

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Access
5 to Public Health Data Act.

6 Section 5. Definition. In this Act, "public health data"
7 includes, but is not limited to, birth and death certificate
8 data, hospital discharge data, adverse pregnancy outcomes
9 reporting system (APORS) data, cancer registry data, syndromic
10 surveillance data, and prescription monitoring program (PMP)
11 data.

12 Section 10. Access to public health data; certified local
13 health departments; safeguards.

14 (a) Notwithstanding any other provision of State law to
15 the contrary, the Department of Public Health, the Department
16 of Human Services, and the Department of Healthcare and Family
17 Services shall, at the request of a certified local health
18 department in this State, make any and all public health data
19 related to residents of that certified local health
20 department's jurisdiction available to that certified local
21 health department for the purposes of preventing or
22 controlling disease, injury, or disability. The commissioner,

1 executive director, chief operating officer, chief medical
2 officer, or equivalent executive leader of a certified local
3 health department has express authority to request and receive
4 such data.

5 (b) A certified local health department shall have access
6 to data under this Act only for the purposes identified in this
7 Act. The Department of Public Health, the Department of Human
8 Services, the Department of Healthcare and Family Services,
9 and the requesting certified local health department shall
10 protect the privacy and security of data obtained under this
11 Act in accordance with applicable federal and State law and
12 shall apply appropriate administrative, physical, and
13 technical safeguards to ensure the privacy and security of the
14 data and protect the data from unauthorized access, use, or
15 disclosure. Appropriate safeguards include, but are not
16 limited to, authentication and authorization of users prior to
17 gaining access to data obtained under this Act.

18 (c) A certified local health department shall apply
19 appropriate controls to ensure that access to data under this
20 Act is provided on a minimum, necessary basis and limited to
21 only those persons whose public health duties and
22 responsibilities require such access. Any data obtained under
23 this Act and in the possession of a certified local health
24 department shall be exempt from inspection and copying under
25 subsection (pp) of Section 7 of the Freedom of Information
26 Act. Any data obtained under this Act shall not be admissible

1 as evidence nor discoverable in any action of any kind in any
2 court or before any tribunal, board, agency, or person. The
3 access to or disclosure of any information or data by a
4 certified local health department under this Act shall not
5 waive or have any effect upon its nondiscoverability or
6 inadmissibility. The identity of any individual identified in
7 data obtained under this Act shall be confidential and shall
8 not be disclosed publicly or in any action of any kind.

9 Section 15. Data use agreements. A disclosing State
10 department and the requesting certified local health
11 department shall enter into a data use agreement to ensure
12 appropriate, effective, and efficient use of data obtained
13 under this Act by the certified local health department,
14 though no data use agreement shall, in a manner inconsistent
15 with the purpose or requirements of this Act, impede certified
16 local health department access to any public health data
17 available to the Department of Public Health, the Department
18 of Human Services, or the Department of Healthcare and Family
19 Services, nor shall it require indemnification as a
20 prerequisite to access. Each disclosing State department or
21 agency shall execute a single master data use agreement that
22 includes all data sets and is in accordance with the
23 applicable laws, rules, and regulations pertaining to the
24 specific data being requested. Master data use agreements
25 shall include, at a minimum, data content, format, method of

1 transfer, analytic and statistical methods, scope of use, and
2 requirements for safeguarding the data under State and federal
3 law. Pursuant to 77 Ill. Adm. Code 600.300, the executive
4 officer of each certified local health department shall
5 execute all master data use agreements. The State department
6 or agency may require the names of any authorized users who
7 will access or use the data provided. Each certified local
8 health department shall be required to enter into applicable
9 master data use agreements with each disclosing State
10 department or agency to obtain requested data. Certified local
11 health departments shall not be required to enter into any
12 master data use agreement unless they are requesting subject
13 data. Furthermore, all State departments or agencies shall
14 enter into interdepartmental agreements with other State
15 departments or agencies to share applicable data with eligible
16 certified local health departments if necessary. Any data
17 shared between State departments and agencies that is
18 requested by a certified local health department shall be
19 reviewed and approved by the State department or agency
20 providing the data to ensure that all disclosures are made in
21 accordance with procedures set forth in the data use
22 agreements.

