



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2455

Introduced 2/15/2023, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2
5 ILCS 140/7

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that, for purposes of the Act, "public body" includes judicial bodies of the State. Exempts preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, that pertain to the preparation of judicial opinions and orders. Exempts judicial records already subject to fees imposed under the Clerks of Courts Act.

LRB103 25461 AWJ 51810 b

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Sections 2 and 7 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 judicial, administrative, or advisory bodies of the State,
10 state universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" does not
17 include a child death review team or the Illinois Child Death
18 Review Teams Executive Council established under the Child
19 Death Review Team Act, or a regional youth advisory board or
20 the Statewide Youth Advisory Board established under the
21 Department of Children and Family Services Statewide Youth
22 Advisory Board Act.

23 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, electronic communications, recorded
7 information and all other documentary materials pertaining to
8 the transaction of public business, regardless of physical
9 form or characteristics, having been prepared by or for, or
10 having been or being used by, received by, in the possession
11 of, or under the control of any public body.

12 (c-5) "Private information" means unique identifiers,
13 including a person's social security number, driver's license
14 number, employee identification number, biometric identifiers,
15 personal financial information, passwords or other access
16 codes, medical records, home or personal telephone numbers,
17 and personal email addresses. Private information also
18 includes home address and personal license plates, except as
19 otherwise provided by law or when compiled without possibility
20 of attribution to any person.

21 (c-10) "Commercial purpose" means the use of any part of a
22 public record or records, or information derived from public
23 records, in any form for sale, resale, or solicitation or
24 advertisement for sales or services. For purposes of this
25 definition, requests made by news media and non-profit,
26 scientific, or academic organizations shall not be considered

1 to be made for a "commercial purpose" when the principal
2 purpose of the request is (i) to access and disseminate
3 information concerning news and current or passing events,
4 (ii) for articles of opinion or features of interest to the
5 public, or (iii) for the purpose of academic, scientific, or
6 public research or education.

7 (d) "Copying" means the reproduction of any public record
8 by means of any photographic, electronic, mechanical or other
9 process, device or means now known or hereafter developed and
10 available to the public body.

11 (e) "Head of the public body" means the president, mayor,
12 chairman, presiding officer, director, superintendent,
13 manager, supervisor or individual otherwise holding primary
14 executive and administrative authority for the public body, or
15 such person's duly authorized designee.

16 (f) "News media" means a newspaper or other periodical
17 issued at regular intervals whether in print or electronic
18 format, a news service whether in print or electronic format,
19 a radio station, a television station, a television network, a
20 community antenna television service, or a person or
21 corporation engaged in making news reels or other motion
22 picture news for public showing.

23 (g) "Recurrent requester", as used in Section 3.2 of this
24 Act, means a person that, in the 12 months immediately
25 preceding the request, has submitted to the same public body
26 (i) a minimum of 50 requests for records, (ii) a minimum of 15

1 requests for records within a 30-day period, or (iii) a
2 minimum of 7 requests for records within a 7-day period. For
3 purposes of this definition, requests made by news media and
4 non-profit, scientific, or academic organizations shall not be
5 considered in calculating the number of requests made in the
6 time periods in this definition when the principal purpose of
7 the requests is (i) to access and disseminate information
8 concerning news and current or passing events, (ii) for
9 articles of opinion or features of interest to the public, or
10 (iii) for the purpose of academic, scientific, or public
11 research or education.

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

19 (h) "Voluminous request" means a request that: (i)
20 includes more than 5 individual requests for more than 5
21 different categories of records or a combination of individual
22 requests that total requests for more than 5 different
23 categories of records in a period of 20 business days; or (ii)
24 requires the compilation of more than 500 letter or
25 legal-sized pages of public records unless a single requested
26 record exceeds 500 pages. "Single requested record" may

1 include, but is not limited to, one report, form, e-mail,
2 letter, memorandum, book, map, microfilm, tape, or recording.

3 "Voluminous request" does not include a request made by
4 news media and non-profit, scientific, or academic
5 organizations if the principal purpose of the request is: (1)
6 to access and disseminate information concerning news and
7 current or passing events; (2) for articles of opinion or
8 features of interest to the public; or (3) for the purpose of
9 academic, scientific, or public research or education.

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

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

21 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
22 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

23 (5 ILCS 140/7)

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

25 Sec. 7. Exemptions.

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

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

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

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

20 (c) Personal information contained within public
21 records, the disclosure of which would constitute a
22 clearly unwarranted invasion of personal privacy, unless
23 the disclosure is consented to in writing by the
24 individual subjects of the information. "Unwarranted
25 invasion of personal privacy" means the disclosure of
26 information that is highly personal or objectionable to a

1 reasonable person and in which the subject's right to
2 privacy outweighs any legitimate public interest in
3 obtaining the information. The disclosure of information
4 that bears on the public duties of public employees and
5 officials shall not be considered an invasion of personal
6 privacy.

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

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

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

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

22 (iv) unavoidably disclose the identity of a
23 confidential source, confidential information
24 furnished only by the confidential source, or persons
25 who file complaints with or provide information to
26 administrative, investigative, law enforcement, or

1 penal agencies; except that the identities of
2 witnesses to traffic accidents, traffic accident
3 reports, and rescue reports shall be provided by
4 agencies of local government, except when disclosure
5 would interfere with an active criminal investigation
6 conducted by the agency that is the recipient of the
7 request;

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

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

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

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

1 management system.

