

1 AN ACT concerning 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 3 and adding Section 4.5 as follows:

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

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

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

19 (c) Each public body shall, promptly, either comply with
20 or deny a written request for public records within 7 working
21 days after its receipt. Denial shall be by letter as
22 provided in Section 9 of this Act. Failure to respond to a
23 written request within 7 working days after its receipt shall
24 be considered a denial of the request.

25 (d) The time limits prescribed in paragraph (c) of this
26 Section may be extended in each case for not more than 7
27 additional working days for any of the following reasons:

28 (i) the requested records are stored in whole or in
29 part at other locations than the office having charge of
30 the requested records;

31 (ii) the request requires the collection of a

1 substantial number of specified records;

2 (iii) the request is couched in categorical terms
3 and requires an extensive search for the records
4 responsive to it;

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

8 (v) the requested records require examination and
9 evaluation by personnel having the necessary competence
10 and discretion to determine if they are exempt from
11 disclosure under Section 7 of this Act or should be
12 revealed only with appropriate deletions;

13 (vi) the request for records cannot be complied
14 with by the public body within the time limits prescribed
15 by paragraph (c) of this Section without unduly burdening
16 or interfering with the operations of the public body;

17 (vii) there is a need for consultation, which shall
18 be conducted with all practicable speed, with another
19 public body or among two or more components of a public
20 body having a substantial interest in the determination
21 or in the subject matter of the request.

22 (e) When additional time is required for any of the
23 above reasons, the public body shall notify by letter the
24 person making the written request within the time limits
25 specified by paragraph (c) of this Section of the reasons for
26 the delay and the date by which the records will be made
27 available or denial will be forthcoming. In no instance, may
28 the delay in processing last longer than 7 working days. A
29 failure to render a decision within 7 working days shall be
30 considered a denial of the request. An officer or employee of
31 a public body who purposely stalls the processing of a
32 request by asserting in bad faith one or more of the reasons
33 for extension under subsection (c) is guilty of a business
34 offense subject to a fine of \$1,000.

1 (f) Requests calling for all records falling within a
 2 category shall be complied with unless compliance with the
 3 request would be unduly burdensome for the complying public
 4 body and there is no way to narrow the request and the burden
 5 on the public body outweighs the public interest in the
 6 information. Before invoking this exemption, the public body
 7 shall extend to the person making the request an opportunity
 8 to confer with it in an attempt to reduce the request to
 9 manageable proportions. If any body responds to a
 10 categorical request by stating that compliance would unduly
 11 burden its operation and the conditions described above are
 12 met, it shall do so in writing, specifying the reasons why it
 13 would be unduly burdensome and the extent to which compliance
 14 will so burden the operations of the public body. Such a
 15 response shall be treated as a denial of the request for
 16 information. Repeated requests for the same public records
 17 by the same person shall be deemed unduly burdensome under
 18 this provision.

19 (g) In addition to meeting the requirement of Section
 20 4.5, each public body may promulgate rules and regulations in
 21 conformity with the provisions of this Section pertaining to
 22 the availability of records and procedures to be followed,
 23 including:

- 24 (i) the times and places where such records will be
- 25 made available, and
- 26 (ii) the persons from whom such records may be
- 27 obtained.

28 (Source: P.A. 90-206, eff. 7-25-97.)

29 (5 ILCS 140/4.5 new)

30 Sec. 4.5. Statewide directory of request contacts.

31 (a) The Secretary of State shall establish, maintain,
 32 update, and make available to the public a directory of
 33 persons designated by public bodies under Section 4 to whom

1 requests under this Act should be directed. The Secretary of
2 State shall request from each public body the title, name,
3 mailing address, telephone number, fax number, if any, and
4 e-mail address, if any, of each person designated by the
5 public body under Section 4. Each public body shall provide
6 and update this information to the Secretary of State in
7 accordance with rules promulgated by the Secretary of State.

8 (b) The Secretary of State shall make the directory
9 required by this Section available to the public in print
10 format upon request and on the Internet.