



Sen. Karina Villa

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10300HB2039sam001

LRB103 04768 BMS 60647 a

1 AMENDMENT TO HOUSE BILL 2039

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2039 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Access 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

1 of Human Services, and the Department of Healthcare and Family  
2 Services shall, at the request of a certified local health  
3 department in this State, make any and all public health data  
4 related to residents of that certified local health  
5 department's jurisdiction available to that certified local  
6 health department for the purposes of preventing or  
7 controlling disease, injury, or disability. The commissioner,  
8 executive director, chief operating officer, chief medical  
9 officer, or equivalent executive leader of a certified local  
10 health department has express authority to request and receive  
11 such data.

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

25 (c) A certified local health department shall apply  
26 appropriate controls to ensure that access to data under this

1 Act is provided on a minimum, necessary basis and limited to  
2 only those persons whose public health duties and  
3 responsibilities require such access. Any data obtained under  
4 this Act and in the possession of a certified local health  
5 department shall be exempt from inspection and copying under  
6 subsection (pp) of Section 7 of the Freedom of Information  
7 Act. Any data obtained under this Act shall not be admissible  
8 as evidence nor discoverable in any action of any kind in any  
9 court or before any tribunal, board, agency, or person. The  
10 access to or disclosure of any information or data by a  
11 certified local health department under this Act shall not  
12 waive or have any effect upon its nondiscoverability or  
13 inadmissibility. The identity of any individual identified in  
14 data obtained under this Act shall be confidential and shall  
15 not be disclosed publicly or in any action of any kind.

16 Section 15. Data use agreements. A disclosing State  
17 department and the requesting certified local health  
18 department shall enter into a data use agreement to ensure  
19 appropriate, effective, and efficient use of data obtained  
20 under this Act by the certified local health department,  
21 though no data use agreement shall, in a manner inconsistent  
22 with the purpose or requirements of this Act, impede certified  
23 local health department access to any public health data  
24 available to the Department of Public Health, the Department  
25 of Human Services, or the Department of Healthcare and Family

1 Services, nor shall it require indemnification as a  
2 prerequisite to access. Each disclosing State department shall  
3 execute a single master data use agreement that includes all  
4 data sets. Master data use agreements shall include data  
5 content, format, method of transfer, analytic and statistical  
6 methods, scope of use, and requirements for safeguarding the  
7 data. Pursuant to 77 Ill. Adm. Code 600.300, the executive  
8 officer of each certified local health department shall  
9 execute all master data use agreements. Each certified local  
10 health department shall be required to opt into applicable  
11 master data use agreements with each disclosing State  
12 department to obtain requested data. Certified local health  
13 departments shall not be required to opt into any master data  
14 use agreement unless they are requesting subject data.  
15 Furthermore, all State departments shall enter into  
16 interdepartmental agreements with other State departments to  
17 share applicable data with eligible certified local health  
18 departments.

19 Section 20. Latest available data. The Department of  
20 Public Health, the Department of Human Services, and the  
21 Department of Healthcare and Family Services must provide the  
22 latest available data for each certified local health  
23 department within 120 business days after completion of the  
24 applicable master data use agreement, except to the extent  
25 prohibited by current technology.

1           Section 25. Rules. The Department of Public Health, the  
2 Department of Human Services, and the Department of Healthcare  
3 and Family Services may adopt any rules necessary to implement  
4 this Act.

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

7           (5 ILCS 140/7)

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

9           Sec. 7. Exemptions.

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

18           (a) Information specifically prohibited from  
19 disclosure by federal or State law or rules and  
20 regulations implementing federal or State law.

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

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

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

19           (d) Records in the possession of any public body  
20 created in the course of administrative enforcement  
21 proceedings, and any law enforcement or correctional  
22 agency for law enforcement purposes, but only to the  
23 extent that disclosure would:

24           (i) interfere with pending or actually and  
25 reasonably contemplated law enforcement proceedings  
26 conducted by any law enforcement or correctional

1 agency that is the recipient of the request;

2 (ii) interfere with active administrative  
3 enforcement proceedings conducted by the public body  
4 that is the recipient of the request;

5 (iii) create a substantial likelihood that a  
6 person will be deprived of a fair trial or an impartial  
7 hearing;

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

20 (v) disclose unique or specialized investigative  
21 techniques other than those generally used and known  
22 or disclose internal documents of correctional  
23 agencies related to detection, observation, or  
24 investigation of incidents of crime or misconduct, and  
25 disclosure would result in demonstrable harm to the  
26 agency or public body that is the recipient of the

1 request;

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

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

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

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

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

23 (e-5) Records requested by persons committed to the  
24 Department of Corrections, Department of Human Services  
25 Division of Mental Health, or a county jail if those  
26 materials are available in the library of the correctional



1 institution or facility or jail where the inmate is  
2 confined.

