

1 AN ACT concerning the freedom of information.

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) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and
12 regulations adopted under federal or State law.

13 (b) Information that, if disclosed, would
14 constitute a clearly unwarranted invasion of personal
15 privacy, unless the disclosure is consented to in writing
16 by the individual subjects of the information. The
17 disclosure of information that bears on the public duties
18 of public employees and officials shall not be considered
19 an invasion of personal privacy. Information exempted
20 under this subsection (b) shall include but is not
21 limited to:

22 (i) files and personal information maintained
23 with respect to clients, patients, residents,
24 students or other individuals receiving social,
25 medical, educational, vocational, financial,
26 supervisory or custodial care or services directly
27 or indirectly from federal agencies or public
28 bodies;

29 (ii) personnel files and personal information
30 maintained with respect to employees, appointees or
31 elected officials of any public body or applicants

1 for those positions;

2 (iii) files and personal information
3 maintained with respect to any applicant, registrant
4 or licensee by any public body cooperating with or
5 engaged in professional or occupational
6 registration, licensure or discipline;

7 (iv) information required of any taxpayer in
8 connection with the assessment or collection of any
9 tax unless disclosure is otherwise required by State
10 statute; and

11 (v) information revealing the identity of
12 persons who file complaints with or provide
13 information to administrative, investigative, law
14 enforcement or penal agencies; provided, however,
15 that identification of witnesses to traffic
16 accidents, traffic accident reports, and rescue
17 reports may be provided by agencies of local
18 government, except in a case for which a criminal
19 investigation is ongoing, without constituting a
20 clearly unwarranted per se invasion of personal
21 privacy under this subsection; and

22 (vi) the names, addresses, or other personal
23 information of participants and registrants in park
24 district, forest preserve district, and conservation
25 district programs.

26 (c) Records compiled by any public body for
27 administrative enforcement proceedings and any law
28 enforcement or correctional agency for law enforcement
29 purposes or for internal matters of a public body, but
30 only to the extent that disclosure would:

31 (i) interfere with pending or actually and
32 reasonably contemplated law enforcement proceedings
33 conducted by any law enforcement or correctional
34 agency;

1 (ii) interfere with pending administrative
2 enforcement proceedings conducted by any public
3 body;

4 (iii) deprive a person of a fair trial or an
5 impartial hearing;

6 (iv) unavoidably disclose the identity of a
7 confidential source or confidential information
8 furnished only by the confidential source;

9 (v) disclose unique or specialized
10 investigative techniques other than those generally
11 used and known or disclose internal documents of
12 correctional agencies related to detection,
13 observation or investigation of incidents of crime
14 or misconduct;

15 (vi) constitute an invasion of personal
16 privacy under subsection (b) of this Section;

17 (vii) endanger the life or physical safety of
18 law enforcement personnel or any other person; or

19 (viii) obstruct an ongoing criminal
20 investigation.

21 (d) Criminal history record information maintained
22 by State or local criminal justice agencies, except the
23 following which shall be open for public inspection and
24 copying:

25 (i) chronologically maintained arrest
26 information, such as traditional arrest logs or
27 blotters;

28 (ii) the name of a person in the custody of a
29 law enforcement agency and the charges for which
30 that person is being held;

31 (iii) court records that are public;

32 (iv) records that are otherwise available
33 under State or local law; or

34 (v) records in which the requesting party is

1 the individual identified, except as provided under
2 part (vii) of paragraph (c) of subsection (1) of
3 this Section.

4 "Criminal history record information" means data
5 identifiable to an individual and consisting of
6 descriptions or notations of arrests, detentions,
7 indictments, informations, pre-trial proceedings, trials,
8 or other formal events in the criminal justice system or
9 descriptions or notations of criminal charges (including
10 criminal violations of local municipal ordinances) and
11 the nature of any disposition arising therefrom,
12 including sentencing, court or correctional supervision,
13 rehabilitation and release. The term does not apply to
14 statistical records and reports in which individuals are
15 not identified and from which their identities are not
16 ascertainable, or to information that is for criminal
17 investigative or intelligence purposes.

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

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
27 records of officers and agencies of the General Assembly
28 that pertain to the preparation of legislative documents.

29 (g) Trade secrets and commercial or financial
30 information obtained from a person or business where the
31 trade secrets or information are proprietary, privileged
32 or confidential, or where disclosure of the trade secrets
33 or information may cause competitive harm, including all
34 information determined to be confidential under Section

1 4002 of the Technology Advancement and Development Act.
2 Nothing contained in this paragraph (g) shall be
3 construed to prevent a person or business from consenting
4 to disclosure.

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

13 (i) Valuable formulae, computer geographic systems,
14 designs, drawings and research data obtained or produced
15 by any public body when disclosure could reasonably be
16 expected to produce private gain or public loss.

17 (j) Test questions, scoring keys and other
18 examination data used to administer an academic
19 examination or determined the qualifications of an
20 applicant for a license or employment.