23 Section 20. Latest available data. The Department of
24 Public Health, the Department of Human Services, and the
25 Department of Healthcare and Family Services must provide the

1 latest available data for each certified local health
2 department within 120 business days after completion of the
3 applicable master data use agreement, except to the extent
4 prohibited by current technology.

5 Section 25. Rules. The Department of Public Health, the
6 Department of Human Services, and the Department of Healthcare
7 and Family Services may adopt any rules necessary to implement
8 this Act.

9 Section 900. The Freedom of Information Act is amended by
10 changing Section 7 as follows:

11 (5 ILCS 140/7)

12 (Text of Section before amendment by P.A. 102-982)

13 Sec. 7. Exemptions.

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

22 (a) Information specifically prohibited from
23 disclosure by federal or State law or rules and

1 regulations implementing federal or State law.

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

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

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

23 (d) Records in the possession of any public body
24 created in the course of administrative enforcement
25 proceedings, and any law enforcement or correctional
26 agency for law enforcement purposes, but only to the

1 extent that disclosure would:

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

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

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

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

24 (v) disclose unique or specialized investigative
25 techniques other than those generally used and known
26 or disclose internal documents of correctional

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

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

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

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

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

25 (e) Records that relate to or affect the security of
26 correctional institutions and detention facilities.

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

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

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

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

25 (e-9) Records requested by a person in a county jail
26 or committed to the Department of Corrections or

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

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

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

26 (g) Trade secrets and commercial or financial

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

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

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

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

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

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

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

25 (ii) information received by a primary or
26 secondary school, college, or university under its

1 procedures for the evaluation of faculty members by
2 their academic peers;

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

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

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

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

25 (m) Communications between a public body and an
26 attorney or auditor representing the public body that

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

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

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

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

25 (q) Test questions, scoring keys, and other
26 examination data used to determine the qualifications of

1 an applicant for a license or employment.

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

13 (s) Any and all proprietary information and records
14 related to the operation of an intergovernmental risk
15 management association or self-insurance pool or jointly
16 self-administered health and accident cooperative or pool.
17 Insurance or self-insurance ~~self-insurance~~ (including any
18 intergovernmental risk management association or
19 self-insurance ~~self-insurance~~ pool) claims, loss or risk
20 management information, records, data, advice, or
21 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, but only to the extent that disclosure
13 could reasonably be expected to expose the vulnerability
14 or jeopardize the effectiveness of the measures, policies,
15 or plans, or the safety of the personnel who implement
16 them or the public. Information exempt under this item may
17 include such things as details pertaining to the
18 mobilization or deployment of personnel or equipment, to
19 the operation of communication systems or protocols, to
20 cybersecurity vulnerabilities, or to tactical operations.

21 (w) (Blank).

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

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

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

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

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

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

24 (dd) Correspondence and records (i) that may not be
25 disclosed under Section 11-9 of the Illinois Public Aid
26 Code or (ii) that pertain to appeals under Section 11-8 of

1 the Illinois Public Aid Code.

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

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

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

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

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

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

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

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

14 (ll) Records concerning the work of the threat
15 assessment team of a school district, including, but not
16 limited to, any threat assessment procedure under the
17 School Safety Drill Act and any information contained in
18 the procedure.

19 (mm) Information prohibited from being disclosed under
20 subsections (a) and (b) of Section 15 of the Student
21 Confidential Reporting Act.

22 (nn) ~~(mm)~~ Proprietary information submitted to the
23 Environmental Protection Agency under the Drug Take-Back
24 Act.

25 (oo) ~~(mm)~~ Records described in subsection (f) of
26 Section 3-5-1 of the Unified Code of Corrections.

1 (1.5) Any information exempt from disclosure under the
2 Judicial Privacy Act shall be redacted from public records
3 prior to disclosure under this Act.

4 (2) A public record that is not in the possession of a
5 public body but is in the possession of a party with whom the
6 agency has contracted to perform a governmental function on
7 behalf of the public body, and that directly relates to the
8 governmental function and is not otherwise exempt under this
9 Act, shall be considered a public record of the public body,
10 for purposes of this Act.

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

15 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
16 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
17 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
18 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
19 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
20 12-13-22.)

