



Sen. Karina Villa

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10300HB2039sam002

LRB103 04768 BMS 61340 a

1 AMENDMENT TO HOUSE BILL 2039

2 AMENDMENT NO. _____. Amend House Bill 2039, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

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

15 (a) Notwithstanding any other provision of State law to

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

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

26 (c) A certified local health department shall apply

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

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

1 of Human Services, or the Department of Healthcare and Family
2 Services, nor shall it require indemnification as a
3 prerequisite to access. Each disclosing State department or
4 agency shall execute a single master data use agreement that
5 includes all data sets and is in accordance with the
6 applicable laws, rules, and regulations pertaining to the
7 specific data being requested. Master data use agreements
8 shall include, at a minimum, data content, format, method of
9 transfer, analytic and statistical methods, scope of use, and
10 requirements for safeguarding the data under State and federal
11 law. Pursuant to 77 Ill. Adm. Code 600.300, the executive
12 officer of each certified local health department shall
13 execute all master data use agreements. The State department
14 or agency may require the names of any authorized users who
15 will access or use the data provided. Each certified local
16 health department shall be required to enter into applicable
17 master data use agreements with each disclosing State
18 department or agency to obtain requested data. Certified local
19 health departments shall not be required to enter into any
20 master data use agreement unless they are requesting subject
21 data. Furthermore, all State departments or agencies shall
22 enter into interdepartmental agreements with other State
23 departments or agencies to share applicable data with eligible
24 certified local health departments if necessary. Any data
25 shared between State departments and agencies that is
26 requested by a certified local health department shall be

1 reviewed and approved by the State department or agency
2 providing the data to ensure that all disclosures are made in
3 accordance with procedures set forth in the data use
4 agreements.

5 Section 20. Latest available data. The Department of
6 Public Health, the Department of Human Services, and the
7 Department of Healthcare and Family Services must provide the
8 latest available data for each certified local health
9 department within 120 business days after completion of the
10 applicable master data use agreement, except to the extent
11 prohibited by current technology.

12 Section 25. Rules. The Department of Public Health, the
13 Department of Human Services, and the Department of Healthcare
14 and Family Services may adopt any rules necessary to implement
15 this Act.

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

18 (5 ILCS 140/7)

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

20 Sec. 7. Exemptions.

21 (1) When a request is made to inspect or copy a public
22 record that contains information that is exempt from

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

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

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

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

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

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

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

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

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

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

20 (iv) unavoidably disclose the identity of a
21 confidential source, confidential information
22 furnished only by the confidential source, or persons
23 who file complaints with or provide information to
24 administrative, investigative, law enforcement, or
25 penal agencies; except that the identities of
26 witnesses to traffic accidents, traffic accident

1 reports, and rescue reports shall be provided by
2 agencies of local government, except when disclosure
3 would interfere with an active criminal investigation
4 conducted by the agency that is the recipient of the
5 request;

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

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

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

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

26 (d-6) Records contained in the Officer Professional

1 Conduct Database under Section 9.2 of the Illinois Police
2 Training Act, except to the extent authorized under that
3 Section. This includes the documents supplied to the
4 Illinois Law Enforcement Training Standards Board from the
5 Illinois State Police and Illinois State Police Merit
6 Board.

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

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

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

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

1 (e-8) Records requested by a person committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail, the
4 disclosure of which would result in the risk of harm to any
5 person or the risk of an escape from a jail or correctional
6 institution or facility.

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

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

25 (f) Preliminary drafts, notes, recommendations,
26 memoranda, and other records in which opinions are

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

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

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

1 managers or general partners. The exemption contained in
2 this item does not apply to the identity of a privately
3 held company within the investment portfolio of a private
4 equity fund, unless the disclosure of the identity of a
5 privately held company may cause competitive harm.

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

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

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

1 legal rights of the general public.

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

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

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

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

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

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

1 but only to the extent that disclosure would compromise
2 security.

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

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

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

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

1 security of the system or its data or the security of
2 materials exempt under this Section.

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

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

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

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

1 self-insurance ~~self-insurance~~ pool) claims, loss or risk
2 management information, records, data, advice, or
3 communications.

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

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

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

1 the operation of communication systems or protocols, to
2 cybersecurity vulnerabilities, or to tactical operations.

3 (w) (Blank).

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

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

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

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

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

1 Mortality Review Team Act.

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

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

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

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

22 (gg) Confidential information described in Section
23 1-100 of the Illinois Independent Tax Tribunal Act of
24 2012.