21 (k) Architects' plans and engineers' technical
22 submissions for projects not constructed or developed in
23 whole or in part with public funds and for projects
24 constructed or developed with public funds, to the extent
25 that disclosure would compromise security.

26 (l) Library circulation and order records
27 identifying library users with specific materials.

28 (m) Minutes of meetings of public bodies closed to
29 the public as provided in the Open Meetings Act until the
30 public body makes the minutes available to the public
31 under Section 2.06 of the Open Meetings Act.

32 (n) Communications between a public body and an
33 attorney or auditor representing the public body that
34 would not be subject to discovery in litigation, and

1 materials prepared or compiled by or for a public body in
2 anticipation of a criminal, civil or administrative
3 proceeding upon the request of an attorney advising the
4 public body, and materials prepared or compiled with
5 respect to internal audits of public bodies.

6 (o) Information received by a primary or secondary
7 school, college or university under its procedures for
8 the evaluation of faculty members by their academic
9 peers.

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

20 (q) Documents or materials relating to collective
21 negotiating matters between public bodies and their
22 employees or representatives, except that any final
23 contract or agreement shall be subject to inspection and
24 copying.

25 (r) Drafts, notes, recommendations and memoranda
26 pertaining to the financing and marketing transactions of
27 the public body. The records of ownership, registration,
28 transfer, and exchange of municipal debt obligations, and
29 of persons to whom payment with respect to these
30 obligations is made.

31 (s) The records, documents and information relating
32 to real estate purchase negotiations until those
33 negotiations have been completed or otherwise terminated.
34 With regard to a parcel involved in a pending or actually

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

8 (t) Any and all proprietary information and records
9 related to the operation of an intergovernmental risk
10 management association or self-insurance pool or jointly
11 self-administered health and accident cooperative or
12 pool.

13 (u) Information concerning a university's
14 adjudication of student or employee grievance or
15 disciplinary cases, to the extent that disclosure would
16 reveal the identity of the student or employee and
17 information concerning any public body's adjudication of
18 student or employee grievances or disciplinary cases,
19 except for the final outcome of the cases.

20 (v) Course materials or research materials used by
21 faculty members.

22 (w) Information related solely to the internal
23 personnel rules and practices of a public body.

24 (x) Information contained in or related to
25 examination, operating, or condition reports prepared by,
26 on behalf of, or for the use of a public body responsible
27 for the regulation or supervision of financial
28 institutions or insurance companies, unless disclosure is
29 otherwise required by State law.

30 (y) Information the disclosure of which is
31 restricted under Section 5-108 of the Public Utilities
32 Act.

33 (z) Manuals or instruction to staff that relate to
34 establishment or collection of liability for any State

1 tax or that relate to investigations by a public body to
2 determine violation of any criminal law.

3 (aa) Applications, related documents, and medical
4 records received by the Experimental Organ
5 Transplantation Procedures Board and any and all
6 documents or other records prepared by the Experimental
7 Organ Transplantation Procedures Board or its staff
8 relating to applications it has received.

9 (bb) Insurance or self insurance (including any
10 intergovernmental risk management association or self
11 insurance pool) claims, loss or risk management
12 information, records, data, advice or communications.

13 (cc) Information and records held by the Department
14 of Public Health and its authorized representatives
15 relating to known or suspected cases of sexually
16 transmissible disease or any information the disclosure
17 of which is restricted under the Illinois Sexually
18 Transmissible Disease Control Act.

19 (dd) Information the disclosure of which is
20 exempted under Section 30 of the Radon Industry Licensing
21 Act.

22 (ee) Firm performance evaluations under Section 55
23 of the Architectural, Engineering, and Land Surveying
24 Qualifications Based Selection Act.

25 (ff) Security portions of system safety program
26 plans, investigation reports, surveys, schedules, lists,
27 data, or information compiled, collected, or prepared by
28 or for the Regional Transportation Authority under
29 Section 2.11 of the Regional Transportation Authority Act
30 or the St. Clair County Transit District under the
31 Bi-State Transit Safety Act.

32 (gg) Information the disclosure of which is
33 restricted and exempted under Section 50 of the Illinois
34 Prepaid Tuition Act.

1 (hh) Information the disclosure of which is
2 exempted under Section 80 of the State Gift Ban Act.

3 (ii) Beginning July 1, 1999, information that would
4 disclose or might lead to the disclosure of secret or
5 confidential information, codes, algorithms, programs, or
6 private keys intended to be used to create electronic or
7 digital signatures under the Electronic Commerce Security
8 Act.

9 (jj) Information contained in a local emergency
10 energy plan submitted to a municipality in accordance
11 with a local emergency energy plan ordinance that is
12 adopted under Section 11-21.5-5 of the Illinois Municipal
13 Code.

14 (kk) Information and data concerning the
15 distribution of surcharge moneys collected and remitted
16 by wireless carriers under the Wireless Emergency
17 Telephone Safety Act.

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

22 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
23 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
24 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
25 eff. 7-11-02.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.