



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2178

Introduced 2/10/2023, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2	from Ch. 116, par. 202
5 ILCS 140/3	from Ch. 116, par. 203
5 ILCS 140/3.1	
5 ILCS 140/7	

Amends the Freedom of Information Act. Changes the definition of "recurrent requester" to mean a person who, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 40 (instead of 50) requests for records, (ii) a minimum of 10 (instead of 15) requests for records within a 30-day period, or (iii) a minimum of 5 (instead of 7) requests for records within a 7-day period. Requires a public body to either comply with or deny a request for public records, or to invoke its right to an extension of the deadline to produce the records, within 15 (instead of 5) business days after its receipt of the request. Extends the deadline to respond to a request made for a commercial purpose from 21 to 30 days. Exempts from disclosure records related to the location or operation of an automated license plate recognition system and records containing data generated or stored by those systems.

LRB103 28325 HEP 54704 b

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Sections 2, 3, 3.1, and 7 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

23 (g) "Recurrent requester", as used in Section 3.2 of this
24 Act, means a person that, in the 12 months immediately
25 preceding the request, has submitted to the same public body
26 (i) a minimum of 40 ~~50~~ requests for records, (ii) a minimum of

1 ~~10~~ ~~15~~ requests for records within a 30-day period, or (iii) a
2 minimum of 5 ~~7~~ requests for records within a 7-day period. For
3 purposes of this definition, requests made by news media and
4 non-profit, scientific, or academic organizations shall not be
5 considered in calculating the number of requests made in the
6 time periods in this definition when the principal purpose of
7 the requests is (i) to access and disseminate information
8 concerning news and current or passing events, (ii) for
9 articles of opinion or features of interest to the public, or
10 (iii) for the purpose of academic, scientific, or public
11 research or education.

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

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

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

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

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

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

21 (j) "ALPR system data" means data packets representing
22 interpretation by ALPR systems of recorded vehicle license
23 plates affixed to vehicles in the field of view of ALPR system
24 cameras, with associated global positioning system
25 coordinates, and time and date stamps associated with the
26 recording of the data.

1 (k) "Automated license plate recognition system" or "ALPR
2 system" means a system of one or more mobile, portable, or
3 fixed video cameras using computer algorithms to convert
4 images of license plates into automated computer-recognized
5 searchable alphanumeric data, including associated servers,
6 data normalization technologies, and similar technologies.

7 (l) "Historical ALPR system data" means data recorded by
8 ALPR systems that are stored in an authorized ALPR system
9 platform.

10 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
11 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

12 (5 ILCS 140/3) (from Ch. 116, par. 203)

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

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

25 (c) Requests for inspection or copies shall be made in

1 writing and directed to the public body. Written requests may
2 be submitted to a public body via personal delivery, mail,
3 telefax, or other means available to the public body. A public
4 body may honor oral requests for inspection or copying. A
5 public body may not require that a request be submitted on a
6 standard form or require the requester to specify the purpose
7 for a request, except to determine whether the records are
8 requested for a commercial purpose or whether to grant a
9 request for a fee waiver. All requests for inspection and
10 copying received by a public body shall immediately be
11 forwarded to its Freedom of Information officer or designee.

12 (d) Each public body shall, promptly, either comply with
13 or deny a request for public records within 15 ~~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 15 ~~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 15 ~~5~~ business days
10 after receipt of the request, notify the person making the
11 request of the reasons for the extension and the date by which
12 the response will be forthcoming. Failure to respond within
13 the time permitted for extension shall be considered a denial
14 of the request. A public body that fails to respond to a
15 request 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.)

4 (5 ILCS 140/3.1)

5 Sec. 3.1. Requests for commercial purposes.

6 (a) A public body shall respond to a request for records to
7 be used for a commercial purpose within 30 ~~21~~ working days
8 after receipt. The response shall (i) provide to the requester
9 an estimate of the time required by the public body to provide
10 the records requested and an estimate of the fees to be
11 charged, which the public body may require the person to pay in
12 full before copying the requested documents, (ii) deny the
13 request pursuant to one or more of the exemptions set out in
14 this Act, (iii) notify the requester that the request is
15 unduly burdensome and extend an opportunity to the requester
16 to attempt to reduce the request to manageable proportions, or
17 (iv) provide the records requested.

18 (b) Unless the records are exempt from disclosure, a
19 public body shall comply with a request within a reasonable
20 period considering the size and complexity of the request, and
21 giving priority to records requested for non-commercial
22 purposes.

23 (c) It is a violation of this Act for a person to knowingly
24 obtain a public record for a commercial purpose without
25 disclosing that it is for a commercial purpose, if requested

1 to do so by the public body.

2 (Source: P.A. 96-542, eff. 1-1-10.)

3 (5 ILCS 140/7)

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

5 Sec. 7. Exemptions.

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

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

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

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

25 (c) Personal information contained within public

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

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

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

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

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

1 hearing;

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

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

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

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

26 (d-5) A law enforcement record created for law

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

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

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

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

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

1 files, staff rosters, or other staffing assignment
2 information.