25 (hh) The report submitted to the State Board of
26 Education by the School Security and Standards Task Force

1 under item (8) of subsection (d) of Section 2-3.160 of the
2 School Code and any information contained in that report.

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

14 (jj) Confidential information described in Section
15 5-535 of the Civil Administrative Code of Illinois.

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

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

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

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

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

9 (1.5) Any information exempt from disclosure under the
10 Judicial Privacy Act shall be redacted from public records
11 prior to disclosure under this Act.

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

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

23 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
24 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
25 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
26 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;

1 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
2 12-13-22.)

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

4 Sec. 7. Exemptions.

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

13 (a) Information specifically prohibited from
14 disclosure by federal or State law or rules and
15 regulations implementing federal or State law.

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

19 (b-5) Files, documents, and other data or databases
20 maintained by one or more law enforcement agencies and
21 specifically designed to provide information to one or
22 more law enforcement agencies regarding the physical or
23 mental status of one or more individual subjects.

24 (c) Personal information contained within public
25 records, the disclosure of which would constitute a

1 clearly unwarranted invasion of personal privacy, unless
2 the disclosure is consented to in writing by the
3 individual subjects of the information. "Unwarranted
4 invasion of personal privacy" means the disclosure of
5 information that is highly personal or objectionable to a
6 reasonable person and in which the subject's right to
7 privacy outweighs any legitimate public interest in
8 obtaining the information. The disclosure of information
9 that bears on the public duties of public employees and
10 officials shall not be considered an invasion of personal
11 privacy.

12 (d) Records in the possession of any public body
13 created in the course of administrative enforcement
14 proceedings, and any law enforcement or correctional
15 agency for law enforcement purposes, but only to the
16 extent that disclosure would:

17 (i) interfere with pending or actually and
18 reasonably contemplated law enforcement proceedings
19 conducted by any law enforcement or correctional
20 agency that is the recipient of the request;

21 (ii) interfere with active administrative
22 enforcement proceedings conducted by the public body
23 that is the recipient of the request;

24 (iii) create a substantial likelihood that a
25 person will be deprived of a fair trial or an impartial
26 hearing;

1 (iv) unavoidably disclose the identity of a
2 confidential source, confidential information
3 furnished only by the confidential source, or persons
4 who file complaints with or provide information to
5 administrative, investigative, law enforcement, or
6 penal agencies; except that the identities of
7 witnesses to traffic crashes, traffic crash reports,
8 and rescue reports shall be provided by agencies of
9 local government, except when disclosure would
10 interfere with an active criminal investigation
11 conducted by the agency that is the recipient of the
12 request;

13 (v) disclose unique or specialized investigative
14 techniques other than those generally used and known
15 or disclose internal documents of correctional
16 agencies related to detection, observation, or
17 investigation of incidents of crime or misconduct, and
18 disclosure would result in demonstrable harm to the
19 agency or public body that is the recipient of the
20 request;

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

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

25 (d-5) A law enforcement record created for law
26 enforcement purposes and contained in a shared electronic

1 record management system if the law enforcement agency
2 that is the recipient of the request did not create the
3 record, did not participate in or have a role in any of the
4 events which are the subject of the record, and only has
5 access to the record through the shared electronic record
6 management system.

7 (d-6) Records contained in the Officer Professional
8 Conduct Database under Section 9.2 of the Illinois Police
9 Training Act, except to the extent authorized under that
10 Section. This includes the documents supplied to the
11 Illinois Law Enforcement Training Standards Board from the
12 Illinois State Police and Illinois State Police Merit
13 Board.

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

16 (e-5) Records requested by persons committed to the
17 Department of Corrections, Department of Human Services
18 Division of Mental Health, or a county jail if those
19 materials are available in the library of the correctional
20 institution or facility or jail where the inmate is
21 confined.

22 (e-6) Records requested by persons committed to the
23 Department of Corrections, Department of Human Services
24 Division of Mental Health, or a county jail if those
25 materials include records from staff members' personnel
26 files, staff rosters, or other staffing assignment

1 information.

2 (e-7) Records requested by persons committed to the
3 Department of Corrections or Department of Human Services
4 Division of Mental Health if those materials are available
5 through an administrative request to the Department of
6 Corrections or Department of Human Services Division of
7 Mental Health.

