



Rep. Ann M. Williams

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10300HB3326ham001

LRB103 30785 MXP 59615 a

1 AMENDMENT TO HOUSE BILL 3326

2 AMENDMENT NO. _____. Amend House Bill 3326 by replacing
3 everything after the enacting clause with the following:

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:

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 accidents, traffic accident
21 reports, and rescue reports shall be provided by
22 agencies of local government, except when disclosure
23 would 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 (e) Records that relate to or affect the security of
2 correctional institutions and detention facilities.

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

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

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

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

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

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

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

1 that pertain to the preparation of legislative documents.

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

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

26 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting
2 to disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (t) Information contained in or related to
25 examination, operating, or condition reports prepared by,
26 on behalf of, or for the use of a public body responsible

1 for the regulation or supervision of financial
2 institutions, insurance companies, or pharmacy benefit
3 managers, unless disclosure is otherwise required by State
4 law.

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

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

23 (w) (Blank).

24 (x) Maps and other records regarding the location or
25 security of generation, transmission, distribution,
26 storage, gathering, treatment, or switching facilities

1 owned by a utility, by a power generator, or by the
2 Illinois Power Agency.

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

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

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

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

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

26 (dd) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid
2 Code or (ii) that pertain to appeals under Section 11-8 of
3 the Illinois Public Aid Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Sec. 7. Exemptions.

25 (1) When a request is made to inspect or copy a public

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (e-7) Records requested by persons committed to the
26 Department of Corrections or Department of Human Services

1 Division of Mental Health if those materials are available
2 through an administrative request to the Department of
3 Corrections or Department of Human Services Division of
4 Mental Health.

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

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12 or committed to the Department of Corrections or
13 Department of Human Services Division of Mental Health,
14 containing personal information pertaining to the person's
15 victim or the victim's family, including, but not limited
16 to, a victim's home address, home telephone number, work
17 or school address, work telephone number, social security
18 number, or any other identifying information, except as
19 may be relevant to a requester's current or potential case
20 or claim.

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

1 relevant to the requester's current or potential case or
2 claim.

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

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

21 The information included under this exemption includes
22 all trade secrets and commercial or financial information
23 obtained by a public body, including a public pension
24 fund, from a private equity fund or a privately held
25 company within the investment portfolio of a private
26 equity fund as a result of either investing or evaluating

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

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

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

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22 designs, drawings, and research data obtained or produced
23 by any public body when disclosure could reasonably be
24 expected to produce private gain or public loss. The
25 exemption for "computer geographic systems" provided in
26 this paragraph (i) does not extend to requests made by

1 news media as defined in Section 2 of this Act when the
2 requested information is not otherwise exempt and the only
3 purpose of the request is to access and disseminate
4 information regarding the health, safety, welfare, or
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6 (j) The following information pertaining to
7 educational matters:

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13 procedures for the evaluation of faculty members by
14 their academic peers;

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

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20 by faculty members.

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

1 distribution stations and other transmission and
2 distribution facilities, water treatment facilities,
3 airport facilities, sport stadiums, convention centers,
4 and all government owned, operated, or occupied buildings,
5 but only to the extent that disclosure would compromise
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8 public as provided in the Open Meetings Act until the
9 public body makes the minutes available to the public
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11 (m) Communications between a public body and an
12 attorney or auditor representing the public body that
13 would not be subject to discovery in litigation, and
14 materials prepared or compiled by or for a public body in
15 anticipation of a criminal, civil, or administrative
16 proceeding upon the request of an attorney advising the
17 public body, and materials prepared or compiled with
18 respect to internal audits of public bodies.

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

23 (o) Administrative or technical information associated
24 with automated data processing operations, including, but
25 not limited to, software, operating protocols, computer
26 program abstracts, file layouts, source listings, object

1 modules, load modules, user guides, documentation
2 pertaining to all logical and physical design of
3 computerized systems, employee manuals, and any other
4 information that, if disclosed, would jeopardize the
5 security of the system or its data or the security of
6 materials exempt under this Section.

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15 to real estate purchase negotiations until those
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19 under the Eminent Domain Act, records, documents, and
20 information relating to that parcel shall be exempt except
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22 Illinois Supreme Court. The records, documents, and
23 information relating to a real estate sale shall be exempt
24 until a sale is consummated.

25 (s) Any and all proprietary information and records
26 related to the operation of an intergovernmental risk

1 management association or self-insurance pool or jointly
2 self-administered health and accident cooperative or pool.
3 Insurance or self-insurance ~~self-insurance~~ (including any
4 intergovernmental risk management association or
5 self-insurance ~~self-insurance~~ pool) claims, loss or risk
6 management information, records, data, advice, or
7 communications.