21 (Text of Section after amendment by P.A. 102-982)

22 Sec. 7. Exemptions.

23 (1) When a request is made to inspect or copy a public
24 record that contains information that is exempt from
25 disclosure under this Section, but also contains information

1 that is not exempt from disclosure, the public body may elect
2 to redact the information that is exempt. The public body
3 shall make the remaining information available for inspection
4 and copying. Subject to this requirement, the following shall
5 be exempt from inspection and copying:

6 (a) Information specifically prohibited from
7 disclosure by federal or State law or rules and
8 regulations implementing federal or State law.

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

12 (b-5) Files, documents, and other data or databases
13 maintained by one or more law enforcement agencies and
14 specifically designed to provide information to one or
15 more law enforcement agencies regarding the physical or
16 mental status of one or more individual subjects.

17 (c) Personal information contained within public
18 records, the disclosure of which would constitute a
19 clearly unwarranted invasion of personal privacy, unless
20 the disclosure is consented to in writing by the
21 individual subjects of the information. "Unwarranted
22 invasion of personal privacy" means the disclosure of
23 information that is highly personal or objectionable to a
24 reasonable person and in which the subject's right to
25 privacy outweighs any legitimate public interest in
26 obtaining the information. The disclosure of information

1 that bears on the public duties of public employees and
2 officials shall not be considered an invasion of personal
3 privacy.

4 (d) Records in the possession of any public body
5 created in the course of administrative enforcement
6 proceedings, and any law enforcement or correctional
7 agency for law enforcement purposes, but only to the
8 extent that disclosure would:

9 (i) interfere with pending or actually and
10 reasonably contemplated law enforcement proceedings
11 conducted by any law enforcement or correctional
12 agency that is the recipient of the request;

13 (ii) interfere with active administrative
14 enforcement proceedings conducted by the public body
15 that is the recipient of the request;

16 (iii) create a substantial likelihood that a
17 person will be deprived of a fair trial or an impartial
18 hearing;

19 (iv) unavoidably disclose the identity of a
20 confidential source, confidential information
21 furnished only by the confidential source, or persons
22 who file complaints with or provide information to
23 administrative, investigative, law enforcement, or
24 penal agencies; except that the identities of
25 witnesses to traffic crashes, traffic crash reports,
26 and rescue reports shall be provided by agencies of

1 local government, except when disclosure would
2 interfere with an active criminal investigation
3 conducted by the agency that is the recipient of the
4 request;

5 (v) disclose unique or specialized investigative
6 techniques other than those generally used and known
7 or disclose internal documents of correctional
8 agencies related to detection, observation, or
9 investigation of incidents of crime or misconduct, and
10 disclosure would result in demonstrable harm to the
11 agency or public body that is the recipient of the
12 request;

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

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

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

25 (d-6) Records contained in the Officer Professional
26 Conduct Database under Section 9.2 of the Illinois Police

1 Training Act, except to the extent authorized under that
2 Section. This includes the documents supplied to the
3 Illinois Law Enforcement Training Standards Board from the
4 Illinois State Police and Illinois State Police Merit
5 Board.

6 (e) Records that relate to or affect the security of
7 correctional institutions and detention facilities.

8 (e-5) 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 are available in the library of the correctional
12 institution or facility or jail where the inmate is
13 confined.

14 (e-6) Records requested by persons committed to the
15 Department of Corrections, Department of Human Services
16 Division of Mental Health, or a county jail if those
17 materials include records from staff members' personnel
18 files, staff rosters, or other staffing assignment
19 information.

20 (e-7) Records requested by persons committed to the
21 Department of Corrections or Department of Human Services
22 Division of Mental Health if those materials are available
23 through an administrative request to the Department of
24 Corrections or Department of Human Services Division of
25 Mental Health.

26 (e-8) Records requested by a person committed to the

1 Department of Corrections, Department of Human Services
2 Division of Mental Health, or a county jail, the
3 disclosure of which would result in the risk of harm to any
4 person or the risk of an escape from a jail or correctional
5 institution or facility.

