

1 AN ACT in relation to health.

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

4 Section 1. Short title. This Act may be cited as the
5 Residential Health Care Facility Resident Sexual Assault and
6 Death Review Team Act.

7 Section 5. State policy. The following statements are
8 the policy of this State:

9 (1) Every nursing home resident is entitled to live
10 in safety and decency and to receive competent and
11 respectful care that meets the requirements of State and
12 federal law.

13 (2) Responding to sexual assaults on nursing home
14 residents and to unnecessary nursing home resident deaths
15 is a State and a community responsibility.

16 (3) When a nursing home resident is sexually
17 assaulted or dies unnecessarily, the response by the
18 State and the community to the assault or death must
19 include an accurate and complete determination of the
20 cause of the assault or death and the development and
21 implementation of measures to prevent future assaults or
22 deaths from similar causes. The response may include
23 court action, including prosecution of persons who may be
24 responsible for the assault or death and proceedings to
25 protect other residents of the facility where the
26 resident lived, and disciplinary action against persons
27 who failed to meet their professional responsibilities to
28 the resident.

29 (4) Professionals from disparate disciplines and
30 agencies who have responsibilities for nursing home
31 residents and expertise that can promote resident safety

1 and well-being should share their expertise and knowledge
2 so that the goals of determining the causes of sexual
3 assaults and unnecessary resident deaths, planning and
4 providing services to surviving residents, and preventing
5 future assaults and unnecessary deaths can be achieved.

6 (5) A greater understanding of the incidence and
7 causes of sexual assaults against nursing home residents
8 and unnecessary nursing home resident deaths is necessary
9 if the State is to prevent future assaults and
10 unnecessary deaths.

11 (6) Multi-disciplinary and multi-agency reviews of
12 sexual assaults against nursing home residents and
13 unnecessary nursing home resident deaths can assist the
14 State and counties in (i) investigating resident sexual
15 assaults and deaths, (ii) developing a greater
16 understanding of the incidence and causes of resident
17 sexual assault and deaths and the methods for preventing
18 those assaults and deaths, and (iii) identifying gaps in
19 services to nursing home residents.

20 (7) Access to information regarding assaulted and
21 deceased nursing home residents by multi-disciplinary and
22 multi-agency nursing home resident sexual assault and
23 death review teams is necessary for those teams to
24 achieve their purposes and duties.

25 Section 10. Definitions. As used in this Act, unless the
26 context requires otherwise:

27 "Department" means the Department of Public Health.

28 "Director" means the Director of Public Health.

29 "Executive Council" means the Illinois Residential Health
30 Care Facility Resident Sexual Assault and Death Review Teams
31 Executive Council.

32 "Resident" means a person residing in and receiving
33 personal care from a facility licensed under the Nursing Home

1 Care Act.

2 "Review team" means a residential health care facility
3 resident sexual assault and death review team appointed under
4 this Act.

5 Section 15. Residential health care facility resident
6 sexual assault and death review teams; establishment.

7 (a) The Director, in consultation with the Executive
8 Council and with law enforcement agencies and other
9 professionals who work in the field of investigating,
10 treating, or preventing nursing home resident abuse or
11 neglect in each of the Department's administrative regions of
12 the State, shall appoint members to a residential health care
13 facility resident sexual assault and death review team in
14 each such region outside Cook County and to at least one
15 review team in Cook County. The members of a team shall be
16 appointed for 2-year terms and shall be eligible for
17 reappointment upon the expiration of their terms.

18 (b) Each review team shall consist of at least one
19 member from each of the following categories:

20 (1) Geriatrician or other physician knowledgeable
21 about nursing home resident abuse and neglect.

22 (2) Representative of the Department.

23 (3) State's Attorney or State's Attorney's
24 representative.

25 (4) Representative of a local law enforcement
26 agency.

27 (5) Representative of the Illinois Attorney General

28 (6) Psychologist or psychiatrist.

29 (7) Representative of a local health department.

30 (8) Representative of a social service or health
31 care agency that provides services to persons with mental
32 illness, in a program whose accreditation to provide such
33 services is recognized by the Office of Mental Health

1 within the Department of Human Services.

