result in identity theft or impression or defrauding  
14 of a governmental entity or a person.

15 (ll) Records concerning the work of the threat  
16 assessment team of a school district.

17 (mm) Records described in subsection (f) of Section  
18 3-5-1 of the Unified Code of Corrections.

19 (1.5) Any information exempt from disclosure under the  
20 Judicial Privacy Act shall be redacted from public records  
21 prior to disclosure under this Act.

22 (2) A public record that is not in the possession of a  
23 public body but is in the possession of a party with whom the  
24 agency has contracted to perform a governmental function on  
25 behalf of the public body, and that directly relates to the  
26 governmental function and is not otherwise exempt under this

1 Act, shall be considered a public record of the public body,  
2 for purposes of this Act.

3 (3) This Section does not authorize withholding of  
4 information or limit the availability of records to the  
5 public, except as stated in this Section or otherwise provided  
6 in this Act.

7 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
8 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
9 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; revised  
10 2-3-22.)

11 Section 10. The Unified Code of Corrections is amended by  
12 changing Section 3-5-1 as follows:

13 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

14 Sec. 3-5-1. Master Record File.

15 (a) The Department of Corrections and the Department of  
16 Juvenile Justice shall maintain a master record file on each  
17 person committed to it, which shall contain the following  
18 information:

19 (1) all information from the committing court;

20 (1.5) ethnic and racial background data collected in  
21 accordance with Section 4.5 of the Criminal Identification  
22 Act;

23 (2) reception summary;

24 (3) evaluation and assignment reports and



1 recommendations;

2 (4) reports as to program assignment and progress;

3 (5) reports of disciplinary infractions and  
4 disposition, including tickets and Administrative Review  
5 Board action;

6 (6) any parole or aftercare release plan;

7 (7) any parole or aftercare release reports;

8 (8) the date and circumstances of final discharge;

9 (9) criminal history;

10 (10) current and past gang affiliations and ranks;

11 (11) information regarding associations and family  
12 relationships;

13 (12) any grievances filed and responses to those  
14 grievances; and

15 (13) other information that the respective Department  
16 determines is relevant to the secure confinement and  
17 rehabilitation of the committed person.

18 (b) All files shall be confidential and access shall be  
19 limited to authorized personnel of the respective Department.  
20 Personnel of other correctional, welfare or law enforcement  
21 agencies may have access to files under rules and regulations  
22 of the respective Department. The respective Department shall  
23 keep a record of all outside personnel who have access to  
24 files, the files reviewed, any file material copied, and the  
25 purpose of access. If the respective Department or the  
26 Prisoner Review Board makes a determination under this Code

1 which affects the length of the period of confinement or  
2 commitment, the committed person and his counsel shall be  
3 advised of factual information relied upon by the respective  
4 Department or Board to make the determination, provided that  
5 the Department or Board shall not be required to advise a  
6 person committed to the Department of Juvenile Justice any  
7 such information which in the opinion of the Department of  
8 Juvenile Justice or Board would be detrimental to his  
9 treatment or rehabilitation.

10 (c) The master file shall be maintained at a place  
11 convenient to its use by personnel of the respective  
12 Department in charge of the person. When custody of a person is  
13 transferred from the Department to another department or  
14 agency, a summary of the file shall be forwarded to the  
15 receiving agency with such other information required by law  
16 or requested by the agency under rules and regulations of the  
17 respective Department.

18 (d) The master file of a person no longer in the custody of  
19 the respective Department shall be placed on inactive status  
20 and its use shall be restricted subject to rules and  
21 regulations of the Department.

22 (e) All public agencies may make available to the  
23 respective Department on request any factual data not  
24 otherwise privileged as a matter of law in their possession in  
25 respect to individuals committed to the respective Department.

26 (f) A committed person may request a summary of the

1 committed person's master record file once per year and the  
2 committed person's attorney may request one summary of the  
3 committed person's once per year. The Department shall create  
4 a form for requesting this summary, and shall make that form  
5 available to committed persons and to the public on its  
6 website. Upon receipt of the request form, the Department  
7 shall provide the summary within 15 days. The summary must  
8 contain, unless otherwise prohibited by law:

9 (1) the person's name, ethnic, racial, and other  
10 identifying information;

11 (2) all digitally available information from the  
12 committing court;

13 (3) all information in the Offender 360 system on the  
14 person's criminal history;

15 (4) the person's complete assignment history in the  
16 Department of Corrections;

17 (5) the person's disciplinary card;

18 (6) additional records about up to 3 specific  
19 disciplinary incidents as identified by the requester;

20 (7) any available records about up to 5 specific  
21 grievances filed by the person, as identified by the  
22 requester; and

23 (8) the records of all grievances filed on or after  
24 January 1, 2023.

25 Notwithstanding any provision of this subsection (f) to  
26 the contrary, a committed person's master record file is not

1 subject to disclosure and copying under the Freedom of  
2 Information Act.

3 (Source: P.A. 97-696, eff. 6-22-12; 98-528, eff. 1-1-15;  
4 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)".