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

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

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

21 (e-9) Records requested by a person in a county jail  
22 or committed to the Department of Corrections or  
23 Department of Human Services Division of Mental Health,  
24 containing personal information pertaining to the person's  
25 victim or the victim's family, including, but not limited  
26 to, a victim's home address, home telephone number, work

1 or school address, work telephone number, social security  
2 number, or any other identifying information, except as  
3 may be relevant to a requester's current or potential case  
4 or claim.

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

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

22 (g) Trade secrets and commercial or financial  
23 information obtained from a person or business where the  
24 trade secrets or commercial or financial information are  
25 furnished under a claim that they are proprietary,  
26 privileged, or confidential, and that disclosure of the

1 trade secrets or commercial or financial information would  
2 cause competitive harm to the person or business, and only  
3 insofar as the claim directly applies to the records  
4 requested.

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

20 Nothing contained in this paragraph (g) shall be  
21 construed to prevent a person or business from consenting  
22 to disclosure.

23 (h) Proposals and bids for any contract, grant, or  
24 agreement, including information which if it were  
25 disclosed would frustrate procurement or give an advantage  
26 to any person proposing to enter into a contractor

1 agreement with the body, until an award or final selection  
2 is made. Information prepared by or for the body in  
3 preparation of a bid solicitation shall be exempt until an  
4 award or final selection is made.

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

16 (j) The following information pertaining to  
17 educational matters:

18 (i) test questions, scoring keys, and other  
19 examination data used to administer an academic  
20 examination;

21 (ii) information received by a primary or  
22 secondary school, college, or university under its  
23 procedures for the evaluation of faculty members by  
24 their academic peers;

25 (iii) information concerning a school or  
26 university's adjudication of student disciplinary

1 cases, but only to the extent that disclosure would  
2 unavoidably reveal the identity of the student; and

3 (iv) course materials or research materials used  
4 by faculty members.

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

17 (l) Minutes of meetings of public bodies closed to the  
18 public as provided in the Open Meetings Act until the  
19 public body makes the minutes available to the public  
20 under Section 2.06 of the Open Meetings Act.

21 (m) Communications between a public body and an  
22 attorney or auditor representing the public body that  
23 would not be subject to discovery in litigation, and  
24 materials prepared or compiled by or for a public body in  
25 anticipation of a criminal, civil, or administrative  
26 proceeding upon the request of an attorney advising the

1 public body, and materials prepared or compiled with  
2 respect to internal audits of public bodies.

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

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

17 (p) Records relating to collective negotiating matters  
18 between public bodies and their employees or  
19 representatives, except that any final contract or  
20 agreement shall be subject to inspection and copying.

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

24 (r) The records, documents, and information relating  
25 to real estate purchase negotiations until those  
26 negotiations have been completed or otherwise terminated.

1 With regard to a parcel involved in a pending or actually  
2 and reasonably contemplated eminent domain proceeding  
3 under the Eminent Domain Act, records, documents, and  
4 information relating to that parcel shall be exempt except  
5 as may be allowed under discovery rules adopted by the  
6 Illinois Supreme Court. The records, documents, and  
7 information relating to a real estate sale shall be exempt  
8 until a sale is consummated.

9 (s) Any and all proprietary information and records  
10 related to the operation of an intergovernmental risk  
11 management association or self-insurance pool or jointly  
12 self-administered health and accident cooperative or pool.  
13 Insurance or self-insurance ~~self-insurance~~ (including any  
14 intergovernmental risk management association or  
15 self-insurance ~~self-insurance~~ pool) claims, loss or risk  
16 management information, records, data, advice, or  
17 communications.

18 (t) Information contained in or related to  
19 examination, operating, or condition reports prepared by,  
20 on behalf of, or for the use of a public body responsible  
21 for the regulation or supervision of financial  
22 institutions, insurance companies, or pharmacy benefit  
23 managers, unless disclosure is otherwise required by State  
24 law.

25 (u) Information that would disclose or might lead to  
26 the disclosure of secret or confidential information,

1 codes, algorithms, programs, or private keys intended to  
2 be used to create electronic signatures under the Uniform  
3 Electronic Transactions Act.