8 (e-8) Records requested by a person committed to the
9 Department of Corrections, Department of Human Services
10 Division of Mental Health, or a county jail, the
11 disclosure of which would result in the risk of harm to any
12 person or the risk of an escape from a jail or correctional
13 institution or facility.

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

24 (e-10) Law enforcement records of other persons
25 requested by a person committed to the Department of
26 Corrections, Department of Human Services Division of

1 Mental Health, or a county jail, including, but not
2 limited to, arrest and booking records, mug shots, and
3 crime scene photographs, except as these records may be
4 relevant to the requester's current or potential case or
5 claim.

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

15 (g) Trade secrets and commercial or financial
16 information obtained from a person or business where the
17 trade secrets or commercial or financial information are
18 furnished under a claim that they are proprietary,
19 privileged, or confidential, and that disclosure of the
20 trade secrets or commercial or financial information would
21 cause competitive harm to the person or business, and only
22 insofar as the claim directly applies to the records
23 requested.

24 The information included under this exemption includes
25 all trade secrets and commercial or financial information
26 obtained by a public body, including a public pension

1 fund, from a private equity fund or a privately held
2 company within the investment portfolio of a private
3 equity fund as a result of either investing or evaluating
4 a potential investment of public funds in a private equity
5 fund. The exemption contained in this item does not apply
6 to the aggregate financial performance information of a
7 private equity fund, nor to the identity of the fund's
8 managers or general partners. The exemption contained in
9 this item does not apply to the identity of a privately
10 held company within the investment portfolio of a private
11 equity fund, unless the disclosure of the identity of a
12 privately held company may cause competitive harm.

13 Nothing contained in this paragraph (g) shall be
14 construed to prevent a person or business from consenting
15 to disclosure.

16 (h) Proposals and bids for any contract, grant, or
17 agreement, including information which if it were
18 disclosed would frustrate procurement or give an advantage
19 to any person proposing to enter into a contractor
20 agreement with the body, until an award or final selection
21 is made. Information prepared by or for the body in
22 preparation of a bid solicitation shall be exempt until an
23 award or final selection is made.

24 (i) Valuable formulae, computer geographic systems,
25 designs, drawings, and research data obtained or produced
26 by any public body when disclosure could reasonably be

1 expected to produce private gain or public loss. The
2 exemption for "computer geographic systems" provided in
3 this paragraph (i) does not extend to requests made by
4 news media as defined in Section 2 of this Act when the
5 requested information is not otherwise exempt and the only
6 purpose of the request is to access and disseminate
7 information regarding the health, safety, welfare, or
8 legal rights of the general public.

9 (j) The following information pertaining to
10 educational matters:

11 (i) test questions, scoring keys, and other
12 examination data used to administer an academic
13 examination;

14 (ii) information received by a primary or
15 secondary school, college, or university under its
16 procedures for the evaluation of faculty members by
17 their academic peers;

18 (iii) information concerning a school or
19 university's adjudication of student disciplinary
20 cases, but only to the extent that disclosure would
21 unavoidably reveal the identity of the student; and

22 (iv) course materials or research materials used
23 by faculty members.

24 (k) Architects' plans, engineers' technical
25 submissions, and other construction related technical
26 documents for projects not constructed or developed in

1 whole or in part with public funds and the same for
2 projects constructed or developed with public funds,
3 including, but not limited to, power generating and
4 distribution stations and other transmission and
5 distribution facilities, water treatment facilities,
6 airport facilities, sport stadiums, convention centers,
7 and all government owned, operated, or occupied buildings,
8 but only to the extent that disclosure would compromise
9 security.

10 (l) Minutes of meetings of public bodies closed to the
11 public as provided in the Open Meetings Act until the
12 public body makes the minutes available to the public
13 under Section 2.06 of the Open Meetings Act.

14 (m) Communications between a public body and an
15 attorney or auditor representing the public body that
16 would not be subject to discovery in litigation, and
17 materials prepared or compiled by or for a public body in
18 anticipation of a criminal, civil, or administrative
19 proceeding upon the request of an attorney advising the
20 public body, and materials prepared or compiled with
21 respect to internal audits of public bodies.

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

26 (o) Administrative or technical information associated

1 with automated data processing operations, including, but
2 not limited to, software, operating protocols, computer
3 program abstracts, file layouts, source listings, object
4 modules, load modules, user guides, documentation
5 pertaining to all logical and physical design of
6 computerized systems, employee manuals, and any other
7 information that, if disclosed, would jeopardize the
8 security of the system or its data or the security of
9 materials exempt under this Section.

