

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
28 General.

29 (6) Psychologist or psychiatrist.

30 (7) Representative of a local health department.

31 (8) Representative of a social service or health
32 care agency that provides services to persons with mental
33 illness, in a program whose accreditation to provide such

1 services is recognized by the Office of Mental Health
2 within the Department of Human Services.

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

9 (10) Coroner or forensic pathologist.

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

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

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

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

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

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

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

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

33 (b) Every death of a nursing home resident shall be

1 reviewed by the review team for the region that has primary
2 case management responsibility, if the deceased resident is
3 one of the following:

4 (1) A person whose care the Department found
5 violated federal or State standards in the 6 months
6 preceding the resident's death.

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

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

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

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

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

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

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

32 (c) A review team must review a sexual assault or death
33 as soon as practicable and not later than 90 days following
34 the completion by the Department of the investigation of the

1 assault or death under the Nursing Home Care Act. When there
2 has been no investigation by the Department, the review team
3 must review a sexual assault or death within 90 days after
4 obtaining the information necessary to complete the review
5 from the coroner, pathologist, medical examiner, or law
6 enforcement agency, depending on the nature of the case. A
7 review team must meet at least once in each calendar quarter.

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

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

20 Section 25. Review team access to information.

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

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

1 investigations, records of the Department of Corrections
2 concerning a person's parole, records of a probation and
3 court services department, and records of a social services
4 agency that provided services to the resident.

5 Section 30. Public access to information.

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

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

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

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

1 Section 35. Indemnification. The State shall indemnify
 2 and hold harmless members of a review team and the Executive
 3 Council for all their acts, omissions, decisions, or other
 4 conduct arising out of the scope of their service on the
 5 review team or Executive Council, except those involving
 6 willful or wanton misconduct. The method of providing
 7 indemnification shall be as provided in the State Employee
 8 Indemnification Act.

9 Section 40. Executive Council.

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

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

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

32 (1) To serve as the voice of review teams in
 33 Illinois.

1 (2) To consult with the Director concerning the
2 appointment, reappointment, and removal of review team
3 members.

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

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

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

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

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

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

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

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

34 (11) To perform any other functions necessary to

1 enhance the capability of the review teams to reduce and
2 prevent sexual assaults and unnecessary deaths of nursing
3 home residents.

4 Section 85. Repeal. This Act is repealed on July 1,
5 2006.

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

8 (5 ILCS 120/2) (from Ch. 102, par. 42)

9 Sec. 2. Open meetings.

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

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

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

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

28 (2) Collective negotiating matters between the
29 public body and its employees or their representatives,
30 or deliberations concerning salary schedules for one or
31 more classes of employees.

1 (3) The selection of a person to fill a public
2 office, as defined in this Act, including a vacancy in a
3 public office, when the public body is given power to
4 appoint under law or ordinance, or the discipline,
5 performance or removal of the occupant of a public
6 office, when the public body is given power to remove the
7 occupant under law or ordinance.

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

14 (5) The purchase or lease of real property for the
15 use of the public body, including meetings held for the
16 purpose of discussing whether a particular parcel should
17 be acquired.

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

20 (7) The sale or purchase of securities,
21 investments, or investment contracts.

22 (8) Security procedures and the use of personnel
23 and equipment to respond to an actual, a threatened, or a
24 reasonably potential danger to the safety of employees,
25 students, staff or public property.

26 (9) Student disciplinary cases.

27 (10) The placement of individual students in
28 special education programs and other matters relating to
29 individual students.

30 (11) Litigation, when an action against, affecting
31 or on behalf of the particular public body has been filed
32 and is pending before a court or administrative tribunal,
33 or when the public body finds that an action is probable
34 or imminent, in which case the basis for the finding

1 shall be recorded and entered into the minutes of the
2 closed meeting.

3 (12) The establishment of reserves or settlement of
4 claims as provided in the Local Governmental and
5 Governmental Employees Tort Immunity Act, if otherwise
6 the disposition of a claim or potential claim might be
7 prejudiced, or the review or discussion of claims, loss
8 or risk management information, records, data, advice or
9 communications from or with respect to any insurer of the
10 public body or any intergovernmental risk management
11 association or self insurance pool of which the public
12 body is a member.

13 (13) Conciliation of complaints of discrimination
14 in the sale or rental of housing, when closed meetings
15 are authorized by the law or ordinance prescribing fair
16 housing practices and creating a commission or
17 administrative agency for their enforcement.

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

22 (15) Professional ethics or performance when
23 considered by an advisory body appointed to advise a
24 licensing or regulatory agency on matters germane to the
25 advisory body's field of competence.

26 (16) Self evaluation, practices and procedures or
27 professional ethics, when meeting with a representative
28 of a statewide association of which the public body is a
29 member.

30 (17) The recruitment, credentialing, discipline or
31 formal peer review of physicians or other health care
32 professionals for a hospital, or other institution
33 providing medical care, that is operated by the public
34 body.

1 (18) Deliberations for decisions of the Prisoner
2 Review Board.

3 (19) Review or discussion of applications received
4 under the Experimental Organ Transplantation Procedures
5 Act.

