



Adopted in House Comm. on Mar 09, 2005

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LRB094 06275 JAM 43286 a

1 AMENDMENT TO HOUSE BILL 483

2 AMENDMENT NO. _____. Amend House Bill 483 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Sections 2 and 7 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means any legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees which are supported in whole or in part by tax
16 revenue, or which expend tax revenue, and a School Finance
17 Authority created under Article 1E of the School Code. "Public
18 body" does not include a child death review team or the
19 Illinois Child Death Review Teams Executive Council
20 established under the Child Death Review Team Act.

21 (b) "Person" means any individual, corporation,
22 partnership, firm, organization or association, acting
23 individually or as a group.

24 (c) "Public records" means all records, reports, forms,

1 writings, letters, memoranda, books, papers, maps,
2 photographs, microfilms, cards, tapes, recordings, electronic
3 data processing records, recorded information and all other
4 documentary materials, regardless of physical form or
5 characteristics, having been prepared, or having been or being
6 used, received, possessed or under the control of any public
7 body. "Public records" includes, but is expressly not limited
8 to: (i) administrative manuals, procedural rules, and
9 instructions to staff, unless exempted by Section 7(p) of this
10 Act; (ii) final opinions and orders made in the adjudication of
11 cases, except an educational institution's adjudication of
12 student or employee grievance or disciplinary cases; (iii)
13 substantive rules; (iv) statements and interpretations of
14 policy which have been adopted by a public body; (v) final
15 planning policies, recommendations, and decisions; (vi)
16 factual reports, inspection reports, and studies whether
17 prepared by or for the public body; (vii) all information in
18 any account, voucher, or contract dealing with the receipt or
19 expenditure of public or other funds of public bodies; (viii)
20 the names, salaries, titles, and dates of employment of all
21 employees and officers of public bodies; (ix) materials
22 containing opinions concerning the rights of the state, the
23 public, a subdivision of state or a local government, or of any
24 private persons; (x) the name of every official and the final
25 records of voting in all proceedings of public bodies; (xi)
26 applications for any contract, permit, grant, or agreement
27 except as exempted from disclosure by subsection (g) of Section
28 7 of this Act; (xii) each report, document, study, or
29 publication prepared by independent consultants or other
30 independent contractors for the public body; (xiii) all other
31 information required by law to be made available for public
32 inspection or copying; (xiv) information relating to any grant
33 or contract made by or between a public body and another public
34 body or private organization; (xv) waiver documents filed with

1 the State Superintendent of Education or the president of the
2 University of Illinois under Section 30-12.5 of the School
3 Code, concerning nominees for General Assembly scholarships
4 under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)
5 complaints, results of complaints, and Department of Children
6 and Family Services staff findings of licensing violations at
7 day care facilities, provided that personal and identifying
8 information is not released; ~~and~~ (xvii) records, reports,
9 forms, writings, letters, memoranda, books, papers, and other
10 documentary information, regardless of physical form or
11 characteristics, having been prepared, or having been or being
12 used, received, possessed, or under the control of the Illinois
13 Sports Facilities Authority dealing with the receipt or
14 expenditure of public funds or other funds of the Authority in
15 connection with the reconstruction, renovation, remodeling,
16 extension, or improvement of all or substantially all of an
17 existing "facility" as that term is defined in the Illinois
18 Sports Facilities Authority Act; and (xviii) settlement
19 agreements entered into by or on behalf of a public body.

20 (d) "Copying" means the reproduction of any public record
21 by means of any photographic, electronic, mechanical or other
22 process, device or means.

23 (e) "Head of the public body" means the president, mayor,
24 chairman, presiding officer, director, superintendent,
25 manager, supervisor or individual otherwise holding primary
26 executive and administrative authority for the public body, or
27 such person's duly authorized designee.

28 (f) "News media" means a newspaper or other periodical
29 issued at regular intervals whether in print or electronic
30 format, a news service whether in print or electronic format, a
31 radio station, a television station, a television network, a
32 community antenna television service, or a person or
33 corporation engaged in making news reels or other motion
34 picture news for public showing.

1 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
2 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
3 7-11-02.)

4 (5 ILCS 140/7) (from Ch. 116, par. 207)
5 Sec. 7. Exemptions.