10 (p) Records relating to collective negotiating matters
11 between public bodies and their employees or
12 representatives, except that any final contract or
13 agreement shall be subject to inspection and copying.

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

17 (r) The records, documents, and information relating
18 to real estate purchase negotiations until those
19 negotiations have been completed or otherwise terminated.
20 With regard to a parcel involved in a pending or actually
21 and reasonably contemplated eminent domain proceeding
22 under the Eminent Domain Act, records, documents, and
23 information relating to that parcel shall be exempt except
24 as may be allowed under discovery rules adopted by the
25 Illinois Supreme Court. The records, documents, and
26 information relating to a real estate sale shall be exempt

1 until a sale is consummated.

2 (s) Any and all proprietary information and records
3 related to the operation of an intergovernmental risk
4 management association or self-insurance pool or jointly
5 self-administered health and accident cooperative or pool.
6 Insurance or self-insurance ~~self-insurance~~ (including any
7 intergovernmental risk management association or
8 self-insurance ~~self-insurance~~ pool) claims, loss or risk
9 management information, records, data, advice, or
10 communications.

11 (t) Information contained in or related to
12 examination, operating, or condition reports prepared by,
13 on behalf of, or for the use of a public body responsible
14 for the regulation or supervision of financial
15 institutions, insurance companies, or pharmacy benefit
16 managers, unless disclosure is otherwise required by State
17 law.

18 (u) Information that would disclose or might lead to
19 the disclosure of secret or confidential information,
20 codes, algorithms, programs, or private keys intended to
21 be used to create electronic signatures under the Uniform
22 Electronic Transactions Act.

23 (v) Vulnerability assessments, security measures, and
24 response policies or plans that are designed to identify,
25 prevent, or respond to potential attacks upon a
26 community's population or systems, facilities, or

1 installations, but only to the extent that disclosure
2 could reasonably be expected to expose the vulnerability
3 or jeopardize the effectiveness of the measures, policies,
4 or plans, or the safety of the personnel who implement
5 them or the public. Information exempt under this item may
6 include such things as details pertaining to the
7 mobilization or deployment of personnel or equipment, to
8 the operation of communication systems or protocols, to
9 cybersecurity vulnerabilities, or to tactical operations.

10 (w) (Blank).

11 (x) Maps and other records regarding the location or
12 security of generation, transmission, distribution,
13 storage, gathering, treatment, or switching facilities
14 owned by a utility, by a power generator, or by the
15 Illinois Power Agency.

16 (y) Information contained in or related to proposals,
17 bids, or negotiations related to electric power
18 procurement under Section 1-75 of the Illinois Power
19 Agency Act and Section 16-111.5 of the Public Utilities
20 Act that is determined to be confidential and proprietary
21 by the Illinois Power Agency or by the Illinois Commerce
22 Commission.

23 (z) Information about students exempted from
24 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
25 the School Code, and information about undergraduate
26 students enrolled at an institution of higher education

1 exempted from disclosure under Section 25 of the Illinois
2 Credit Card Marketing Act of 2009.

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

5 (bb) Records and information provided to a mortality
6 review team and records maintained by a mortality review
7 team appointed under the Department of Juvenile Justice
8 Mortality Review Team Act.

9 (cc) Information regarding interments, entombments, or
10 inurnments of human remains that are submitted to the
11 Cemetery Oversight Database under the Cemetery Care Act or
12 the Cemetery Oversight Act, whichever is applicable.

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

17 (ee) The names, addresses, or other personal
18 information of persons who are minors and are also
19 participants and registrants in programs of park
20 districts, forest preserve districts, conservation
21 districts, recreation agencies, and special recreation
22 associations.

23 (ff) The names, addresses, or other personal
24 information of participants and registrants in programs of
25 park districts, forest preserve districts, conservation
26 districts, recreation agencies, and special recreation

1 associations where such programs are targeted primarily to
2 minors.

3 (gg) Confidential information described in Section
4 1-100 of the Illinois Independent Tax Tribunal Act of
5 2012.

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

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

21 (jj) Confidential information described in Section
22 5-535 of the Civil Administrative Code of Illinois.

