



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5121

Introduced 1/27/2022, by Rep. Deanne M. Mazzochi

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that "voluminous request" does not include: a request made by a current member of the General Assembly to a State agency, particularly when the member seeks to engage in oversight over the State agency or requires information in connection with the preparation of legislation by the member of the General Assembly; or a request made by a current member of the General Assembly who is seeking information of interest to that member's constituents.

LRB102 25079 HEP 34339 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 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, cities,  
11 villages, incorporated towns, school districts and all other  
12 municipal corporations, boards, bureaus, committees, or  
13 commissions of this State, any subsidiary bodies of any of the  
14 foregoing including but not limited to committees and  
15 subcommittees thereof, and a School Finance Authority created  
16 under Article 1E of the School Code. "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, or a regional youth advisory board or  
20 the Statewide Youth Advisory Board established under the  
21 Department of Children and Family Services Statewide Youth  
22 Advisory Board Act.

23 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting  
2 individually or as a group.

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

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

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

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

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

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

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

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

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

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

19 (h) "Voluminous request" means a request that: (i)  
20 includes more than 5 individual requests for more than 5  
21 different categories of records or a combination of individual  
22 requests that total requests for more than 5 different  
23 categories of records in a period of 20 business days; or (ii)  
24 requires the compilation of more than 500 letter or  
25 legal-sized pages of public records unless a single requested  
26 record exceeds 500 pages. "Single requested record" may

1 include, but is not limited to, one report, form, e-mail,  
2 letter, memorandum, book, map, microfilm, tape, or recording.

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

10 "Voluminous request" also does not include: a request made  
11 by a current member of the General Assembly to a State agency,  
12 particularly when the member seeks to engage in oversight over  
13 the State agency or requires information in connection with  
14 the preparation of legislation by the member of the General  
15 Assembly; or a request made by a current member of the General  
16 Assembly who is seeking information of interest to that  
17 member's constituents.

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

26 (i) "Severance agreement" means a mutual agreement between

1 any public body and its employee for the employee's  
2 resignation in exchange for payment by the public body.

3 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
4 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)