



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3326

Introduced 2/17/2023, by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7
625 ILCS 5/2-130 new

Amends the Illinois Vehicle Code. Defines "automated license plates reader" (ALPR). Establishes that an ALPR user shall not sell, share, or transfer ALPR information, except to another local law enforcement agency, a local law enforcement agency of the State, the federal government, or a state other than Illinois, and only to the extent necessary to locate a vehicle or person reasonably suspected of being involved in the commission of a crime as defined by State or federal laws. Provides that an ALPR user shall not sell, share, or transfer ALPR information to any state that has enacted laws that deny or interfere with a woman's right to choose or obtain an abortion prior to viability of the fetus, or when the abortion is necessary to protect the life or health of the woman for the purposes of investigation or enforcement of that law. Provides that an ALPR user shall only share information obtained through the use of an ALPR with the federal government or a state other than Illinois if the entity requesting the information first discloses to the State entity a criminal predicate necessitating a lawful purpose and that the criminal predicate would be a violation of the laws of the State. Provides that ALPR information shall be retained for a period of only 30 days, after which it must be destroyed, unless particularized information is the subject of a criminal investigation. Provides that ALPR information shall be held confidentially to the fullest extent permitted by law, and an ALPR user shall not sell, share, or transfer ALPR information for any commercial purpose and shall not disclose ALPR information to any entity for the purposes of public disclosure. Makes a conforming change in the Freedom of Information Act.

LRB103 30785 MXP 57275 b

1 AN ACT concerning transportation.

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 Section 7 as follows:

6 (5 ILCS 140/7)

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

8 Sec. 7. Exemptions.

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

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

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

23 (b-5) Files, documents, and other data or databases

1 maintained by one or more law enforcement agencies and
2 specifically designed to provide information to one or
3 more law enforcement agencies regarding the physical or
4 mental status of one or more individual subjects.

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

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

23 (i) interfere with pending or actually and
24 reasonably contemplated law enforcement proceedings
25 conducted by any law enforcement or correctional
26 agency that is the recipient of the request;

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

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

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

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

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

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

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

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

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

22 (e-5) 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 are available in the library of the correctional
26 institution or facility or jail where the inmate is

1 confined.

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

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

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

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

1 number, or any other identifying information, except as
2 may be relevant to a requester's current or potential case
3 or claim.

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

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

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

1 cause competitive harm to the person or business, and only
2 insofar as the claim directly applies to the records
3 requested.

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

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

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

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

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

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

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

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

24 (iii) information concerning a school or
25 university's adjudication of student disciplinary
26 cases, but only to the extent that disclosure would

1 unavoidably reveal the identity of the student; and
2 (iv) course materials or research materials used
3 by faculty members.

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

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

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

1 respect to internal audits of public bodies.

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

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

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

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

23 (r) The records, documents, and information relating
24 to real estate purchase negotiations until those
25 negotiations have been completed or otherwise terminated.
26 With regard to a parcel involved in a pending or actually

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

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

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

24 (u) Information that would disclose or might lead to
25 the disclosure of secret or confidential information,
26 codes, algorithms, programs, or private keys intended to

1 be used to create electronic signatures under the Uniform
2 Electronic Transactions Act.

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

16 (w) (Blank).

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

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

1 by the Illinois Power Agency or by the Illinois Commerce
2 Commission.

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

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

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

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

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

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

1 districts, recreation agencies, and special recreation
2 associations.

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

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

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

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

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

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

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

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

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

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

22 (1.5) Any information exempt from disclosure under the
23 Judicial Privacy Act shall be redacted from public records
24 prior to disclosure under this Act.

25 (2) A public record that is not in the possession of a
26 public body but is in the possession of a party with whom the

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

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

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

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

17 Sec. 7. Exemptions.

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

1 (a) Information specifically prohibited from
2 disclosure by federal or State law or rules and
3 regulations implementing federal or State law.

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

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

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

25 (d) Records in the possession of any public body
26 created in the course of administrative enforcement

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

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

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

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

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

26 (v) disclose unique or specialized investigative

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

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

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

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

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

1 (d-7) Information gathered or records created from the
2 use of automatic license plate readers that is exempt from
3 disclosure under Section 2-130 of the Vehicle Code.

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

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

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

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

24 (e-8) Records requested by a person committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail, the

1 disclosure of which would result in the risk of harm to any
2 person or the risk of an escape from a jail or correctional
3 institution or facility.

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9 to, a victim's home address, home telephone number, work
10 or school address, work telephone number, social security
11 number, or any other identifying information, except as
12 may be relevant to a requester's current or potential case
13 or claim.

14 (e-10) Law enforcement records of other persons
15 requested by a person committed to the Department of
16 Corrections, Department of Human Services Division of
17 Mental Health, or a county jail, including, but not
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19 crime scene photographs, except as these records may be
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22 (f) Preliminary drafts, notes, recommendations,
23 memoranda, and other records in which opinions are
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25 that a specific record or relevant portion of a record
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4 that pertain to the preparation of legislative documents.