23 (kk) The public body's credit card numbers, debit card
24 numbers, bank account numbers, Federal Employer
25 Identification Number, security code numbers, passwords,
26 and similar account information, the disclosure of which

1 could result in identity theft or impression or defrauding
2 of a governmental entity or a person.

3 (ll) Records concerning the work of the threat
4 assessment team of a school district, including, but not
5 limited to, any threat assessment procedure under the
6 School Safety Drill Act and any information contained in
7 the procedure.

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

11 (nn) ~~(mm)~~ Proprietary information submitted to the
12 Environmental Protection Agency under the Drug Take-Back
13 Act.

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

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

18 (1.5) Any information exempt from disclosure under the
19 Judicial Privacy Act shall be redacted from public records
20 prior to disclosure under this Act.

21 (2) A public record that is not in the possession of a
22 public body but is in the possession of a party with whom the
23 agency has contracted to perform a governmental function on
24 behalf of the public body, and that directly relates to the
25 governmental function and is not otherwise exempt under this
26 Act, shall be considered a public record of the public body,

1 for purposes of this Act.

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

6 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
7 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
8 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
9 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
10 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
11 6-10-22; revised 12-13-22.)

12 Section 905. The Vital Records Act is amended by changing
13 Section 24 as follows:

14 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

15 Sec. 24. (1) To protect the integrity of vital records, to
16 insure their proper use, and to insure the efficient and
17 proper administration of the vital records system, access to
18 vital records, and indexes thereof, including vital records in
19 the custody of local registrars and county clerks originating
20 prior to January 1, 1916, is limited to the custodian and his
21 employees, and then only for administrative purposes, except
22 that the indexes of those records in the custody of local
23 registrars and county clerks, originating prior to January 1,
24 1916, shall be made available to persons for the purpose of

1 genealogical research. Original, photographic or
2 microphotographic reproductions of original records of births
3 100 years old and older and deaths 50 years old and older, and
4 marriage records 75 years old and older on file in the State
5 Office of Vital Records and in the custody of the county clerks
6 may be made available for inspection in the Illinois State
7 Archives reference area, Illinois Regional Archives
8 Depositories, and other libraries approved by the Illinois
9 State Registrar and the Director of the Illinois State
10 Archives, provided that the photographic or microphotographic
11 copies are made at no cost to the county or to the State of
12 Illinois. It is unlawful for any custodian to permit
13 inspection of, or to disclose information contained in, vital
14 records, or to copy or permit to be copied, all or part of any
15 such record except as authorized by this Act or regulations
16 adopted pursuant thereto.

17 (2) The State Registrar of Vital Records, or his agent,
18 and any municipal, county, multi-county, public health
19 district, or regional health officer recognized by the
20 Department may examine vital records for the purpose only of
21 carrying out the public health programs and responsibilities
22 under his jurisdiction.

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

1 This amendatory Act of 1973 does not apply to any home rule
2 unit.

3 (4) The State Registrar shall exchange with the Department
4 of Healthcare and Family Services information that may be
5 necessary for the establishment of paternity and the
6 establishment, modification, and enforcement of child support
7 orders entered pursuant to the Illinois Public Aid Code, the
8 Illinois Marriage and Dissolution of Marriage Act, the
9 Non-Support of Spouse and Children Act, the Non-Support
10 Punishment Act, the Revised Uniform Reciprocal Enforcement of
11 Support Act, the Uniform Interstate Family Support Act, the
12 Illinois Parentage Act of 1984, or the Illinois Parentage Act
13 of 2015. Notwithstanding any provisions in this Act to the
14 contrary, the State Registrar shall not be liable to any
15 person for any disclosure of information to the Department of
16 Healthcare and Family Services (formerly Illinois Department
17 of Public Aid) under this subsection or for any other action
18 taken in good faith to comply with the requirements of this
19 subsection.

20 (5) No rule adopted by the Department shall be construed,
21 either explicitly or implicitly, as restricting access to
22 vital records by any municipality, county, multicounty, public
23 health district, or regional health officer recognized by the
24 Department for the purposes described in subsections (2) and
25 (3).

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

1 Section 995. No acceleration or delay. Where this Act
2 makes changes in a statute that is represented in this Act by
3 text that is not yet or no longer in effect (for example, a
4 Section represented by multiple versions), the use of that
5 text does not accelerate or delay the taking effect of (i) the
6 changes made by this Act or (ii) provisions derived from any
7 other Public Act.

8 Section 999. Effective date. This Act takes effect January
9 1, 2024."