6 (e-9) Records requested by a person in a county jail
7 or committed to the Department of Corrections or
8 Department of Human Services Division of Mental Health,
9 containing personal information pertaining to the person's
10 victim or the victim's family, including, but not limited
11 to, a victim's home address, home telephone number, work
12 or school address, work telephone number, social security
13 number, or any other identifying information, except as
14 may be relevant to a requester's current or potential case
15 or claim.

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

24 (f) Preliminary drafts, notes, recommendations,
25 memoranda, and other records in which opinions are
26 expressed, or policies or actions are formulated, except

1 that a specific record or relevant portion of a record
2 shall not be exempt when the record is publicly cited and
3 identified by the head of the public body. The exemption
4 provided in this paragraph (f) extends to all those
5 records of officers and agencies of the General Assembly
6 that pertain to the preparation of legislative documents.

7 (g) Trade secrets and commercial or financial
8 information obtained from a person or business where the
9 trade secrets or commercial or financial information are
10 furnished under a claim that they are proprietary,
11 privileged, or confidential, and that disclosure of the
12 trade secrets or commercial or financial information would
13 cause competitive harm to the person or business, and only
14 insofar as the claim directly applies to the records
15 requested.

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

1 this item does not apply to the identity of a privately
2 held company within the investment portfolio of a private
3 equity fund, unless the disclosure of the identity of a
4 privately held company may cause competitive harm.

5 Nothing contained in this paragraph (g) shall be
6 construed to prevent a person or business from consenting
7 to disclosure.

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

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

1 (j) The following information pertaining to
2 educational matters:

3 (i) test questions, scoring keys, and other
4 examination data used to administer an academic
5 examination;

6 (ii) information received by a primary or
7 secondary school, college, or university under its
8 procedures for the evaluation of faculty members by
9 their academic peers;

10 (iii) information concerning a school or
11 university's adjudication of student disciplinary
12 cases, but only to the extent that disclosure would
13 unavoidably reveal the identity of the student; and

14 (iv) course materials or research materials used
15 by faculty members.

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

1 security.

2 (l) Minutes of meetings of public bodies closed to the
3 public as provided in the Open Meetings Act until the
4 public body makes the minutes available to the public
5 under Section 2.06 of the Open Meetings Act.

6 (m) Communications between a public body and an
7 attorney or auditor representing the public body that
8 would not be subject to discovery in litigation, and
9 materials prepared or compiled by or for a public body in
10 anticipation of a criminal, civil, or administrative
11 proceeding upon the request of an attorney advising the
12 public body, and materials prepared or compiled with
13 respect to internal audits of public bodies.

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

18 (o) Administrative or technical information associated
19 with automated data processing operations, including, but
20 not limited to, software, operating protocols, computer
21 program abstracts, file layouts, source listings, object
22 modules, load modules, user guides, documentation
23 pertaining to all logical and physical design of
24 computerized systems, employee manuals, and any other
25 information that, if disclosed, would jeopardize the
26 security of the system or its data or the security of

1 materials exempt under this Section.

2 (p) Records relating to collective negotiating matters
3 between public bodies and their employees or
4 representatives, except that any final contract or
5 agreement shall be subject to inspection and copying.

6 (q) Test questions, scoring keys, and other
7 examination data used to determine the qualifications of
8 an applicant for a license or employment.

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

20 (s) Any and all proprietary information and records
21 related to the operation of an intergovernmental risk
22 management association or self-insurance pool or jointly
23 self-administered health and accident cooperative or pool.
24 Insurance or self-insurance ~~self-insurance~~ (including any
25 intergovernmental risk management association or
26 self-insurance ~~self-insurance~~ pool) claims, loss or risk

1 management information, records, data, advice, or
2 communications.

3 (t) Information contained in or related to
4 examination, operating, or condition reports prepared by,
5 on behalf of, or for the use of a public body responsible
6 for the regulation or supervision of financial
7 institutions, insurance companies, or pharmacy benefit
8 managers, unless disclosure is otherwise required by State
9 law.

10 (u) Information that would disclose or might lead to
11 the disclosure of secret or confidential information,
12 codes, algorithms, programs, or private keys intended to
13 be used to create electronic signatures under the Uniform
14 Electronic Transactions Act.