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

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

1 equity fund, unless the disclosure of the identity of a
2 privately held company may cause competitive harm.

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

6 (h) Proposals and bids for any contract, grant, or
7 agreement, including information which if it were
8 disclosed would frustrate procurement or give an advantage
9 to any person proposing to enter into a contractor
10 agreement with the body, until an award or final selection
11 is made. Information prepared by or for the body in
12 preparation of a bid solicitation shall be exempt until an
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14 (i) Valuable formulae, computer geographic systems,
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17 expected to produce private gain or public loss. The
18 exemption for "computer geographic systems" provided in
19 this paragraph (i) does not extend to requests made by
20 news media as defined in Section 2 of this Act when the
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10 cases, but only to the extent that disclosure would
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15 submissions, and other construction related technical
16 documents for projects not constructed or developed in
17 whole or in part with public funds and the same for
18 projects constructed or developed with public funds,
19 including, but not limited to, power generating and
20 distribution stations and other transmission and
21 distribution facilities, water treatment facilities,
22 airport facilities, sport stadiums, convention centers,
23 and all government owned, operated, or occupied buildings,
24 but only to the extent that disclosure would compromise
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2 public body makes the minutes available to the public
3 under Section 2.06 of the Open Meetings Act.

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

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

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

26 (p) Records relating to collective negotiating matters

1 between public bodies and their employees or
2 representatives, except that any final contract or
3 agreement shall be subject to inspection and copying.

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

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

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

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

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

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

26 (w) (Blank).

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

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

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

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

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

25 (cc) Information regarding interments, entombments, or
26 inurnments of human remains that are submitted to the

1 Cemetery Oversight Database under the Cemetery Care Act or
2 the Cemetery Oversight Act, whichever is applicable.

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

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

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

19 (gg) Confidential information described in Section
20 1-100 of the Illinois Independent Tax Tribunal Act of
21 2012.

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

26 (ii) Records requested by persons committed to or

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

11 (jj) Confidential information described in Section
12 5-535 of the Civil Administrative Code of Illinois.

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

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

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

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

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

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

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

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

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

1 Section 10. The Illinois Vehicle Code is amended by adding
2 Section 2-130 as follows:

3 (625 ILCS 5/2-130 new)

4 Sec. 2-130. User of automated license plate readers;
5 prohibitions.

6 (a) As used in this Section, "automated license plate
7 reader" or "ALPR" means an electronic device mounted on a law
8 enforcement vehicle or positioned in a stationary location
9 that is capable of recording data on, or taking a photograph
10 of, a vehicle or its license plate and comparing the collected
11 data and photographs to existing law enforcement databases for
12 investigative purposes. "Automated license plate reader" or
13 "ALPR" includes a device that is owned or operated by a person
14 who is not a government entity to the extent that data
15 collected by the reader is shared with a law enforcement
16 agency.

17 (b) An ALPR user shall not sell, share, or transfer ALPR
18 information, except to another local law enforcement agency, a
19 law enforcement agency of this State, the federal government,
20 or a state other than Illinois as set forth in subsection (d),
21 and only to the extent necessary to locate a vehicle or person
22 reasonably suspected of:

23 (1) being the subject of an active warrant;

24 (2) being involved in the commission of a crime as
25 defined by the laws of the State or the United States;

1 (3) violating any Section of the Illinois Vehicle
2 Code; or

3 (4) being the subject of an active missing or
4 endangered person alert.

5 (c) An ALPR user shall not sell, share, or transfer ALPR
6 information to any state that has enacted laws that deny or
7 interfere with a woman's right to choose or obtain an abortion
8 prior to viability of the fetus, or when the abortion is
9 necessary to protect the life or health of the woman for the
10 purposes of investigation or enforcement of that law.

11 (d) An ALPR user shall only share information obtained
12 through the use of an ALPR with the federal government or a
13 state other than Illinois if the entity requesting the
14 information first discloses to the State entity a criminal
15 predicate necessitating a lawful purpose as set forth in
16 subsection (b) and that the criminal predicate would be a
17 violation of the laws of this State.

18 (e) ALPR information shall be retained for a period of
19 only 30 days, after which it must be destroyed, unless
20 particularized information is the subject of a criminal
21 investigation. ALPR information that is the subject of a
22 criminal investigation shall be retained for the duration of
23 the investigation and resulting trial, if any, and then shall
24 be destroyed.

25 (f) ALPR information shall be held confidentially to the
26 fullest extent permitted by law, and an ALPR user shall not

1 sell, share, or transfer ALPR information for any commercial
2 purpose and shall not disclose ALPR information to any entity
3 for the purposes of public disclosure.

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.