



Sen. Debbie DeFrancesco Halvorson

Filed: 4/28/2008

09500HB3446sam001

LRB095 08750 RPM 49838 a

1 AMENDMENT TO HOUSE BILL 3446

2 AMENDMENT NO. _____. Amend House Bill 3446 as follows:

3 by replacing line 6 on page 1 through line 16 on page 14 with
4 the following:

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

6 Sec. 7. Exemptions.

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

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

12 (b) Information that, if disclosed, would constitute a
13 clearly unwarranted invasion of personal privacy, unless
14 the disclosure is consented to in writing by the individual
15 subjects of the information. The disclosure of information
16 that bears on the public duties of public employees and

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

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

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

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

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

23 (v) information revealing the identity of persons
24 who file complaints with or provide information to
25 administrative, investigative, law enforcement or
26 penal agencies; provided, however, that identification

1 of witnesses to traffic accidents, traffic accident
2 reports, and rescue reports may be provided by agencies
3 of local government, except in a case for which a
4 criminal investigation is ongoing, without
5 constituting a clearly unwarranted per se invasion of
6 personal privacy under this subsection; and

7 (vi) the names, addresses, or other personal
8 information of participants and registrants in park
9 district, forest preserve district, and conservation
10 district programs.

11 (c) Records compiled by any public body for
12 administrative enforcement proceedings and any law
13 enforcement or correctional agency for law enforcement
14 purposes or for internal matters of a public body, but only
15 to the extent that disclosure would:

16 (i) interfere with pending or actually and
17 reasonably contemplated law enforcement proceedings
18 conducted by any law enforcement or correctional
19 agency;

20 (ii) interfere with pending administrative
21 enforcement proceedings conducted by any public body;

22 (iii) deprive a person of a fair trial or an
23 impartial hearing;

24 (iv) unavoidably disclose the identity of a
25 confidential source or confidential information
26 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.

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

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

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

26 (g) Trade secrets and commercial or financial

1 information obtained from a person or business where the
2 trade secrets or information are proprietary, privileged
3 or confidential, or where disclosure of the trade secrets
4 or information may cause competitive harm, including:

5 (i) All information determined to be confidential
6 under Section 4002 of the Technology Advancement and
7 Development Act.

8 (ii) All trade secrets and commercial or financial
9 information obtained by a public body, including a
10 public pension fund, from a private equity fund or a
11 privately held company within the investment portfolio
12 of a private equity fund as a result of either
13 investing or evaluating a potential investment of
14 public funds in a private equity fund. The exemption
15 contained in this item does not apply to the aggregate
16 financial performance information of a private equity
17 fund, nor to the identity of the fund's managers or
18 general partners. The exemption contained in this item
19 does not apply to the identity of a privately held
20 company within the investment portfolio of a private
21 equity fund, unless the disclosure of the identity of a
22 privately held company may cause competitive harm.

23 Nothing contained in this paragraph (g) shall be construed
24 to prevent a person or business from consenting to disclosure.

25 (h) Proposals and bids for any contract, grant, or
26 agreement, including information which if it were

1 disclosed would frustrate procurement or give an advantage
2 to any person proposing to enter into a contractor
3 agreement with the body, until an award or final selection
4 is made. Information prepared by or for the body in
5 preparation of a bid solicitation shall be exempt until an
6 award or final selection is made.

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

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

22 (k) Architects' plans, engineers' technical
23 submissions, and other construction related technical
24 documents for projects not constructed or developed in
25 whole or in part with public funds and the same for
26 projects constructed or developed with public funds, but

1 only to the extent that disclosure would compromise
2 security, including but not limited to water treatment
3 facilities, airport facilities, sport stadiums, convention
4 centers, and all government owned, operated, or occupied
5 buildings.

6 (l) Library circulation and order records identifying
7 library users with specific materials.

8 (m) Minutes of meetings of public bodies closed to the
9 public as provided in the Open Meetings Act until the
10 public body makes the minutes available to the public under
11 Section 2.06 of the Open Meetings Act.

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

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

23 (p) Administrative or technical information associated
24 with automated data processing operations, including but
25 not limited to software, operating protocols, computer
26 program abstracts, file layouts, source listings, object

1 modules, load modules, user guides, documentation
2 pertaining to all logical and physical design of
3 computerized systems, employee manuals, and any other
4 information that, if disclosed, would jeopardize the
5 security of the system or its data or the security of
6 materials exempt under this Section.