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

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

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

25 (e-10) Law enforcement records of other persons
26 requested by a person committed to the Department of

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

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

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

25 The information included under this exemption includes
26 all trade secrets and commercial or financial information

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

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

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

25 (i) Valuable formulae, computer geographic systems,
26 designs, drawings, and research data obtained or produced

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

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

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

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

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

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

25 (k) Architects' plans, engineers' technical
26 submissions, and other construction related technical

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

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

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

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

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

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

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

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

1 information relating to a real estate sale shall be exempt
2 until a sale is consummated.

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

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

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

24 (v) Vulnerability assessments, security measures, and
25 response policies or plans that are designed to identify,
26 prevent, or respond to potential attacks upon a

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

11 (w) (Blank).

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

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

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

1 students enrolled at an institution of higher education
2 exempted from disclosure under Section 25 of the Illinois
3 Credit Card Marketing Act of 2009.

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

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

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

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

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

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

1 districts, recreation agencies, and special recreation
2 associations where such programs are targeted primarily to
3 minors.

4 (gg) Confidential information described in Section
5 1-100 of the Illinois Independent Tax Tribunal Act of
6 2012.

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

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

22 (jj) Confidential information described in Section
23 5-535 of the Civil Administrative Code of Illinois.

24 (kk) The public body's credit card numbers, debit card
25 numbers, bank account numbers, Federal Employer
26 Identification Number, security code numbers, passwords,

1 and similar account information, the disclosure of which
2 could result in identity theft or impersonation or defrauding
3 of a governmental entity or a person.

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

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

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

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

17 (1.5) Any information exempt from disclosure under the
18 Judicial Privacy Act shall be redacted from public records
19 prior to disclosure under this Act.

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

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

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

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

12 Sec. 7. Exemptions.

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

21 (a) Information specifically prohibited from
22 disclosure by federal or State law or rules and
23 regulations implementing federal or State law.

24 (b) Private information, unless disclosure is required
25 by another provision of this Act, a State or federal law,

1 or a court order.

2 (b-5) Files, documents, and other data or databases
3 maintained by one or more law enforcement agencies and
4 specifically designed to provide information to one or
5 more law enforcement agencies regarding the physical or
6 mental status of one or more individual subjects.

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

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

25 (i) interfere with pending or actually and
26 reasonably contemplated law enforcement proceedings

1 conducted by any law enforcement or correctional
2 agency that is the recipient of the request;

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

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

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

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

1 agency or public body that is the recipient of the
2 request;

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

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

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

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

22 (d-7) Records related to the location or operation of
23 an automated license plate recognition system, records
24 containing ALPR system data, and records containing
25 historical ALPR system data.

26 (e) Records that relate to or affect the security of

1 correctional institutions and detention facilities.

2 (e-5) 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 are available in the library of the correctional
6 institution or facility or jail where the inmate is
7 confined.

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

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

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

26 (e-9) Records requested by a person in a county jail

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

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

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

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

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

25 Nothing contained in this paragraph (g) shall be
26 construed to prevent a person or business from consenting

1 to disclosure.

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

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

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

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

26 (ii) information received by a primary or

1 secondary school, college, or university under its
2 procedures for the evaluation of faculty members by
3 their academic peers;

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

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

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

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

26 (m) Communications between a public body and an

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

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

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

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

26 (q) Test questions, scoring keys, and other

1 examination data used to determine the qualifications of
2 an applicant for a license or employment.

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

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

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

1 institutions, insurance companies, or pharmacy benefit
2 managers, unless disclosure is otherwise required by State
3 law.

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

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

22 (w) (Blank).

23 (x) Maps and other records regarding the location or
24 security of generation, transmission, distribution,
25 storage, gathering, treatment, or switching facilities
26 owned by a utility, by a power generator, or by the

1 Illinois Power Agency.

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

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

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

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

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

25 (dd) Correspondence and records (i) that may not be
26 disclosed under Section 11-9 of the Illinois Public Aid

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

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4 information of persons who are minors and are also
5 participants and registrants in programs of park
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7 districts, recreation agencies, and special recreation
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10 information of participants and registrants in programs of
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12 districts, recreation agencies, and special recreation
13 associations where such programs are targeted primarily to
14 minors.

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

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

22 (ii) Records requested by persons committed to or
23 detained by the Department of Human Services under the
24 Sexually Violent Persons Commitment Act or committed to
25 the Department of Corrections under the Sexually Dangerous
26 Persons Act if those materials: (i) are available in the

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

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

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

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

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

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

26 (oo) ~~(mm)~~ Records described in subsection (f) of

1 Section 3-5-1 of the Unified Code of Corrections.

2 (1.5) Any information exempt from disclosure under the
3 Judicial Privacy Act shall be redacted from public records
4 prior to disclosure under this Act.

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

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

16 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
17 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
18 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
19 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
20 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
21 6-10-22; revised 12-13-22.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.