



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/05/04, by Ruth Munson

**SYNOPSIS AS INTRODUCED:**

5 ILCS 140/1

from Ch. 116, par. 201

Amends the Freedom of Information Act. Provides that it is the policy of the State for each public body to take every reasonable step to ensure that adequate precautions are taken to prevent the disclosure of personal information unless disclosure is required or authorized by law. Effective immediately.

LRB093 20976 JAM 46967 b

1 AN ACT concerning public records.

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 1 as follows:

6 (5 ILCS 140/1) (from Ch. 116, par. 201)

7 Sec. 1. Pursuant to the fundamental philosophy of the  
8 American constitutional form of government, it is declared to  
9 be the public policy of the State of Illinois that all persons  
10 are entitled to full and complete information regarding the  
11 affairs of government and the official acts and policies of  
12 those who represent them as public officials and public  
13 employees consistent with the terms of this Act. Such access is  
14 necessary to enable the people to fulfill their duties of  
15 discussing public issues fully and freely, making informed  
16 political judgments and monitoring government to ensure that it  
17 is being conducted in the public interest.

18 This Act is not intended to be used to violate individual  
19 privacy, nor for the purpose of furthering a commercial  
20 enterprise, or to disrupt the duly-undertaken work of any  
21 public body independent of the fulfillment of any of the  
22 fore-mentioned rights of the people to access to information.  
23 It is further the policy of this State that all public bodies  
24 are authorized to and must take every reasonable step to ensure  
25 that adequate precautions are taken to protect personal  
26 information from being divulged in order to ensure personal  
27 privacy, unless disclosure is required or specifically  
28 authorized by law, such as, without limitation, to protect the  
29 public and our children from sex offenders and to ensure that  
30 child support payments are collected.

31 This Act is not intended to create an obligation on the  
32 part of any public body to maintain or prepare any public

1 record which was not maintained or prepared by such public body  
2 at the time when this Act becomes effective, except as  
3 otherwise required by applicable local, State or federal law.

4 These restraints on information access should be seen as  
5 limited exceptions to the general rule that the people have a  
6 right to know the decisions, policies, procedures, rules,  
7 standards, and other aspects of government activity that affect  
8 the conduct of government and the lives of any or all of the  
9 people. The provisions of this Act shall be construed to this  
10 end.

11 This Act shall be the exclusive State statute on freedom of  
12 information, except to the extent that other State statutes  
13 might create additional restrictions on disclosure of  
14 information or other laws in Illinois might create additional  
15 obligations for disclosure of information to the public.

16 (Source: P.A. 83-1013.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.