6 (1) The following shall be exempt from inspection and
7 copying:

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

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

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

25 (ii) personnel files and personal information
26 maintained with respect to employees, appointees or
27 elected officials of any public body or applicants for
28 those positions;

29 (iii) files and personal information maintained
30 with respect to any applicant, registrant or licensee
31 by any public body cooperating with or engaged in
32 professional or occupational registration, licensure
33 or discipline;

1 (iv) information required of any taxpayer in
2 connection with the assessment or collection of any tax
3 unless disclosure is otherwise required by State
4 statute;

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

15 (vi) the names, addresses, or other personal
16 information of participants and registrants in park
17 district, forest preserve district, and conservation
18 district programs.

19 (c) Records compiled by any public body for
20 administrative enforcement proceedings and any law
21 enforcement or correctional agency for law enforcement
22 purposes or for internal matters of a public body, but only
23 to the extent that disclosure would:

24 (i) interfere with pending or actually and
25 reasonably contemplated law enforcement proceedings
26 conducted by any law enforcement or correctional
27 agency;

28 (ii) interfere with pending administrative
29 enforcement proceedings conducted by any public body;

30 (iii) deprive a person of a fair trial or an
31 impartial hearing;

32 (iv) unavoidably disclose the identity of a
33 confidential source or confidential information
34 furnished only by the confidential source;

1 (v) disclose unique or specialized investigative
2 techniques other than those generally used and known or
3 disclose internal documents of correctional agencies
4 related to detection, observation or investigation of
5 incidents of crime or misconduct;

6 (vi) constitute an invasion of personal privacy
7 under subsection (b) of this Section;

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

10 (viii) obstruct an ongoing criminal investigation.

11 (d) Criminal history record information maintained by
12 State or local criminal justice agencies, except the
13 following which shall be open for public inspection and
14 copying:

15 (i) chronologically maintained arrest information,
16 such as traditional arrest logs or blotters;

17 (ii) the name of a person in the custody of a law
18 enforcement agency and the charges for which that
19 person is being held;

20 (iii) court records that are public;

21 (iv) records that are otherwise available under
22 State or local law; or

23 (v) records in which the requesting party is the
24 individual identified, except as provided under part
25 (vii) of paragraph (c) of subsection (1) of this
26 Section.

27 "Criminal history record information" means data
28 identifiable to an individual and consisting of
29 descriptions or notations of arrests, detentions,
30 indictments, informations, pre-trial proceedings, trials,
31 or other formal events in the criminal justice system or
32 descriptions or notations of criminal charges (including
33 criminal violations of local municipal ordinances) and the
34 nature of any disposition arising therefrom, including

1 sentencing, court or correctional supervision,
2 rehabilitation and release. The term does not apply to
3 statistical records and reports in which individuals are
4 not identified and from which their identities are not
5 ascertainable, or to information that is for criminal
6 investigative or intelligence purposes.

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

9 (f) Preliminary drafts, notes, recommendations,
10 memoranda and other records in which opinions are
11 expressed, or policies or actions are formulated, except
12 that a specific record or relevant portion of a record
13 shall not be exempt when the record is publicly cited and
14 identified by the head of the public body. The exemption
15 provided in this paragraph (f) extends to all those records
16 of officers and agencies of the General Assembly that
17 pertain to the preparation of legislative documents.

18 (g) Trade secrets and commercial or financial
19 information obtained from a person or business where the
20 trade secrets or information are proprietary, privileged
21 or confidential, and if such ~~or where~~ disclosure of the
22 trade secrets or information may cause competitive harm,
23 including all information determined to be confidential
24 under Section 4002 of the Technology Advancement and
25 Development Act. Nothing contained in this paragraph (g)
26 shall be construed to prevent a person or business from
27 consenting to disclosure.

28 (h) Proposals and bids for any contract, grant, or
29 agreement, including information which if it were
30 disclosed would frustrate procurement or give an advantage
31 to any person proposing to enter into a contractor
32 agreement with the body, until an award or final selection
33 is made. Information prepared by or for the body in
34 preparation of a bid solicitation shall be exempt until an

1 award or final selection is made.

2 (i) Valuable formulae, computer geographic systems,
3 designs, drawings and research data obtained or produced by
4 any public body when disclosure could reasonably be
5 expected to produce private gain or public loss. The
6 exemption for "computer geographic systems" provided in
7 this paragraph (i) does not extend to requests made by news
8 media as defined in Section 2 of this Act when the
9 requested information is not otherwise exempt and the only
10 purpose of the request is to access and disseminate
11 information regarding the health, safety, welfare, or
12 legal rights of the general public.