15 (v) Vulnerability assessments, security measures, and
16 response policies or plans that are designed to identify,
17 prevent, or respond to potential attacks upon a
18 community's population or systems, facilities, or
19 installations, but only to the extent that disclosure
20 could reasonably be expected to expose the vulnerability
21 or jeopardize the effectiveness of the measures, policies,
22 or plans, or the safety of the personnel who implement
23 them or the public. Information exempt under this item may
24 include such things as details pertaining to the
25 mobilization or deployment of personnel or equipment, to
26 the operation of communication systems or protocols, to

1 cybersecurity vulnerabilities, or to tactical operations.

2 (w) (Blank).

3 (x) Maps and other records regarding the location or
4 security of generation, transmission, distribution,
5 storage, gathering, treatment, or switching facilities
6 owned by a utility, by a power generator, or by the
7 Illinois Power Agency.

8 (y) Information contained in or related to proposals,
9 bids, or negotiations related to electric power
10 procurement under Section 1-75 of the Illinois Power
11 Agency Act and Section 16-111.5 of the Public Utilities
12 Act that is determined to be confidential and proprietary
13 by the Illinois Power Agency or by the Illinois Commerce
14 Commission.

15 (z) Information about students exempted from
16 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
17 the School Code, and information about undergraduate
18 students enrolled at an institution of higher education
19 exempted from disclosure under Section 25 of the Illinois
20 Credit Card Marketing Act of 2009.

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

23 (bb) Records and information provided to a mortality
24 review team and records maintained by a mortality review
25 team appointed under the Department of Juvenile Justice
26 Mortality Review Team Act.

1 (cc) Information regarding interments, entombments, or
2 inurnments of human remains that are submitted to the
3 Cemetery Oversight Database under the Cemetery Care Act or
4 the Cemetery Oversight Act, whichever is applicable.

5 (dd) Correspondence and records (i) that may not be
6 disclosed under Section 11-9 of the Illinois Public Aid
7 Code or (ii) that pertain to appeals under Section 11-8 of
8 the Illinois Public Aid Code.

9 (ee) The names, addresses, or other personal
10 information of persons who are minors and are also
11 participants and registrants in programs of park
12 districts, forest preserve districts, conservation
13 districts, recreation agencies, and special recreation
14 associations.

15 (ff) The names, addresses, or other personal
16 information of participants and registrants in programs of
17 park districts, forest preserve districts, conservation
18 districts, recreation agencies, and special recreation
19 associations where such programs are targeted primarily to
20 minors.

21 (gg) Confidential information described in Section
22 1-100 of the Illinois Independent Tax Tribunal Act of
23 2012.

24 (hh) The report submitted to the State Board of
25 Education by the School Security and Standards Task Force
26 under item (8) of subsection (d) of Section 2-3.160 of the

1 School Code and any information contained in that report.

2 (ii) Records requested by persons committed to or
3 detained by the Department of Human Services under the
4 Sexually Violent Persons Commitment Act or committed to
5 the Department of Corrections under the Sexually Dangerous
6 Persons Act if those materials: (i) are available in the
7 library of the facility where the individual is confined;
8 (ii) include records from staff members' personnel files,
9 staff rosters, or other staffing assignment information;
10 or (iii) are available through an administrative request
11 to the Department of Human Services or the Department of
12 Corrections.

13 (jj) Confidential information described in Section
14 5-535 of the Civil Administrative Code of Illinois.

15 (kk) The public body's credit card numbers, debit card
16 numbers, bank account numbers, Federal Employer
17 Identification Number, security code numbers, passwords,
18 and similar account information, the disclosure of which
19 could result in identity theft or impersonation or defrauding
20 of a governmental entity or a person.

21 (ll) Records concerning the work of the threat
22 assessment team of a school district, including, but not
23 limited to, any threat assessment procedure under the
24 School Safety Drill Act and any information contained in
25 the procedure.

26 (mm) Information prohibited from being disclosed under

1 subsections (a) and (b) of Section 15 of the Student
2 Confidential Reporting Act.

3 (nn) ~~(mm)~~ Proprietary information submitted to the
4 Environmental Protection Agency under the Drug Take-Back
5 Act.

6 (oo) ~~(mm)~~ Records described in subsection (f) of
7 Section 3-5-1 of the Unified Code of Corrections.