4 (v) Vulnerability assessments, security measures, and  
5 response policies or plans that are designed to identify,  
6 prevent, or respond to potential attacks upon a  
7 community's population or systems, facilities, or  
8 installations, but only to the extent that disclosure  
9 could reasonably be expected to expose the vulnerability  
10 or jeopardize the effectiveness of the measures, policies,  
11 or plans, or the safety of the personnel who implement  
12 them or the public. Information exempt under this item may  
13 include such things as details pertaining to the  
14 mobilization or deployment of personnel or equipment, to  
15 the operation of communication systems or protocols, to  
16 cybersecurity vulnerabilities, or to tactical operations.

17 (w) (Blank).

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

23 (y) Information contained in or related to proposals,  
24 bids, or negotiations related to electric power  
25 procurement under Section 1-75 of the Illinois Power  
26 Agency Act and Section 16-111.5 of the Public Utilities



1 Act that is determined to be confidential and proprietary  
2 by the Illinois Power Agency or by the Illinois Commerce  
3 Commission.

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

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

12 (bb) Records and information provided to a mortality  
13 review team and records maintained by a mortality review  
14 team appointed under the Department of Juvenile Justice  
15 Mortality Review Team Act.

16 (cc) Information regarding interments, entombments, or  
17 inurnments of human remains that are submitted to the  
18 Cemetery Oversight Database under the Cemetery Care Act or  
19 the Cemetery Oversight Act, whichever is applicable.

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

24 (ee) The names, addresses, or other personal  
25 information of persons who are minors and are also  
26 participants and registrants in programs of park

1 districts, forest preserve districts, conservation  
2 districts, recreation agencies, and special recreation  
3 associations.

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

10 (gg) Confidential information described in Section  
11 1-100 of the Illinois Independent Tax Tribunal Act of  
12 2012.

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

17 (ii) Records requested by persons committed to or  
18 detained by the Department of Human Services under the  
19 Sexually Violent Persons Commitment Act or committed to  
20 the Department of Corrections under the Sexually Dangerous  
21 Persons Act if those materials: (i) are available in the  
22 library of the facility where the individual is confined;  
23 (ii) include records from staff members' personnel files,  
24 staff rosters, or other staffing assignment information;  
25 or (iii) are available through an administrative request  
26 to the Department of Human Services or the Department of

1 Corrections.

2 (jj) Confidential information described in Section  
3 5-535 of the Civil Administrative Code of Illinois.

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

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

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

18 (nn) ~~(mm)~~ Proprietary information submitted to the  
19 Environmental Protection Agency under the Drug Take-Back  
20 Act.

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

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

26 (2) A public record that is not in the possession of a

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

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

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

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

18 Sec. 7. Exemptions.

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

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3 disclosure by federal or State law or rules and  
4 regulations implementing federal or State law.

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6 by another provision of this Act, a State or federal law,  
7 or a court order.

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

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

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2 proceedings, and any law enforcement or correctional  
3 agency for law enforcement purposes, but only to the  
4 extent that disclosure would:

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6 reasonably contemplated law enforcement proceedings  
7 conducted by any law enforcement or correctional  
8 agency that is the recipient of the request;

9 (ii) interfere with active administrative  
10 enforcement proceedings conducted by the public body  
11 that is the recipient of the request;

12 (iii) create a substantial likelihood that a  
13 person will be deprived of a fair trial or an impartial  
14 hearing;

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

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

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10 enforcement personnel or any other person; or

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12 by the agency that is the recipient of the request.

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17 record, did not participate in or have a role in any of the  
18 events which are the subject of the record, and only has  
19 access to the record through the shared electronic record  
20 management system.

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

1 Board.

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

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

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

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



1 institution or facility.

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

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

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

1 records of officers and agencies of the General Assembly  
2 that pertain to the preparation of legislative documents.

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

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

1           Nothing contained in this paragraph (g) shall be  
2 construed to prevent a person or business from consenting  
3 to disclosure.

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

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

23           (j) The following information pertaining to  
24 educational matters:

25           (i) test questions, scoring keys, and other  
26 examination data used to administer an academic

1 examination;

2 (ii) information received by a primary or  
3 secondary school, college, or university under its  
4 procedures for the evaluation of faculty members by  
5 their academic peers;

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

10 (iv) course materials or research materials used  
11 by faculty members.

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

24 (l) Minutes of meetings of public bodies closed to the  
25 public as provided in the Open Meetings Act until the  
26 public body makes the minutes available to the public

1 under Section 2.06 of the Open Meetings Act.