6 (20) The classification and discussion of matters
7 classified as confidential or continued confidential by
8 the State Employees Suggestion Award Board.

9 (21) Discussion of minutes of meetings lawfully
10 closed under this Act, whether for purposes of approval
11 by the body of the minutes or semi-annual review of the
12 minutes as mandated by Section 2.06.

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

15 (23) The operation by a municipality of a municipal
16 utility or the operation of a municipal power agency or
17 municipal natural gas agency when the discussion involves
18 (i) contracts relating to the purchase, sale, or delivery
19 of electricity or natural gas or (ii) the results or
20 conclusions of load forecast studies.

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

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

28 "Employee" means a person employed by a public body whose
29 relationship with the public body constitutes an
30 employer-employee relationship under the usual common law
31 rules, and who is not an independent contractor.

32 "Public office" means a position created by or under the
33 Constitution or laws of this State, the occupant of which is
34 charged with the exercise of some portion of the sovereign

1 power of this State. The term "public office" shall include
2 members of the public body, but it shall not include
3 organizational positions filled by members thereof, whether
4 established by law or by a public body itself, that exist to
5 assist the body in the conduct of its business.

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

12 (e) Final action. No final action may be taken at a
13 closed meeting. Final action shall be preceded by a public
14 recital of the nature of the matter being considered and
15 other information that will inform the public of the business
16 being conducted.

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

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

20 (5 ILCS 140/7) (from Ch. 116, par. 207)

21 Sec. 7. Exemptions.

22 (1) The following shall be exempt from inspection and
23 copying:

24 (a) Information specifically prohibited from
25 disclosure by federal or State law or rules and
26 regulations adopted under federal or State law.

27 (b) Information that, if disclosed, would
28 constitute a clearly unwarranted invasion of personal
29 privacy, unless the disclosure is consented to in writing
30 by the individual subjects of the information. The
31 disclosure of information that bears on the public duties
32 of public employees and officials shall not be considered

1 an invasion of personal privacy. Information exempted
2 under this subsection (b) shall include but is not
3 limited to:

4 (i) files and personal information maintained
5 with respect to clients, patients, residents,
6 students or other individuals receiving social,
7 medical, educational, vocational, financial,
8 supervisory or custodial care or services directly
9 or indirectly from federal agencies or public
10 bodies;

11 (ii) personnel files and personal information
12 maintained with respect to employees, appointees or
13 elected officials of any public body or applicants
14 for those positions;

15 (iii) files and personal information
16 maintained with respect to any applicant, registrant
17 or licensee by any public body cooperating with or
18 engaged in professional or occupational
19 registration, licensure or discipline;

20 (iv) information required of any taxpayer in
21 connection with the assessment or collection of any
22 tax unless disclosure is otherwise required by State
23 statute; and

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

1 (c) Records compiled by any public body for
2 administrative enforcement proceedings and any law
3 enforcement or correctional agency for law enforcement
4 purposes or for internal matters of a public body, but
5 only to the extent that disclosure would:

6 (i) interfere with pending or actually and
7 reasonably contemplated law enforcement proceedings
8 conducted by any law enforcement or correctional
9 agency;

10 (ii) interfere with pending administrative
11 enforcement proceedings conducted by any public
12 body;

13 (iii) deprive a person of a fair trial or an
14 impartial hearing;

15 (iv) unavoidably disclose the identity of a
16 confidential source or confidential information
17 furnished only by the confidential source;

18 (v) disclose unique or specialized
19 investigative techniques other than those generally
20 used and known or disclose internal documents of
21 correctional agencies related to detection,
22 observation or investigation of incidents of crime
23 or misconduct;

24 (vi) constitute an invasion of personal
25 privacy under subsection (b) of this Section;

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

28 (viii) obstruct an ongoing criminal
29 investigation.

30 (d) Criminal history record information maintained
31 by State or local criminal justice agencies, except the
32 following which shall be open for public inspection and
33 copying:

34 (i) chronologically maintained arrest

1 information, such as traditional arrest logs or
2 blotters;

3 (ii) the name of a person in the custody of a
4 law enforcement agency and the charges for which
5 that person is being held;

6 (iii) court records that are public;

7 (iv) records that are otherwise available
8 under State or local law; or

9 (v) records in which the requesting party is
10 the individual identified, except as provided under
11 part (vii) of paragraph (c) of subsection (1) of
12 this Section.

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

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

29 (f) Preliminary drafts, notes, recommendations,
30 memoranda and other records in which opinions are
31 expressed, or policies or actions are formulated, except
32 that a specific record or relevant portion of a record
33 shall not be exempt when the record is publicly cited and
34 identified by the head of the public body. The exemption

1 provided in this paragraph (f) extends to all those
2 records of officers and agencies of the General Assembly
3 that pertain to the preparation of legislative documents.

4 (g) Trade secrets and commercial or financial
5 information obtained from a person or business where the
6 trade secrets or information are proprietary, privileged
7 or confidential, or where disclosure of the trade secrets
8 or information may cause competitive harm, including all
9 information determined to be confidential under Section
10 4002 of the Technology Advancement and Development Act.
11 Nothing contained in this paragraph (g) shall be
12 construed to prevent a person or business from consenting
13 to disclosure.