8 (pp) Information obtained by a certified local health
9 department under the Access to Public Health Data Act.

10 (1.5) Any information exempt from disclosure under the
11 Judicial Privacy Act shall be redacted from public records
12 prior to disclosure under this Act.

13 (2) A public record that is not in the possession of a
14 public body but is in the possession of a party with whom the
15 agency has contracted to perform a governmental function on
16 behalf of the public body, and that directly relates to the
17 governmental function and is not otherwise exempt under this
18 Act, shall be considered a public record of the public body,
19 for purposes of this Act.

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

24 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
25 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
26 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,

1 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
2 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
3 6-10-22; revised 12-13-22.)

4 Section 905. The Vital Records Act is amended by changing
5 Section 24 as follows:

6 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

7 Sec. 24. (1) To protect the integrity of vital records, to
8 insure their proper use, and to insure the efficient and
9 proper administration of the vital records system, access to
10 vital records, and indexes thereof, including vital records in
11 the custody of local registrars and county clerks originating
12 prior to January 1, 1916, is limited to the custodian and his
13 employees, and then only for administrative purposes, except
14 that the indexes of those records in the custody of local
15 registrars and county clerks, originating prior to January 1,
16 1916, shall be made available to persons for the purpose of
17 genealogical research. Original, photographic or
18 microphotographic reproductions of original records of births
19 100 years old and older and deaths 50 years old and older, and
20 marriage records 75 years old and older on file in the State
21 Office of Vital Records and in the custody of the county clerks
22 may be made available for inspection in the Illinois State
23 Archives reference area, Illinois Regional Archives
24 Depositories, and other libraries approved by the Illinois

1 State Registrar and the Director of the Illinois State
2 Archives, provided that the photographic or microphotographic
3 copies are made at no cost to the county or to the State of
4 Illinois. It is unlawful for any custodian to permit
5 inspection of, or to disclose information contained in, vital
6 records, or to copy or permit to be copied, all or part of any
7 such record except as authorized by this Act or regulations
8 adopted pursuant thereto.

9 (2) The State Registrar of Vital Records, or his agent,
10 and any municipal, county, multi-county, public health
11 district, or regional health officer recognized by the
12 Department may examine vital records for the purpose only of
13 carrying out the public health programs and responsibilities
14 under his jurisdiction.

15 (3) The State Registrar of Vital Records, may disclose, or
16 authorize the disclosure of, data contained in the vital
17 records when deemed essential for bona fide research purposes
18 which are not for private gain.

19 This amendatory Act of 1973 does not apply to any home rule
20 unit.

21 (4) The State Registrar shall exchange with the Department
22 of Healthcare and Family Services information that may be
23 necessary for the establishment of paternity and the
24 establishment, modification, and enforcement of child support
25 orders entered pursuant to the Illinois Public Aid Code, the
26 Illinois Marriage and Dissolution of Marriage Act, the

1 Non-Support of Spouse and Children Act, the Non-Support
2 Punishment Act, the Revised Uniform Reciprocal Enforcement of
3 Support Act, the Uniform Interstate Family Support Act, the
4 Illinois Parentage Act of 1984, or the Illinois Parentage Act
5 of 2015. Notwithstanding any provisions in this Act to the
6 contrary, the State Registrar shall not be liable to any
7 person for any disclosure of information to the Department of
8 Healthcare and Family Services (formerly Illinois Department
9 of Public Aid) under this subsection or for any other action
10 taken in good faith to comply with the requirements of this
11 subsection.

12 (5) No rule adopted by the Department shall be construed,
13 either explicitly or implicitly, as restricting access to
14 vital records by any municipality, county, multicounty, public
15 health district, or regional health officer recognized by the
16 Department for the purposes described in subsections (2) and
17 (3).

18 (Source: P.A. 99-85, eff. 1-1-16.)

19 Section 995. No acceleration or delay. Where this Act
20 makes changes in a statute that is represented in this Act by
21 text that is not yet or no longer in effect (for example, a
22 Section represented by multiple versions), the use of that
23 text does not accelerate or delay the taking effect of (i) the
24 changes made by this Act or (ii) provisions derived from any
25 other Public Act.

1 Section 999. Effective date. This Act takes effect January
2 1, 2024.