

HB3364



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3364

Introduced 2/17/2023, by Rep. Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

5 ILCS 140/3

from Ch. 116, par. 203

Amends the Freedom of Information Act. Provides that a public body may require (rather than may not require) that a request be submitted on a standard form or require the requester to specify the purpose for a request. Provides that a person making a request may not make a request for any other individual, but may make a request for an organization if the person discloses the organization for whom the request is being made.

LRB103 30083 AWJ 56507 b

A BILL FOR

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 3 and 3.2 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

7 Sec. 3. (a) Each public body shall make available to any
8 person for inspection or copying all public records, except as
9 otherwise provided in Sections 7 and 8.5 of this Act.
10 Notwithstanding any other law, a public body may not grant to
11 any person or entity, whether by contract, license, or
12 otherwise, the exclusive right to access and disseminate any
13 public record as defined in this Act.

14 (b) Subject to the fee provisions of Section 6 of this Act,
15 each public body shall promptly provide, to any person who
16 submits a request, a copy of any public record required to be
17 disclosed by subsection (a) of this Section and shall certify
18 such copy if so requested.

19 (c) Requests for inspection or copies shall be made in
20 writing and directed to the public body. Written requests may
21 be submitted to a public body via personal delivery, mail,
22 telefax, or other means available to the public body. A public
23 body may honor oral requests for inspection or copying. A

1 public body may ~~not~~ require that a request be submitted on a
2 standard form or require the requester to specify the purpose
3 for a request, ~~except to determine whether the records are~~
4 ~~requested for a commercial purpose or whether to grant a~~
5 ~~request for a fee waiver.~~ A person making a request may not
6 make a request for any other individual, but may make a request
7 for an organization if the person discloses the organization
8 for whom the request is being made. All requests for
9 inspection and copying received by a public body shall
10 immediately be forwarded to its Freedom of Information officer
11 or designee.

12 (d) Each public body shall, promptly, either comply with
13 or deny a request for public records within 5 business days
14 after its receipt of the request, unless the time for response
15 is properly extended under subsection (e) of this Section.
16 Denial shall be in writing as provided in Section 9 of this
17 Act. Failure to comply with a written request, extend the time
18 for response, or deny a request within 5 business days after
19 its receipt shall be considered a denial of the request. A
20 public body that fails to respond to a request within the
21 requisite periods in this Section but thereafter provides the
22 requester with copies of the requested public records may not
23 impose a fee for such copies. A public body that fails to
24 respond to a request received may not treat the request as
25 unduly burdensome under subsection (g).

26 (e) The time for response under this Section may be

1 extended by the public body for not more than 5 business days
2 from the original due date for any of the following reasons:

3 (i) the requested records are stored in whole or in
4 part at other locations than the office having charge of
5 the requested records;

6 (ii) the request requires the collection of a
7 substantial number of specified records;

8 (iii) the request is couched in categorical terms and
9 requires an extensive search for the records responsive to
10 it;

11 (iv) the requested records have not been located in
12 the course of routine search and additional efforts are
13 being made to locate them;

14 (v) the requested records require examination and
15 evaluation by personnel having the necessary competence
16 and discretion to determine if they are exempt from
17 disclosure under Section 7 of this Act or should be
18 revealed only with appropriate deletions;

19 (vi) the request for records cannot be complied with
20 by the public body within the time limits prescribed by
21 subsection (d) of this Section without unduly burdening or
22 interfering with the operations of the public body;

23 (vii) there is a need for consultation, which shall be
24 conducted with all practicable speed, with another public
25 body or among 2 or more components of a public body having
26 a substantial interest in the determination or in the

1 subject matter of the request.

2 The person making a request and the public body may agree
3 in writing to extend the time for compliance for a period to be
4 determined by the parties. If the requester and the public
5 body agree to extend the period for compliance, a failure by
6 the public body to comply with any previous deadlines shall
7 not be treated as a denial of the request for the records.

8 (f) When additional time is required for any of the above
9 reasons, the public body shall, within 5 business days after
10 receipt of the request, notify the person making the request
11 of the reasons for the extension and the date by which the
12 response will be forthcoming. Failure to respond within the
13 time permitted for extension shall be considered a denial of
14 the request. A public body that fails to respond to a request
15 within the time permitted for extension but thereafter
16 provides the requester with copies of the requested public
17 records may not impose a fee for those copies. A public body
18 that requests an extension and subsequently fails to respond
19 to the request may not treat the request as unduly burdensome
20 under subsection (g).

21 (g) Requests calling for all records falling within a
22 category shall be complied with unless compliance with the
23 request would be unduly burdensome for the complying public
24 body and there is no way to narrow the request and the burden
25 on the public body outweighs the public interest in the
26 information. Before invoking this exemption, the public body

1 shall extend to the person making the request an opportunity
2 to confer with it in an attempt to reduce the request to
3 manageable proportions. If any public body responds to a
4 categorical request by stating that compliance would unduly
5 burden its operation and the conditions described above are
6 met, it shall do so in writing, specifying the reasons why it
7 would be unduly burdensome and the extent to which compliance
8 will so burden the operations of the public body. Such a
9 response shall be treated as a denial of the request for
10 information.

11 Repeated requests from the same person for the same
12 records that are unchanged or identical to records previously
13 provided or properly denied under this Act shall be deemed
14 unduly burdensome under this provision.

15 (h) Each public body may promulgate rules and regulations
16 in conformity with the provisions of this Section pertaining
17 to the availability of records and procedures to be followed,
18 including:

19 (i) the times and places where such records will be
20 made available, and

21 (ii) the persons from whom such records may be
22 obtained.

23 (i) The time periods for compliance or denial of a request
24 to inspect or copy records set out in this Section shall not
25 apply to requests for records made for a commercial purpose,
26 requests by a recurrent requester, or voluminous requests.

1 Such requests shall be subject to the provisions of Sections
2 3.1, 3.2, and 3.6 of this Act, as applicable.

3 (Source: P.A. 101-81, eff. 7-12-19.)