2 (9) Representatative of a social service or health
3 care agency that provides services to persons with
4 developmental disabilities, in a program whose
5 accreditation to provide such services is recognized by
6 the Office of Developmental Disabilities within the
7 Department of Human Services.

8 (10) Coroner or forensic pathologist.

9 (11) Representative of the local sub-state
10 ombudsman.

11 (12) Representative of a nursing home resident
12 advocacy organization.

13 (13) Representative of a local hospital, trauma
14 center, or provider of emergency medical services.

15 (14) Representative of an organization that
16 represents nursing homes.

17 Each review team may make recommendations to the Director
18 concerning additional appointments. Each review team member
19 must have demonstrated experience and an interest in
20 investigating, treating, or preventing nursing home resident
21 abuse or neglect.

22 (c) Each review team shall select a chairperson from
23 among its members. The chairperson shall also serve on the
24 Illinois Residential Health Care Facility Sexual Assault and
25 Death Review Teams Executive Council.

26 Section 20. Reviews of nursing home resident sexual
27 assaults and deaths.

28 (a) Every sexual assault of a nursing home resident
29 shall be reviewed by the review team for the region that has
30 primary case management responsibility.

31 (b) Every death of a nursing home resident shall be
32 reviewed by the review team for the region that has primary
33 case management responsibility, if the deceased resident is

1 one of the following:

2 (1) A person whose care the Department found
3 violated federal or State standards in the 12 months
4 preceding the resident's death.

5 (2) A person whose care was the subject of a
6 complaint to the Department in the 30 days preceding the
7 resident's death, or after the resident's death. A review
8 team may, at its discretion, review other sudden,
9 unexpected, or unexplained nursing home resident deaths.

10 (b) A review team's purpose in conducting reviews of
11 resident sexual assaults and deaths is to do the following:

12 (1) Assist in determining the cause and manner of
13 the resident's assault or death, when requested.

14 (2) Evaluate means, if any, by which the assault or
15 death might have been prevented.

16 (3) Report its findings to appropriate agencies and
17 make recommendations that may help to reduce the number
18 of sexual assaults on and unnecessary deaths of nursing
19 home residents.

20 (4) Promote continuing education for professionals
21 involved in investigating, treating, and preventing
22 nursing home resident abuse and neglect as a means of
23 preventing sexual assaults and unnecessary deaths of
24 nursing home residents.

25 (5) Make specific recommendations to the Director
26 concerning the prevention of sexual assaults and
27 unnecessary deaths of nursing home residents and the
28 establishment of protocols for investigating resident
29 sexual assaults and deaths.

30 (c) A review team must review a sexual assault or death
31 as soon as practicable and not later than 90 days following
32 the completion by the Department of the investigation of the
33 assault or death under the Nursing Home Care Act. When there
34 has been no investigation by the Department, the review team

1 must review a sexual assault or death within 90 days after
2 obtaining the information necessary to complete the review
3 from the coroner, pathologist, medical examiner, or law
4 enforcement agency, depending on the nature of the case. A
5 review team must meet at least once in each calendar quarter.

6 (d) Within 90 days after receiving recommendations made
7 by a review team under item (5) of subsection (b), the
8 Director must review those recommendations and respond to the
9 review team. The Director shall implement recommendations as
10 feasible and appropriate and shall respond to the review team
11 in writing to explain the implementation or nonimplementation
12 of the recommendations.

13 (e) In any instance when a review team does not operate
14 in accordance with established protocol, the Director, in
15 consultation and cooperation with the Executive Council, must
16 take any necessary actions to bring the review team into
17 compliance with the protocol.

18 Section 25. Review team access to information.

19 (a) The Department shall provide to a review team, on
20 the request of the review team chairperson, all records and
21 information in the Department's possession that are relevant
22 to the review team's review of a sexual assault or death,
23 including records and information concerning previous reports
24 or investigations of suspected abuse or neglect.

25 (b) A review team shall have access to all records and
26 information that are relevant to its review of a sexual
27 assault or death and in the possession of a State or local
28 governmental agency. These records and information include,
29 without limitation, death certificates, all relevant medical
30 and mental health records, records of law enforcement agency
31 investigations, records of coroner or medical examiner
32 investigations, records of the Department of Corrections
33 concerning a person's parole, records of a probation and

1 court services department, and records of a social services
2 agency that provided services to the resident.