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

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

26 (j) Test questions, scoring keys and other
27 examination data used to administer an academic
28 examination or determined the qualifications of an
29 applicant for a license or employment.

30 (k) Architects' plans and engineers' technical
31 submissions for projects not constructed or developed in
32 whole or in part with public funds and for projects
33 constructed or developed with public funds, to the extent
34 that disclosure would compromise security.

1 (1) Library circulation and order records
2 identifying library users with specific materials.

3 (m) Minutes of meetings of public bodies closed to
4 the public as provided in the Open Meetings Act until the
5 public body makes the minutes available to the public
6 under Section 2.06 of the Open Meetings Act.

7 (n) Communications between a public body and an
8 attorney or auditor representing the public body that
9 would not be subject to discovery in litigation, and
10 materials prepared or compiled by or for a public body in
11 anticipation of a criminal, civil or administrative
12 proceeding upon the request of an attorney advising the
13 public body, and materials prepared or compiled with
14 respect to internal audits of public bodies.

15 (o) Information received by a primary or secondary
16 school, college or university under its procedures for
17 the evaluation of faculty members by their academic
18 peers.

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

29 (q) Documents or materials relating to collective
30 negotiating matters between public bodies and their
31 employees or representatives, except that any final
32 contract or agreement shall be subject to inspection and
33 copying.

34 (r) Drafts, notes, recommendations and memoranda

1 pertaining to the financing and marketing transactions of
2 the public body. The records of ownership, registration,
3 transfer, and exchange of municipal debt obligations, and
4 of persons to whom payment with respect to these
5 obligations is made.

6 (s) 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 Article VII of the Code of Civil Procedure,
12 records, documents and information relating to that
13 parcel shall be exempt except as may be allowed under
14 discovery rules adopted by the Illinois Supreme Court.
15 The records, documents and information relating to a real
16 estate sale shall be exempt until a sale is consummated.

17 (t) 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
21 pool.

22 (u) Information concerning a university's
23 adjudication of student or employee grievance or
24 disciplinary cases, to the extent that disclosure would
25 reveal the identity of the student or employee and
26 information concerning any public body's adjudication of
27 student or employee grievances or disciplinary cases,
28 except for the final outcome of the cases.

29 (v) Course materials or research materials used by
30 faculty members.

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

33 (x) Information contained in or related to
34 examination, operating, or condition reports prepared by,

1 on behalf of, or for the use of a public body responsible
2 for the regulation or supervision of financial
3 institutions or insurance companies, unless disclosure is
4 otherwise required by State law.

5 (y) Information the disclosure of which is
6 restricted under Section 5-108 of the Public Utilities
7 Act.

8 (z) Manuals or instruction to staff that relate to
9 establishment or collection of liability for any State
10 tax or that relate to investigations by a public body to
11 determine violation of any criminal law.

12 (aa) Applications, related documents, and medical
13 records received by the Experimental Organ
14 Transplantation Procedures Board and any and all
15 documents or other records prepared by the Experimental
16 Organ Transplantation Procedures Board or its staff
17 relating to applications it has received.

18 (bb) Insurance or self insurance (including any
19 intergovernmental risk management association or self
20 insurance pool) claims, loss or risk management
21 information, records, data, advice or communications.

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

28 (dd) Information the disclosure of which is
29 exempted under Section 30 of the Radon Industry Licensing
30 Act.

31 (ee) Firm performance evaluations under Section 55
32 of the Architectural, Engineering, and Land Surveying
33 Qualifications Based Selection Act.

34 (ff) Security portions of system safety program

1 plans, investigation reports, surveys, schedules, lists,
 2 data, or information compiled, collected, or prepared by
 3 or for the Regional Transportation Authority under
 4 Section 2.11 of the Regional Transportation Authority Act
 5 or the St. Clair County Transit District under the
 6 Bi-State Transit Safety Act.

7 (gg) Information the disclosure of which is
 8 restricted and exempted under Section 50 of the Illinois
 9 Prepaid Tuition Act.

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

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

18 (jj) Information contained in a local emergency
 19 energy plan submitted to a municipality in accordance
 20 with a local emergency energy plan ordinance that is
 21 adopted under Section 11-21.5-5 of the Illinois Municipal
 22 Code.

23 (kk) Information and data concerning the
 24 distribution of surcharge moneys collected and remitted
 25 by wireless carriers under the Wireless Emergency
 26 Telephone Safety Act.

27 (ll) Records and information provided to a
 28 residential health care facility resident sexual assault
 29 and death review team or the Residential Health Care
 30 Facility Resident Sexual Assault and Death Review Teams
 31 Executive Council under the Residential Health Care
 32 Facility Resident Sexual Assault and Death Review Team
 33 Act.

34 (2) This Section does not authorize withholding of

1 information or limit the availability of records to the
2 public, except as stated in this Section or otherwise
3 provided in this Act.

4 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
5 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
6 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
7 eff. 7-11-02.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.