



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0544**

Introduced 2/17/2005, by Sen. Kirk W. Dillard

**SYNOPSIS AS INTRODUCED:**

5 ILCS 140/7

from Ch. 116, par. 207

Amends the Freedom of Information Act. Exempts from disclosure names, addresses, and other personal information of a public body's licensees, registrants, permittees, and utility customers, except when requested by news media. Effective immediately.

LRB094 09321 JAM 39562 b

1 AN ACT concerning government.

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

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

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

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

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

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

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

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

31 (iii) files and personal information maintained  
32 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; and -

22 (vii) the names, addresses, or other personal  
23 information of a public body's licensees, registrants,  
24 permittees, and utility customers; the exemption from  
25 disclosure under this item does not apply to  
26 information identifying individuals or groups that is  
27 requested by news media.

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

33 (i) interfere with pending or actually and  
34 reasonably contemplated law enforcement proceedings  
35 conducted by any law enforcement or correctional  
36 agency;

1 (ii) interfere with pending administrative  
2 enforcement proceedings conducted by any public body;

3 (iii) deprive a person of a fair trial or an  
4 impartial hearing;

5 (iv) unavoidably disclose the identity of a  
6 confidential source or confidential information  
7 furnished only by the confidential source;

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

13 (vi) constitute an invasion of personal privacy  
14 under subsection (b) of this Section;

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

17 (viii) obstruct an ongoing criminal investigation.

18 (d) Criminal history record information maintained by  
19 State or local criminal justice agencies, except the  
20 following which shall be open for public inspection and  
21 copying:

22 (i) chronologically maintained arrest information,  
23 such as traditional arrest logs or blotters;

24 (ii) the name of a person in the custody of a law  
25 enforcement agency and the charges for which that  
26 person is being held;

27 (iii) court records that are public;

28 (iv) records that are otherwise available under  
29 State or local law; or

30 (v) records in which the requesting party is the  
31 individual identified, except as provided under part  
32 (vii) of paragraph (c) of subsection (1) of this  
33 Section.

34 "Criminal history record information" means data  
35 identifiable to an individual and consisting of  
36 descriptions or notations of arrests, detentions,

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

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

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

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

33 (h) Proposals and bids for any contract, grant, or  
34 agreement, including information which if it were  
35 disclosed would frustrate procurement or give an advantage  
36 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  
35 Section 2.06 of the Open Meetings Act.

36 (n) Communications between a public body and an

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

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

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

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

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

32 (s) The records, documents and information relating to  
33 real estate purchase negotiations until those negotiations  
34 have been completed or otherwise terminated. With regard to  
35 a parcel involved in a pending or actually and reasonably  
36 contemplated eminent domain proceeding under Article VII

1 of the Code of Civil Procedure, records, documents and  
2 information relating to that parcel shall be exempt except  
3 as may be allowed under discovery rules adopted by the  
4 Illinois Supreme Court. The records, documents and  
5 information relating to a real estate sale shall be exempt  
6 until a sale is consummated.

7 (t) Any and all proprietary information and records  
8 related to the operation of an intergovernmental risk  
9 management association or self-insurance pool or jointly  
10 self-administered health and accident cooperative or pool.

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

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

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

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

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

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

34 (aa) Applications, related documents, and medical  
35 records received by the Experimental Organ Transplantation  
36 Procedures Board and any and all documents or other records



1 prepared by the Experimental Organ Transplantation  
2 Procedures Board or its staff relating to applications it  
3 has received.

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

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

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

16 (ee) Firm performance evaluations under Section 55 of  
17 the Architectural, Engineering, and Land Surveying  
18 Qualifications Based Selection Act.

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

26 (gg) Information the disclosure of which is restricted  
27 and exempted under Section 50 of the Illinois Prepaid  
28 Tuition Act.

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

31 (ii) Beginning July 1, 1999, information that would  
32 disclose or might lead to the disclosure of secret or  
33 confidential information, codes, algorithms, programs, or  
34 private keys intended to be used to create electronic or  
35 digital signatures under the Electronic Commerce Security  
36 Act.

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

5 (kk) Information and data concerning the distribution  
6 of surcharge moneys collected and remitted by wireless  
7 carriers under the Wireless Emergency Telephone Safety  
8 Act.

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

23 (mm) Maps and other records regarding the location or  
24 security of a utility's generation, transmission,  
25 distribution, storage, gathering, treatment, or switching  
26 facilities.

27 (nn) Law enforcement officer identification  
28 information or driver identification information compiled  
29 by a law enforcement agency or the Department of  
30 Transportation under Section 11-212 of the Illinois  
31 Vehicle Code.

32 (oo) Records and information provided to a residential  
33 health care facility resident sexual assault and death  
34 review team or the Residential Health Care Facility  
35 Resident Sexual Assault and Death Review Teams Executive  
36 Council under the Residential Health Care Facility

1 Resident Sexual Assault and Death Review Team Act.

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

6 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,  
7 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,  
8 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;  
9 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.  
10 8-21-03; 93-617, eff. 12-9-03.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.