



Rep. Kevin Joyce

Filed: 3/15/2005

09400HB0483ham002

LRB094 06275 JAM 43790 a

1 AMENDMENT TO HOUSE BILL 483

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

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

7 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

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

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

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

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

23 (d) "Copying" means the reproduction of any public record
24 by means of any photographic, electronic, mechanical or other
25 process, device or means.

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

31 (f) "News media" means a newspaper or other periodical
32 issued at regular intervals whether in print or electronic
33 format, a news service whether in print or electronic format, a
34 radio station, a television station, a television network, a

1 community antenna television service, or a person or
2 corporation engaged in making news reels or other motion
3 picture news for public showing.

4 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
5 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
6 7-11-02.)

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

8 Sec. 7. Exemptions.

9 (1) The following shall be exempt from inspection and
10 copying:

11 (a) Information specifically prohibited from
12 disclosure by federal or State law or rules and regulations
13 adopted under federal or State law.

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

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

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

32 (iii) files and personal information maintained
33 with respect to any applicant, registrant or licensee

1 by any public body cooperating with or engaged in
2 professional or occupational registration, licensure
3 or discipline;

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

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

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

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

27 (i) interfere with pending or actually and
28 reasonably contemplated law enforcement proceedings
29 conducted by any law enforcement or correctional
30 agency;

31 (ii) interfere with pending administrative
32 enforcement proceedings conducted by any public body;

33 (iii) deprive a person of a fair trial or an
34 impartial hearing;

1 (iv) unavoidably disclose the identity of a
2 confidential source or confidential information
3 furnished only by the confidential source;

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

9 (vi) constitute an invasion of personal privacy
10 under subsection (b) of this Section;

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

13 (viii) obstruct an ongoing criminal investigation.

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

18 (i) chronologically maintained arrest information,
19 such as traditional arrest logs or blotters;

20 (ii) the name of a person in the custody of a law
21 enforcement agency and the charges for which that
22 person is being held;

23 (iii) court records that are public;

24 (iv) records that are otherwise available under
25 State or local law; or

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

30 "Criminal history record information" means data
31 identifiable to an individual and consisting of
32 descriptions or notations of arrests, detentions,
33 indictments, informations, pre-trial proceedings, trials,
34 or other formal events in the criminal justice system or

1 descriptions or notations of criminal charges (including
2 criminal violations of local municipal ordinances) and the
3 nature of any disposition arising therefrom, including
4 sentencing, court or correctional supervision,
5 rehabilitation and release. The term does not apply to
6 statistical records and reports in which individuals are
7 not identified and from which their identities are not
8 ascertainable, or to information that is for criminal
9 investigative or intelligence purposes.

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

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

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

31 (h) Proposals and bids for any contract, grant, or
32 agreement, including information which if it were
33 disclosed would frustrate procurement or give an advantage
34 to any person proposing to enter into a contractor

1 agreement with the body, until an award or final selection
2 is made. Information prepared by or for the body in
3 preparation of a bid solicitation shall be exempt until an
4 award or final selection is made.

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

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

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

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

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

1 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 would
4 not be subject to discovery in litigation, and materials
5 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 the
12 evaluation of faculty members by their academic peers.

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

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

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

34 (s) The records, documents and information relating to

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

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

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

22 (v) Course materials or research materials used by
23 faculty members.

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

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

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

34 (z) Manuals or instruction to staff that relate to

1 establishment or collection of liability for any State tax
2 or that relate to investigations by a public body to
3 determine violation of any criminal law.

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

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

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

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

22 (ee) Firm performance evaluations under Section 55 of
23 the Architectural, Engineering, and Land Surveying
24 Qualifications Based Selection Act.

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

32 (gg) Information the disclosure of which is restricted
33 and exempted under Section 50 of the Illinois Prepaid
34 Tuition Act.

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

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

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

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

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

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

1 (nn) Law enforcement officer identification
2 information or driver identification information compiled
3 by a law enforcement agency or the Department of
4 Transportation under Section 11-212 of the Illinois
5 Vehicle Code.

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

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

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