



Rep. Fred Crespo

Filed: 2/28/2022

10200HB4994ham001

LRB102 25441 RJT 36927 a

1 AMENDMENT TO HOUSE BILL 4994

2 AMENDMENT NO. _____. Amend House Bill 4994 on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 3. 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, including, but not
17 limited to, any threat assessment procedure under the
18 School Safety Drill Act, any information contained in the
19 procedure, and all identifying information of threat
20 assessment team members.

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

24 (2) A public record that is not in the possession of a
25 public body but is in the possession of a party with whom the
26 agency has contracted to perform a governmental function on

1 behalf of the public body, and that directly relates to the
2 governmental function and is not otherwise exempt under this
3 Act, shall be considered a public record of the public body,
4 for purposes of this Act.

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

9 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
10 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
11 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; revised
12 2-3-22.)".