13 (j) Test questions, scoring keys and other examination
14 data used to administer an academic examination or
15 determined the qualifications of an applicant for a license
16 or employment.

17 (k) Architects' plans, engineers' technical
18 submissions, and other construction related technical
19 documents for projects not constructed or developed in
20 whole or in part with public funds and the same for
21 projects constructed or developed with public funds, but
22 only to the extent that disclosure would compromise
23 security, including but not limited to water treatment
24 facilities, airport facilities, sport stadiums, convention
25 centers, and all government owned, operated, or occupied
26 buildings.

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

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

33 (n) Communications between a public body and an
34 attorney or auditor representing the public body that would

1 not be subject to discovery in litigation, and materials
2 prepared or compiled by or for a public body in
3 anticipation of a criminal, civil or administrative
4 proceeding upon the request of an attorney advising the
5 public body, and materials prepared or compiled with
6 respect to internal audits of public bodies.

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

10 (p) Administrative or technical information associated
11 with automated data processing operations, including but
12 not limited to software, operating protocols, computer
13 program abstracts, file layouts, source listings, object
14 modules, load modules, user guides, documentation
15 pertaining to all logical and physical design of
16 computerized systems, employee manuals, and any other
17 information that, if disclosed, would jeopardize the
18 security of the system or its data or the security of
19 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 to
32 real estate purchase negotiations until those negotiations
33 have been completed or otherwise terminated. With regard to
34 a parcel involved in a pending or actually and reasonably

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

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

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

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

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

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

31 (z) Manuals or instruction to staff that relate to
32 establishment or collection of liability for any State tax
33 or that relate to investigations by a public body to
34 determine violation of any criminal law.

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

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

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

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

19 (ee) Firm performance evaluations under Section 55 of
20 the Architectural, Engineering, and Land Surveying
21 Qualifications Based Selection Act.

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

29 (gg) Information the disclosure of which is restricted
30 and exempted under Section 50 of the Illinois Prepaid
31 Tuition Act.

32 (hh) Information the disclosure of which is exempted
33 under the State Officials and Employees Ethics Act.

34 (ii) Beginning July 1, 1999, information that would

1 disclose or might lead to the disclosure of secret or
2 confidential information, codes, algorithms, programs, or
3 private keys intended to be used to create electronic or
4 digital signatures under the Electronic Commerce Security
5 Act.

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

10 (kk) Information and data concerning the distribution
11 of surcharge moneys collected and remitted by wireless
12 carriers under the Wireless Emergency Telephone Safety
13 Act.

14 (ll) Vulnerability assessments, security measures, and
15 response policies or plans that are designed to identify,
16 prevent, or respond to potential attacks upon a community's
17 population or systems, facilities, or installations, the
18 destruction or contamination of which would constitute a
19 clear and present danger to the health or safety of the
20 community, but only to the extent that disclosure could
21 reasonably be expected to jeopardize the effectiveness of
22 the measures or the safety of the personnel who implement
23 them or the public. Information exempt under this item may
24 include such things as details pertaining to the
25 mobilization or deployment of personnel or equipment, to
26 the operation of communication systems or protocols, or to
27 tactical operations.

28 (mm) Maps and other records regarding the location or
29 security of a utility's generation, transmission,
30 distribution, storage, gathering, treatment, or switching
31 facilities.

32 (nn) Law enforcement officer identification
33 information or driver identification information compiled
34 by a law enforcement agency or the Department of

1 Transportation under Section 11-212 of the Illinois
2 Vehicle Code.

3 (oo) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Residential Health Care Facility
6 Resident Sexual Assault and Death Review Teams Executive
7 Council under the Residential Health Care Facility
8 Resident Sexual Assault and Death Review Team Act.

9 (pp) Social security numbers, tax identification
10 numbers, and personal identification information contained
11 in any settlement agreement entered into by or on behalf of
12 a public body; provided that the identities of the parties
13 to the settlement agreement shall remain public.

14 (2) This Section does not authorize withholding of
15 information or limit the availability of records to the public,
16 except as stated in this Section or otherwise provided in this
17 Act.

18 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,
19 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,
20 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;
21 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.
22 8-21-03; 93-617, eff. 12-9-03.)".