3 Section 30. Public access to information.

4 (a) Meetings of the review teams and the Executive
5 Council shall be closed to the public. Meetings of the review
6 teams and the Executive Council are not subject to the Open
7 Meetings Act, as provided in that Act.

8 (b) Records and information provided to a review team
9 and the Executive Council, and records maintained by a review
10 team or the Executive Council, are confidential and not
11 subject to the Freedom of Information Act, as provided in
12 that Act. Nothing contained in this subsection (b) prevents
13 the sharing or disclosure of records, other than those
14 produced by a review team or the Executive Council, relating
15 or pertaining to the sexual assault or death of a resident.

16 (c) Members of a review team and the Executive Council
17 are not subject to examination, in any civil or criminal
18 proceeding, concerning information presented to members of
19 the review team or the Executive Council or opinions formed
20 by members of the review team or the Executive Council based
21 on that information. A person may, however, be examined
22 concerning information provided to a review team or the
23 Executive Council that is otherwise available to the public.

24 (d) Records and information produced by a review team
25 and the Executive Council are not subject to discovery or
26 subpoena and are not admissible as evidence in any civil or
27 criminal proceeding. Those records and information are,
28 however, subject to discovery or a subpoena, and are
29 admissible as evidence, to the extent they are otherwise
30 available to the public.

31 Section 35. Indemnification. The State shall indemnify
32 and hold harmless members of a review team and the Executive

1 Council for all their acts, omissions, decisions, or other
2 conduct arising out of the scope of their service on the
3 review team or Executive Council, except those involving
4 willful or wanton misconduct. The method of providing
5 indemnification shall be as provided in the State Employee
6 Indemnification Act.

7 Section 40. Executive Council.

8 (a) The Illinois Residential Health Care Facility
9 Resident Sexual Assault and Death Review Teams Executive
10 Council, consisting of the chairperson of each review team
11 established under Section 15, is the coordinating and
12 oversight body for residential health care facility resident
13 sexual assault and death review teams and activities in
14 Illinois. The vice-chairperson of a review team, as
15 designated by the chairperson, may serve as a back-up member
16 or an alternate member of the Executive Council, if the
17 chairperson of the review team is unavailable to serve on the
18 Executive Council. The Director may appoint to the Executive
19 Council any ex-officio members deemed necessary. Persons with
20 expertise needed by the Executive Council may be invited to
21 meetings. The Executive Council must select from its members
22 a chairperson and a vice-chairperson, each to serve a 2-year,
23 renewable term. The Executive Council must meet at least 4
24 times during each calendar year.

25 (b) The Department must provide or arrange for the staff
26 support necessary for the Executive Council to carry out its
27 duties.

28 (c) The Executive Council has, but is not limited to,
29 the following duties:

30 (1) To serve as the voice of review teams in
31 Illinois.

32 (2) To consult with the Director concerning the
33 appointment, reappointment, and removal of review team

1 members.

2 (3) To oversee the review teams in order to ensure
3 that the teams' work is coordinated and in compliance
4 with the statutes and the operating protocol.

5 (4) To ensure that the data, results, findings, and
6 recommendations of the review teams are adequately used
7 to make any necessary changes in the policies,
8 procedures, and statutes in order to protect nursing home
9 residents in a timely manner.

10 (5) To collaborate with the General Assembly, the
11 Department, and others in order to develop any
12 legislation needed to prevent nursing home resident
13 sexual assaults and unnecessary deaths and to protect
14 nursing home residents.

15 (6) To assist in the development of quarterly and
16 annual reports based on the work and the findings of the
17 review teams.

18 (7) To ensure that the review teams' review
19 processes are standardized in order to convey data,
20 findings, and recommendations in a usable format.

21 (8) To serve as a link with other review teams
22 throughout the country and to participate in national
23 review team activities.

24 (9) To develop an annual statewide symposium to
25 update the knowledge and skills of review team members
26 and to promote the exchange of information between review
27 teams.

28 (10) To provide the review teams with the most
29 current information and practices concerning nursing home
30 resident sexual assault and unnecessary death review and
31 related topics.

