



Sen. Bill Cunningham

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10200SB2427sam001

LRB102 15242 HEP 24598 a

1 AMENDMENT TO SENATE BILL 2427

2 AMENDMENT NO. _____. Amend Senate Bill 2427 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 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" includes a

1 nonprofit entity that is created to manage State-owned real
2 property under the jurisdiction of the Metropolitan Pier and
3 Exposition Authority. "Public body" does not include a child
4 death review team or the Illinois Child Death Review Teams
5 Executive Council established under the Child Death Review
6 Team Act, or a regional youth advisory board or the Statewide
7 Youth Advisory Board established under the Department of
8 Children and Family Services Statewide Youth Advisory Board
9 Act.

10 (b) "Person" means any individual, corporation,
11 partnership, firm, organization or association, acting
12 individually or as a group.

13 (c) "Public records" means all records, reports, forms,
14 writings, letters, memoranda, books, papers, maps,
15 photographs, microfilms, cards, tapes, recordings, electronic
16 data processing records, electronic communications, recorded
17 information and all other documentary materials pertaining to
18 the transaction of public business, regardless of physical
19 form or characteristics, having been prepared by or for, or
20 having been or being used by, received by, in the possession
21 of, or under the control of any public body.

22 (c-5) "Private information" means unique identifiers,
23 including a person's social security number, driver's license
24 number, employee identification number, biometric identifiers,
25 personal financial information, passwords or other access
26 codes, medical records, home or personal telephone numbers,

1 and personal email addresses. Private information also
2 includes home address and personal license plates, except as
3 otherwise provided by law or when compiled without possibility
4 of attribution to any person.

5 (c-10) "Commercial purpose" means the use of any part of a
6 public record or records, or information derived from public
7 records, in any form for sale, resale, or solicitation or
8 advertisement for sales or services. For purposes of this
9 definition, requests made by news media and non-profit,
10 scientific, or academic organizations shall not be considered
11 to be made for a "commercial purpose" when the principal
12 purpose of the request is (i) to access and disseminate
13 information concerning news and current or passing events,
14 (ii) for articles of opinion or features of interest to the
15 public, or (iii) for the purpose of academic, scientific, or
16 public research or education.

17 (d) "Copying" means the reproduction of any public record
18 by means of any photographic, electronic, mechanical or other
19 process, device or means now known or hereafter developed and
20 available to the public body.

21 (e) "Head of the public body" means the president, mayor,
22 chairman, presiding officer, director, superintendent,
23 manager, supervisor or individual otherwise holding primary
24 executive and administrative authority for the public body, or
25 such person's duly authorized designee.

26 (f) "News media" means a newspaper or other periodical

1 issued at regular intervals whether in print or electronic
2 format, a news service whether in print or electronic format,
3 a radio station, a television station, a television network, a
4 community antenna television service, or a person or
5 corporation engaged in making news reels or other motion
6 picture news for public showing.

7 (g) "Recurrent requester", as used in Section 3.2 of this
8 Act, means a person that, in the 12 months immediately
9 preceding the request, has submitted to the same public body
10 (i) a minimum of 50 requests for records, (ii) a minimum of 15
11 requests for records within a 30-day period, or (iii) a
12 minimum of 7 requests for records within a 7-day period. For
13 purposes of this definition, requests made by news media and
14 non-profit, scientific, or academic organizations shall not be
15 considered in calculating the number of requests made in the
16 time periods in this definition when the principal purpose of
17 the requests is (i) to access and disseminate information
18 concerning news and current or passing events, (ii) for
19 articles of opinion or features of interest to the public, or
20 (iii) for the purpose of academic, scientific, or public
21 research or education.

22 For the purposes of this subsection (g), "request" means a
23 written document (or oral request, if the public body chooses
24 to honor oral requests) that is submitted to a public body via
25 personal delivery, mail, telefax, electronic mail, or other
26 means available to the public body and that identifies the

1 particular public record the requester seeks. One request may
2 identify multiple records to be inspected or copied.

3 (h) "Voluminous request" means a request that: (i)
4 includes more than 5 individual requests for more than 5
5 different categories of records or a combination of individual
6 requests that total requests for more than 5 different
7 categories of records in a period of 20 business days; or (ii)
8 requires the compilation of more than 500 letter or
9 legal-sized pages of public records unless a single requested
10 record exceeds 500 pages. "Single requested record" may
11 include, but is not limited to, one report, form, e-mail,
12 letter, memorandum, book, map, microfilm, tape, or recording.

13 "Voluminous request" does not include a request made by
14 news media and non-profit, scientific, or academic
15 organizations if the principal purpose of the request is: (1)
16 to access and disseminate information concerning news and
17 current or passing events; (2) for articles of opinion or
18 features of interest to the public; or (3) for the purpose of
19 academic, scientific, or public research or education.

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

1 inspected or copied.

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

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".