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

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

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

24 (p) Records relating to collective negotiating matters  
25 between public bodies and their employees or  
26 representatives, except that any final contract or

1 agreement shall be subject to inspection and copying.

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

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

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

25 (t) Information contained in or related to  
26 examination, operating, or condition reports prepared by,

1 on behalf of, or for the use of a public body responsible  
2 for the regulation or supervision of financial  
3 institutions, insurance companies, or pharmacy benefit  
4 managers, unless disclosure is otherwise required by State  
5 law.

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

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

24 (w) (Blank).

25 (x) Maps and other records regarding the location or  
26 security of generation, transmission, distribution,

1 storage, gathering, treatment, or switching facilities  
2 owned by a utility, by a power generator, or by the  
3 Illinois Power Agency.

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

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

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

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

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



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

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

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

17           (gg) Confidential information described in Section  
18 1-100 of the Illinois Independent Tax Tribunal Act of  
19 2012.

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

24           (ii) Records requested by persons committed to or  
25 detained by the Department of Human Services under the  
26 Sexually Violent Persons Commitment Act or committed to

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

9 (jj) Confidential information described in Section  
10 5-535 of the Civil Administrative Code of Illinois.

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

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

22 (mm) Information prohibited from being disclosed under  
23 subsections (a) and (b) of Section 15 of the Student  
24 Confidential Reporting Act.

25 (nn) ~~(mm)~~ Proprietary information submitted to the  
26 Environmental Protection Agency under the Drug Take-Back

1 Act.

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

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

6 (1.5) Any information exempt from disclosure under the  
7 Judicial Privacy Act shall be redacted from public records  
8 prior to disclosure under this Act.

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

16 (3) This Section does not authorize withholding of  
17 information or limit the availability of records to the  
18 public, except as stated in this Section or otherwise provided  
19 in this Act.

20 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
21 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
22 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,  
23 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;  
24 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.  
25 6-10-22; revised 12-13-22.)

1 Section 905. The Vital Records Act is amended by changing  
2 Section 24 as follows:

3 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

4 Sec. 24. (1) To protect the integrity of vital records, to  
5 insure their proper use, and to insure the efficient and  
6 proper administration of the vital records system, access to  
7 vital records, and indexes thereof, including vital records in  
8 the custody of local registrars and county clerks originating  
9 prior to January 1, 1916, is limited to the custodian and his  
10 employees, and then only for administrative purposes, except  
11 that the indexes of those records in the custody of local  
12 registrars and county clerks, originating prior to January 1,  
13 1916, shall be made available to persons for the purpose of  
14 genealogical research. Original, photographic or  
15 microphotographic reproductions of original records of births  
16 100 years old and older and deaths 50 years old and older, and  
17 marriage records 75 years old and older on file in the State  
18 Office of Vital Records and in the custody of the county clerks  
19 may be made available for inspection in the Illinois State  
20 Archives reference area, Illinois Regional Archives  
21 Depositories, and other libraries approved by the Illinois  
22 State Registrar and the Director of the Illinois State  
23 Archives, provided that the photographic or microphotographic  
24 copies are made at no cost to the county or to the State of  
25 Illinois. It is unlawful for any custodian to permit

1 inspection of, or to disclose information contained in, vital  
2 records, or to copy or permit to be copied, all or part of any  
3 such record except as authorized by this Act or regulations  
4 adopted pursuant thereto.

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

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

15 This amendatory Act of 1973 does not apply to any home rule  
16 unit.

17 (4) The State Registrar shall exchange with the Department  
18 of Healthcare and Family Services information that may be  
19 necessary for the establishment of paternity and the  
20 establishment, modification, and enforcement of child support  
21 orders entered pursuant to the Illinois Public Aid Code, the  
22 Illinois Marriage and Dissolution of Marriage Act, the  
23 Non-Support of Spouse and Children Act, the Non-Support  
24 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
25 Support Act, the Uniform Interstate Family Support Act, the  
26 Illinois Parentage Act of 1984, or the Illinois Parentage Act

1 of 2015. Notwithstanding any provisions in this Act to the  
2 contrary, the State Registrar shall not be liable to any  
3 person for any disclosure of information to the Department of  
4 Healthcare and Family Services (formerly Illinois Department  
5 of Public Aid) under this subsection or for any other action  
6 taken in good faith to comply with the requirements of this  
7 subsection.

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

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

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