32 (11) To perform any other functions necessary to
33 enhance the capability of the review teams to reduce and
34 prevent sexual assaults and unnecessary deaths of nursing

1 home residents.

2 Section 90. The Open Meetings Act is amended by changing
3 Section 2 as follows:

4 (5 ILCS 120/2) (from Ch. 102, par. 42)

5 Sec. 2. Open meetings.

6 (a) Openness required. All meetings of public bodies
7 shall be open to the public unless excepted in subsection (c)
8 and closed in accordance with Section 2a.

9 (b) Construction of exceptions. The exceptions
10 contained in subsection (c) are in derogation of the
11 requirement that public bodies meet in the open, and
12 therefore, the exceptions are to be strictly construed,
13 extending only to subjects clearly within their scope. The
14 exceptions authorize but do not require the holding of a
15 closed meeting to discuss a subject included within an
16 enumerated exception.

17 (c) Exceptions. A public body may hold closed meetings
18 to consider the following subjects:

19 (1) The appointment, employment, compensation,
20 discipline, performance, or dismissal of specific
21 employees of the public body, including hearing testimony
22 on a complaint lodged against an employee to determine
23 its validity.

24 (2) Collective negotiating matters between the
25 public body and its employees or their representatives,
26 or deliberations concerning salary schedules for one or
27 more classes of employees.

28 (3) The selection of a person to fill a public
29 office, as defined in this Act, including a vacancy in a
30 public office, when the public body is given power to
31 appoint under law or ordinance, or the discipline,
32 performance or removal of the occupant of a public

1 office, when the public body is given power to remove the
2 occupant under law or ordinance.

3 (4) Evidence or testimony presented in open
4 hearing, or in closed hearing where specifically
5 authorized by law, to a quasi-adjudicative body, as
6 defined in this Act, provided that the body prepares and
7 makes available for public inspection a written decision
8 setting forth its determinative reasoning.

9 (5) The purchase or lease of real property for the
10 use of the public body, including meetings held for the
11 purpose of discussing whether a particular parcel should
12 be acquired.

13 (6) The setting of a price for sale or lease of
14 property owned by the public body.

15 (7) The sale or purchase of securities,
16 investments, or investment contracts.

17 (8) Security procedures and the use of personnel
18 and equipment to respond to an actual, a threatened, or a
19 reasonably potential danger to the safety of employees,
20 students, staff or public property.

21 (9) Student disciplinary cases.

22 (10) The placement of individual students in
23 special education programs and other matters relating to
24 individual students.

25 (11) Litigation, when an action against, affecting
26 or on behalf of the particular public body has been filed
27 and is pending before a court or administrative tribunal,
28 or when the public body finds that an action is probable
29 or imminent, in which case the basis for the finding
30 shall be recorded and entered into the minutes of the
31 closed meeting.

32 (12) The establishment of reserves or settlement of
33 claims as provided in the Local Governmental and
34 Governmental Employees Tort Immunity Act, if otherwise

1 the disposition of a claim or potential claim might be
2 prejudiced, or the review or discussion of claims, loss
3 or risk management information, records, data, advice or
4 communications from or with respect to any insurer of the
5 public body or any intergovernmental risk management
6 association or self insurance pool of which the public
7 body is a member.

8 (13) Conciliation of complaints of discrimination
9 in the sale or rental of housing, when closed meetings
10 are authorized by the law or ordinance prescribing fair
11 housing practices and creating a commission or
12 administrative agency for their enforcement.

13 (14) Informant sources, the hiring or assignment of
14 undercover personnel or equipment, or ongoing, prior or
15 future criminal investigations, when discussed by a
16 public body with criminal investigatory responsibilities.

17 (15) Professional ethics or performance when
18 considered by an advisory body appointed to advise a
19 licensing or regulatory agency on matters germane to the
20 advisory body's field of competence.

21 (16) Self evaluation, practices and procedures or
22 professional ethics, when meeting with a representative
23 of a statewide association of which the public body is a
24 member.

25 (17) The recruitment, credentialing, discipline or
26 formal peer review of physicians or other health care
27 professionals for a hospital, or other institution
28 providing medical care, that is operated by the public
29 body.

30 (18) Deliberations for decisions of the Prisoner
31 Review Board.