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

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

20 (v) Vulnerability assessments, security measures, and
21 response policies or plans that are designed to identify,
22 prevent, or respond to potential attacks upon a
23 community's population or systems, facilities, or
24 installations, but only to the extent that disclosure
25 could reasonably be expected to expose the vulnerability
26 or jeopardize the effectiveness of the measures, policies,

1 or plans, or the safety of the personnel who implement
2 them or the public. Information exempt under this item may
3 include such things as details pertaining to the
4 mobilization or deployment of personnel or equipment, to
5 the operation of communication systems or protocols, to
6 cybersecurity vulnerabilities, or to tactical operations.

7 (w) (Blank).

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

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

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

26 (aa) Information the disclosure of which is exempted

1 under the Viatical Settlements Act of 2009.

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

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

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

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

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

26 (gg) Confidential information described in Section

1 1-100 of the Illinois Independent Tax Tribunal Act of
2 2012.

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

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

18 (jj) Confidential information described in Section
19 5-535 of the Civil Administrative Code of Illinois.

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

26 (ll) Records concerning the work of the threat

1 assessment team of a school district, including, but not
2 limited to, any threat assessment procedure under the
3 School Safety Drill Act and any information contained in
4 the procedure.

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

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

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

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

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

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

1 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
2 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
3 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
4 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
5 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
6 6-10-22; revised 12-13-22.)

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

9 (625 ILCS 5/2-130 new)

10 Sec. 2-130. User of automated license plate readers;
11 prohibitions.

12 (a) As used in this Section:

13 "Automated license plate reader" or "ALPR" means an
14 electronic device mounted on a law enforcement vehicle or
15 positioned in a stationary location that is capable of
16 recording data on, or taking a photograph of, a vehicle or its
17 license plate and comparing the collected data and photographs
18 to existing law enforcement databases for investigative
19 purposes. "Automated license plate reader" or "ALPR" includes
20 a device that is owned or operated by a person who is not a
21 government entity to the extent that data collected by the
22 reader is shared with a law enforcement agency.

23 "Facial recognition technology" means the capture of any
24 image of a person's face or facial features and the subsequent

1 use of technology to compare the face or facial features to any
2 database for the purposes of identity proofing or
3 identification.

4 (b) An ALPR user shall not sell ALPR information under any
5 circumstances.

6 (c) An ALPR user shall not share or transfer ALPR
7 information, except to another local law enforcement agency, a
8 law enforcement agency of this State, the federal government,
9 an organization established to detect or prevent insurance
10 crime or fraud such as those recognized under subsection (2)
11 of Section 155.23 of the Illinois Insurance Code, or a state
12 other than Illinois as set forth in subsection (d), and only to
13 the extent necessary to investigate or locate a vehicle or
14 person reasonably suspected of:

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

16 (2) being involved in the commission of a forcible
17 felony as defined by the laws of this State, motor vehicle
18 theft, or vehicular hijacking as defined in Section 18-3
19 of the Criminal Code;

20 (3) committing a major traffic offense as defined by
21 paragraph (f) of Supreme Court Rule 501, other than a
22 petty offense or a business offense; or

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

25 (d) Except as provided in subsection (d), an ALPR user
26 shall not share or transfer ALPR information to any state that

1 has enacted laws that:

2 (1) deny or interfere with a woman's right to choose
3 or obtain an abortion for the purpose of investigation or
4 enforcement of that law;

5 (2) criminalize a person's undocumented immigration
6 status for the purpose of investigation or enforcement of
7 that law; or

8 (3) deny or interfere with any person's health care
9 that is not unlawful under the laws of this State for the
10 purpose of investigation or enforcement of that law.

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

18 (f) 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. Notwithstanding the provisions of this
22 subsection, the Illinois State Police may retain ALPR data for
23 a period not to exceed 90 days. ALPR information that is the
24 subject of a criminal investigation shall be retained for the
25 duration of the investigation and resulting trial, and the
26 evidence used at trial may be retained for a period as required

1 by State law, if any, and then shall be destroyed.

2 (g) ALPR information shall be held confidentially to the
3 fullest extent permitted by law, and an ALPR user shall not
4 sell, share, or transfer ALPR information for any commercial
5 purpose and shall not disclose ALPR information to any entity
6 for the purposes of public disclosure.

7 (h) An ALPR shall not use facial recognition technology.

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