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

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

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

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

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

1 Corrections or Department of Human Services Division of
2 Mental Health.

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

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

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

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

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

19 The information included under this exemption includes
20 all trade secrets and commercial or financial information
21 obtained by a public body, including a public pension
22 fund, from a private equity fund or a privately held
23 company within the investment portfolio of a private
24 equity fund as a result of either investing or evaluating
25 a potential investment of public funds in a private equity
26 fund. The exemption contained in this item does not apply

1 to the aggregate financial performance information of a
2 private equity fund, nor to the identity of the fund's
3 managers or general partners. The exemption contained in
4 this item does not apply to the identity of a privately
5 held company within the investment portfolio of a private
6 equity fund, unless the disclosure of the identity of a
7 privately held company may cause competitive harm.

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

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

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

1 purpose of the request is to access and disseminate
2 information regarding the health, safety, welfare, or
3 legal rights of the general public.

4 (j) The following information pertaining to
5 educational matters:

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

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

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

17 (iv) course materials or research materials used
18 by faculty members.

19 (k) Architects' plans, engineers' technical
20 submissions, and other construction related technical
21 documents for projects not constructed or developed in
22 whole or in part with public funds and the same for
23 projects constructed or developed with public funds,
24 including, but not limited to, power generating and
25 distribution stations and other transmission and
26 distribution facilities, water treatment facilities,

1 airport facilities, sport stadiums, convention centers,
2 and all government owned, operated, or occupied buildings,
3 but only to the extent that disclosure would compromise
4 security.

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

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

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

21 (o) Administrative or technical information associated
22 with automated data processing operations, including, but
23 not limited to, software, operating protocols, computer
24 program abstracts, file layouts, source listings, object
25 modules, load modules, user guides, documentation
26 pertaining to all logical and physical design of

1 computerized systems, employee manuals, and any other
2 information that, if disclosed, would jeopardize the
3 security of the system or its data or the security of
4 materials exempt under this Section.

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

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

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

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

1 Insurance or self-insurance ~~self-insurance~~ (including any
2 intergovernmental risk management association or
3 self-insurance ~~self-insurance~~ pool) claims, loss or risk
4 management information, records, data, advice, or
5 communications.

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

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

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

1 include such things as details pertaining to the
2 mobilization or deployment of personnel or equipment, to
3 the operation of communication systems or protocols, to
4 cybersecurity vulnerabilities, or to tactical operations.

5 (w) (Blank).

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

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

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

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

26 (bb) Records and information provided to a mortality

1 review team and records maintained by a mortality review
2 team appointed under the Department of Juvenile Justice
3 Mortality Review Team Act.

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

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

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

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

24 (gg) Confidential information described in Section
25 1-100 of the Illinois Independent Tax Tribunal Act of
26 2012.

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

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

16 (jj) Confidential information described in Section
17 5-535 of the Civil Administrative Code of Illinois.

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

24 (ll) Records concerning the work of the threat
25 assessment team of a school district, including, but not
26 limited to, any threat assessment procedure under the

1 School Safety Drill Act and any information contained in
2 the procedure.

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

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

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

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

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

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

25 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
26 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.

1 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
2 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
3 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
4 12-13-22.)

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

6 Sec. 7. Exemptions.

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

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

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

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

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

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

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

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

26 (iii) create a substantial likelihood that a

1 person will be deprived of a fair trial or an impartial
2 hearing;

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

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

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

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

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

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

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

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

24 (e-6) Records requested by persons committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail if those

1 materials include records from staff members' personnel
2 files, staff rosters, or other staffing assignment
3 information.

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

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

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

26 (e-10) Law enforcement records of other persons

1 requested by a person committed to the Department of
2 Corrections, Department of Human Services Division of
3 Mental Health, or a county jail, including, but not
4 limited to, arrest and booking records, mug shots, and
5 crime scene photographs, except as these records may be
6 relevant to the requester's current or potential case or
7 claim.

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

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

1 requested.

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

17 Nothing contained in this paragraph (g) shall be
18 construed to prevent a person or business from consenting
19 to disclosure.

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

1 award or final selection is made.

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

13 (j) The following information pertaining to
14 educational matters:

15 (i) test questions, scoring keys, and other
16 examination data used to administer an academic
17 examination;

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

22 (iii) information concerning a school or
23 university's adjudication of student disciplinary
24 cases, but only to the extent that disclosure would
25 unavoidably reveal the identity of the student; and

26 (iv) course materials or research materials used

1 by faculty members.

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

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

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

26 (n) Records relating to a public body's adjudication

1 of employee grievances or disciplinary cases; however,
2 this exemption shall not extend to the final outcome of
3 cases in which discipline is imposed.

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

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

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

21 (r) The records, documents, and information relating
22 to real estate purchase negotiations until those
23 negotiations have been completed or otherwise terminated.
24 With regard to a parcel involved in a pending or actually
25 and reasonably contemplated eminent domain proceeding
26 under the Eminent Domain Act, records, documents, and

1 information relating to that parcel shall be exempt except
2 as may be allowed under discovery rules adopted by the
3 Illinois Supreme Court. The records, documents, and
4 information relating to a real estate sale shall be exempt
5 until a sale is consummated.

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

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

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

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

14 (w) (Blank).

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

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

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

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

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

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

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

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

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

7 (gg) Confidential information described in Section
8 1-100 of the Illinois Independent Tax Tribunal Act of
9 2012.

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

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

25 (jj) Confidential information described in Section
26 5-535 of the Civil Administrative Code of Illinois.

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

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

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

15 (nn) ~~(mm)~~ Proprietary information submitted to the
16 Environmental Protection Agency under the Drug Take-Back
17 Act.

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

20 (pp) Records that are subject to fees under Section
21 27.1b or 28 of the Clerks of Court Act. Those records shall
22 continue to be available as provided in those Sections.

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; 102-982, eff. 7-1-23; 102-1055, eff.
16 6-10-22; revised 12-13-22.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.