32 (19) Review or discussion of applications received
33 under the Experimental Organ Transplantation Procedures
34 Act.

1 (20) The classification and discussion of matters
2 classified as confidential or continued confidential by
3 the State Employees Suggestion Award Board.

4 (21) Discussion of minutes of meetings lawfully
5 closed under this Act, whether for purposes of approval
6 by the body of the minutes or semi-annual review of the
7 minutes as mandated by Section 2.06.

8 (22) Deliberations for decisions of the State
9 Emergency Medical Services Disciplinary Review Board.

10 (23) The operation by a municipality of a municipal
11 utility or the operation of a municipal power agency or
12 municipal natural gas agency when the discussion involves
13 (i) contracts relating to the purchase, sale, or delivery
14 of electricity or natural gas or (ii) the results or
15 conclusions of load forecast studies.

16 (24) Meetings of a residential health care facility
17 resident sexual assault and death review team or the
18 Residential Health Care Facility Resident Sexual Assault
19 and Death Review Teams Executive Council under the
20 Residential Health Care Facility Resident Sexual Assault
21 and Death Review Team Act.

22 (d) Definitions. For purposes of this Section:

23 "Employee" means a person employed by a public body whose
24 relationship with the public body constitutes an
25 employer-employee relationship under the usual common law
26 rules, and who is not an independent contractor.

27 "Public office" means a position created by or under the
28 Constitution or laws of this State, the occupant of which is
29 charged with the exercise of some portion of the sovereign
30 power of this State. The term "public office" shall include
31 members of the public body, but it shall not include
32 organizational positions filled by members thereof, whether
33 established by law or by a public body itself, that exist to
34 assist the body in the conduct of its business.

1 "Quasi-adjudicative body" means an administrative body
2 charged by law or ordinance with the responsibility to
3 conduct hearings, receive evidence or testimony and make
4 determinations based thereon, but does not include local
5 electoral boards when such bodies are considering petition
6 challenges.

7 (e) Final action. No final action may be taken at a
8 closed meeting. Final action shall be preceded by a public
9 recital of the nature of the matter being considered and
10 other information that will inform the public of the business
11 being conducted.

12 (Source: P.A. 90-144, eff. 7-23-97; 91-730, eff. 1-1-01.)

13 Section 93. The Freedom of Information Act is amended by
14 changing Section 7 as follows:

15 (5 ILCS 140/7) (from Ch. 116, par. 207)

16 Sec. 7. Exemptions.

17 (1) The following shall be exempt from inspection and
18 copying:

19 (a) Information specifically prohibited from
20 disclosure by federal or State law or rules and
21 regulations adopted under federal or State law.

22 (b) Information that, if disclosed, would
23 constitute a clearly unwarranted invasion of personal
24 privacy, unless the disclosure is consented to in writing
25 by the individual subjects of the information. The
26 disclosure of information that bears on the public duties
27 of public employees and officials shall not be considered
28 an invasion of personal privacy. Information exempted
29 under this subsection (b) shall include but is not
30 limited to:

31 (i) files and personal information maintained
32 with respect to clients, patients, residents,

1 students or other individuals receiving social,
2 medical, educational, vocational, financial,
3 supervisory or custodial care or services directly
4 or indirectly from federal agencies or public
5 bodies;

6 (ii) personnel files and personal information
7 maintained with respect to employees, appointees or
8 elected officials of any public body or applicants
9 for those positions;

10 (iii) files and personal information
11 maintained with respect to any applicant, registrant
12 or licensee by any public body cooperating with or
13 engaged in professional or occupational
14 registration, licensure or discipline;

15 (iv) information required of any taxpayer in
16 connection with the assessment or collection of any
17 tax unless disclosure is otherwise required by State
18 statute; and

19 (v) information revealing the identity of
20 persons who file complaints with or provide
21 information to administrative, investigative, law
22 enforcement or penal agencies; provided, however,
23 that identification of witnesses to traffic
24 accidents, traffic accident reports, and rescue
25 reports may be provided by agencies of local
26 government, except in a case for which a criminal
27 investigation is ongoing, without constituting a
28 clearly unwarranted per se invasion of personal
29 privacy under this subsection.