7 (q) Documents or materials relating to collective
8 negotiating matters between public bodies and their
9 employees or representatives, except that any final
10 contract or agreement shall be subject to inspection and
11 copying.

12 (r) Drafts, notes, recommendations and memoranda
13 pertaining to the financing and marketing transactions of
14 the public body. The records of ownership, registration,
15 transfer, and exchange of municipal debt obligations, and
16 of persons to whom payment with respect to these
17 obligations is made.

18 (s) The records, documents and information relating to
19 real estate purchase negotiations until those negotiations
20 have been completed or otherwise terminated. With regard to
21 a parcel involved in a pending or actually and reasonably
22 contemplated eminent domain proceeding under the Eminent
23 Domain Act, records, documents and information relating to
24 that parcel shall be exempt except as may be allowed under
25 discovery rules adopted by the Illinois Supreme Court. The
26 records, documents and information relating to a real

1 estate sale shall be exempt until a sale is consummated.

2 (t) Any and all proprietary information and records
3 related to the operation of an intergovernmental risk
4 management association or self-insurance pool or jointly
5 self-administered health and accident cooperative or pool.

6 (u) Information concerning a university's adjudication
7 of student or employee grievance or disciplinary cases, to
8 the extent that disclosure would reveal the identity of the
9 student or employee and information concerning any public
10 body's adjudication of student or employee grievances or
11 disciplinary cases, except for the final outcome of the
12 cases.

13 (v) Course materials or research materials used by
14 faculty members.

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

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

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

25 (z) Manuals or instruction to staff that relate to
26 establishment or collection of liability for any State tax

1 or that relate to investigations by a public body to
2 determine violation of any criminal law.

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

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

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

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

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

24 (ff) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of
2 the Regional Transportation Authority Act or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act.

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

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

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

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

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

24 (ll) Vulnerability assessments, security measures, and
25 response policies or plans that are designed to identify,
26 prevent, or respond to potential attacks upon a community's

1 population or systems, facilities, or installations, the
2 destruction or contamination of which would constitute a
3 clear and present danger to the health or safety of the
4 community, but only to the extent that disclosure could
5 reasonably be expected to jeopardize the effectiveness of
6 the measures or the safety of the personnel who implement
7 them or the public. Information exempt under this item may
8 include such things as details pertaining to the
9 mobilization or deployment of personnel or equipment, to
10 the operation of communication systems or protocols, or to
11 tactical operations.

12 (mm) Maps and other records regarding the location or
13 security of generation, transmission, distribution,
14 storage, gathering, treatment, or switching facilities
15 owned by a utility or by the Illinois Power Agency.

16 (nn) Law enforcement officer identification
17 information or driver identification information compiled
18 by a law enforcement agency or the Department of
19 Transportation under Section 11-212 of the Illinois
20 Vehicle Code.

21 (oo) Records and information provided to a residential
22 health care facility resident sexual assault and death
23 review team or the Executive Council under the Abuse
24 Prevention Review Team Act.

25 (pp) Information provided to the predatory lending
26 database created pursuant to Article 3 of the Residential

1 Real Property Disclosure Act, except to the extent
2 authorized under that Article.

3 (qq) Defense budgets and petitions for certification
4 of compensation and expenses for court appointed trial
5 counsel as provided under Sections 10 and 15 of the Capital
6 Crimes Litigation Act. This subsection (qq) shall apply
7 until the conclusion of the trial of the case, even if the
8 prosecution chooses not to pursue the death penalty prior
9 to trial or sentencing.

10 (rr) Information contained in or related to proposals,
11 bids, or negotiations related to electric power
12 procurement under Section 1-75 of the Illinois Power Agency
13 Act and Section 16-111.5 of the Public Utilities Act that
14 is determined to be confidential and proprietary by the
15 Illinois Power Agency or by the Illinois Commerce
16 Commission.

17 (ss) Information that is prohibited from being
18 disclosed under Section 4 of the Illinois Health and
19 Hazardous Substances Registry Act.

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

24 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,
25 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;
26 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.

1 8-28-07.)"; and

2 on page 21, line 23, by replacing "2007" with "2008".