

SB2640



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2640

Introduced 11/7/2023, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7

Amends the Freedom of Information Act. Provides that administrative or technical information associated with automated data operations shall be exempt from inspection and copying, but only to the extent that disclosure would jeopardize the security of the system or its data or the security of materials exempt under the Act.

LRB103 35058 JAG 65009 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 Section 7 as follows:

6 (5 ILCS 140/7)

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

8 Sec. 7. Exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 confined.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 respect to internal audits of public bodies.

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

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

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

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

24 (r) The records, documents, and information relating
25 to real estate purchase negotiations until those
26 negotiations have been completed or otherwise terminated.

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

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

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

25 (u) Information that would disclose or might lead to
26 the disclosure of secret or confidential information,

1 codes, algorithms, programs, or private keys intended to
2 be used to create electronic signatures under the Uniform
3 Electronic Transactions Act.

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

17 (w) (Blank).

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

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

1 Act that is determined to be confidential and proprietary
2 by the Illinois Power Agency or by the Illinois Commerce
3 Commission.

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

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

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

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

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

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

1 districts, forest preserve districts, conservation
2 districts, recreation agencies, and special recreation
3 associations.

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

10 (gg) Confidential information described in Section
11 1-100 of the Illinois Independent Tax Tribunal Act of
12 2012.

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

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

1 Corrections.

2 (jj) Confidential information described in Section
3 5-535 of the Civil Administrative Code of Illinois.

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

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

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

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

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

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

26 (2) A public record that is not in the possession of a

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

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

11 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
12 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
13 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
14 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
15 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
16 12-13-22.)

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

18 Sec. 7. Exemptions.

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

1 be exempt from inspection and copying:

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

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

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

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

26 (d) Records in the possession of any public body

1 created in the course of administrative enforcement
2 proceedings, and any law enforcement or correctional
3 agency for law enforcement purposes, but only to the
4 extent that disclosure would:

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

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

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

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

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

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

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

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

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

1 Board.

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

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

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

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

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

1 institution or facility.

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

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

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

1 records of officers and agencies of the General Assembly
2 that pertain to the preparation of legislative documents.

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

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

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

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

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

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

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

1 examination;

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

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

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

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

24 (l) Minutes of meetings of public bodies closed to the
25 public as provided in the Open Meetings Act until the
26 public body makes the minutes available to the public

1 under Section 2.06 of the Open Meetings Act.

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

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

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

25 (p) Records relating to collective negotiating matters
26 between public bodies and their employees or

1 representatives, except that any final contract or
2 agreement shall be subject to inspection and copying.

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

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

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

26 (t) Information contained in or related to

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

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

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

25 (w) (Blank).

26 (x) Maps and other records regarding the location or

1 security of generation, transmission, distribution,
2 storage, gathering, treatment, or switching facilities
3 owned by a utility, by a power generator, or by the
4 Illinois Power Agency.

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

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

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

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

24 (cc) Information regarding interments, entombments, or
25 inurnments of human remains that are submitted to the
26 Cemetery Oversight Database under the Cemetery Care Act or

1 the Cemetery Oversight Act, whichever is applicable.

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

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

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

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

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

25 (ii) Records requested by persons committed to or
26 detained by the Department of Human Services under the

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

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

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

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

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

26 (nn) ~~(mm)~~ Proprietary information submitted to the

1 Environmental Protection Agency under the Drug Take-Back
2 Act.

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

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

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

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

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

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.