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

1 (i) interfere with pending or actually and
2 reasonably contemplated law enforcement proceedings
3 conducted by any law enforcement or correctional
4 agency;

5 (ii) interfere with pending administrative
6 enforcement proceedings conducted by any public
7 body;

8 (iii) deprive a person of a fair trial or an
9 impartial hearing;

10 (iv) unavoidably disclose the identity of a
11 confidential source or confidential information
12 furnished only by the confidential source;

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

19 (vi) constitute an invasion of personal
20 privacy under subsection (b) of this Section;

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

23 (viii) obstruct an ongoing criminal
24 investigation.

25 (d) Criminal history record information maintained
26 by State or local criminal justice agencies, except the
27 following which shall be open for public inspection and
28 copying:

29 (i) chronologically maintained arrest
30 information, such as traditional arrest logs or
31 blotters;

32 (ii) the name of a person in the custody of a
33 law enforcement agency and the charges for which
34 that person is being held;

- 1 (iii) court records that are public;
- 2 (iv) records that are otherwise available
- 3 under State or local law; or
- 4 (v) records in which the requesting party is
- 5 the individual identified, except as provided under
- 6 part (vii) of paragraph (c) of subsection (1) of
- 7 this Section.

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

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

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

33 (g) Trade secrets and commercial or financial
34 information obtained from a person or business where the

1 trade secrets or information are proprietary, privileged
2 or confidential, or where disclosure of the trade secrets
3 or information may cause competitive harm, including all
4 information determined to be confidential under Section
5 4002 of the Technology Advancement and Development Act.
6 Nothing contained in this paragraph (g) shall be
7 construed to prevent a person or business from consenting
8 to disclosure.

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

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

21 (j) Test questions, scoring keys and other
22 examination data used to administer an academic
23 examination or determined the qualifications of an
24 applicant for a license or employment.

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

30 (l) Library circulation and order records
31 identifying library users with specific materials.

32 (m) Minutes of meetings of public bodies closed to
33 the public as provided in the Open Meetings Act until the
34 public body makes the minutes available to the public

1 under Section 2.06 of the Open Meetings Act.

2 (n) 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 (o) Information received by a primary or secondary
11 school, college or university under its procedures for
12 the evaluation of faculty members by their academic
13 peers.

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

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

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

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

12 (t) Any and all proprietary information and records
13 related to the operation of an intergovernmental risk
14 management association or self-insurance pool or jointly
15 self-administered health and accident cooperative or
16 pool.

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

24 (v) Course materials or research materials used by
25 faculty members.

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

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

34 (y) Information the disclosure of which is

1 restricted under Section 5-108 of the Public Utilities
2 Act.

3 (z) Manuals or instruction to staff that relate to
4 establishment or collection of liability for any State
5 tax or that relate to investigations by a public body to
6 determine violation of any criminal law.

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

13 (bb) Insurance or self insurance (including any
14 intergovernmental risk management association or self
15 insurance pool) claims, loss or risk management
16 information, records, data, advice or communications.

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

23 (dd) Information the disclosure of which is
24 exempted under Section 30 of the Radon Industry Licensing
25 Act.

26 (ee) Firm performance evaluations under Section 55
27 of the Architectural, Engineering, and Land Surveying
28 Qualifications Based Selection Act.

29 (ff) Security portions of system safety program
30 plans, investigation reports, surveys, schedules, lists,
31 data, or information compiled, collected, or prepared by
32 or for the Regional Transportation Authority under
33 Section 2.11 of the Regional Transportation Authority Act
34 or the St. Clair County Transit District under the

1 Bi-State Transit Safety Act.

2 (gg) Information the disclosure of which is
3 restricted and exempted under Section 50 of the Illinois
4 Prepaid Tuition Act.

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

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

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

18 (kk) Information and data concerning the
19 distribution of surcharge moneys collected and remitted
20 by wireless carriers under the Wireless Emergency
21 Telephone Safety Act.

22 (ll) Records and information provided to a
23 residential health care facility resident sexual assault
24 and death review team or the Residential Health Care
25 Facility Resident Sexual Assault and Death Review Teams
26 Executive Council under the Residential Health Care
27 Facility Resident Sexual Assault and Death Review Team
28 Act.

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

33 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
34 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.

1 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
2 eff. 7-11-02.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.