

HB5820



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5820

Introduced 11/16/2022, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that "prevail" means to achieve the desired outcome of the plaintiff through a court order or the production of all requested documents.

LRB102 28354 HEP 40226 b

A BILL FOR

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

18 (i) "Severance agreement" means a mutual agreement between
19 any public body and its employee for the employee's
20 resignation in exchange for payment by the public body.

21 (j) "Prevail" means to achieve the desired outcome of the
22 plaintiff through a court order or the production of all
23 requested documents.

24 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
25 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)