

**HB0047**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HB0047**

Introduced 1/14/2009, by Rep. Dan Brady

**SYNOPSIS AS INTRODUCED:**

5 ILCS 140/7

from Ch. 116, par. 207

Amends the Freedom of Information Act. Exempts from the Act's copying and inspection requirements data of law enforcement agencies on the mental and physical disabilities, defects, and maladies of individuals maintained for the safety of responding law enforcement officers, the individuals, and the public.

LRB096 03016 JAM 13030 b

**A BILL FOR**

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 (Text of Section before amendment by P.A. 95-988)

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

1 other individuals receiving social, medical,  
2 educational, vocational, financial, supervisory or  
3 custodial care or services directly or indirectly from  
4 federal agencies or public bodies;

5 (ii) personnel files and personal information  
6 maintained with respect to employees, appointees or  
7 elected officials of any public body or applicants for  
8 those positions;

9 (iii) files and personal information maintained  
10 with respect to any applicant, registrant or licensee  
11 by any public body cooperating with or engaged in  
12 professional or occupational registration, licensure  
13 or discipline;

14 (iv) information required of any taxpayer in  
15 connection with the assessment or collection of any tax  
16 unless disclosure is otherwise required by State  
17 statute;

18 (v) information revealing the identity of persons  
19 who file complaints with or provide information to  
20 administrative, investigative, law enforcement or  
21 penal agencies; provided, however, that identification  
22 of witnesses to traffic accidents, traffic accident  
23 reports, and rescue reports may be provided by agencies  
24 of local government, except in a case for which a  
25 criminal investigation is ongoing, without  
26 constituting a clearly unwarranted per se invasion of

1 personal privacy under this subsection; and

2 (vi) the names, addresses, or other personal  
3 information of participants and registrants in park  
4 district, forest preserve district, and conservation  
5 district programs.

6 (b-5) Files, documents, and other data or databases  
7 maintained by one or more law enforcement agencies and  
8 specifically designed to provide information to one or more  
9 law enforcement agencies regarding the physical or mental  
10 status of one or more individual subjects. For the purposes  
11 of this paragraph (b-5), "physical or mental status" means  
12 (i) any physical or mental disability, defect, or malady  
13 that would or could present a danger to a responding law  
14 enforcement officer or to the general public or (ii) any  
15 physical or mental disability, defect, or malady that a  
16 responding law enforcement officer should be aware of for  
17 the safety of the officer or for the safety of the  
18 individual subject.

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

1 agency;

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

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

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

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

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

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

18 (viii) obstruct an ongoing criminal investigation.

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

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

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

1 person is being held;

2 (iii) court records that are public;

3 (iv) records that are otherwise available under  
4 State or local law; or

5 (v) records in which the requesting party is the  
6 individual identified, except as provided under part  
7 (vii) of paragraph (c) of subsection (1) of this  
8 Section.

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

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

25 (f) Preliminary drafts, notes, recommendations,  
26 memoranda and other records in which opinions are

1           expressed, or policies or actions are formulated, except  
2           that a specific record or relevant portion of a record  
3           shall not be exempt when the record is publicly cited and  
4           identified by the head of the public body. The exemption  
5           provided in this paragraph (f) extends to all those records  
6           of officers and agencies of the General Assembly that  
7           pertain to the preparation of legislative documents.

8           (g) Trade secrets and commercial or financial  
9           information obtained from a person or business where the  
10          trade secrets or information are proprietary, privileged  
11          or confidential, or where disclosure of the trade secrets  
12          or information may cause competitive harm, including:

13                 (i) All information determined to be confidential  
14                 under Section 4002 of the Technology Advancement and  
15                 Development Act.

16                 (ii) All trade secrets and commercial or financial  
17                 information obtained by a public body, including a  
18                 public pension fund, from a private equity fund or a  
19                 privately held company within the investment portfolio  
20                 of a private equity fund as a result of either  
21                 investing or evaluating a potential investment of  
22                 public funds in a private equity fund. The exemption  
23                 contained in this item does not apply to the aggregate  
24                 financial performance information of a private equity  
25                 fund, nor to the identity of the fund's managers or  
26                 general partners. The exemption contained in this item

1 does not apply to the identity of a privately held  
2 company within the investment portfolio of a private  
3 equity fund, unless the disclosure of the identity of a  
4 privately held company may cause competitive harm.

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

7 (h) Proposals and bids for any contract, grant, or  
8 agreement, including information which if it were  
9 disclosed would frustrate procurement or give an advantage  
10 to any person proposing to enter into a contractor  
11 agreement with the body, until an award or final selection  
12 is made. Information prepared by or for the body in  
13 preparation of a bid solicitation shall be exempt until an  
14 award or final selection is made.

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

26 (j) Test questions, scoring keys and other examination



1 data used to administer an academic examination or  
2 determined the qualifications of an applicant for a license  
3 or employment.

4 (k) Architects' plans, engineers' technical  
5 submissions, and other construction related technical  
6 documents for projects not constructed or developed in  
7 whole or in part with public funds and the same for  
8 projects constructed or developed with public funds, but  
9 only to the extent that disclosure would compromise  
10 security, including but not limited to water treatment  
11 facilities, airport facilities, sport stadiums, convention  
12 centers, and all government owned, operated, or occupied  
13 buildings.

14 (l) Library circulation and order records identifying  
15 library users with specific materials.

16 (m) Minutes of meetings of public bodies closed to the  
17 public as provided in the Open Meetings Act until the  
18 public body makes the minutes available to the public under  
19 Section 2.06 of the Open Meetings Act.

20 (n) Communications between a public body and an  
21 attorney or auditor representing the public body that would  
22 not be subject to discovery in litigation, and materials  
23 prepared or compiled by or for a public body in  
24 anticipation of a criminal, civil or administrative  
25 proceeding upon the request of an attorney advising the  
26 public body, and materials prepared or compiled with

1           respect to internal audits of public bodies.

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

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

15           (q) Documents or materials relating to collective  
16 negotiating matters between public bodies and their  
17 employees or representatives, except that any final  
18 contract or agreement shall be subject to inspection and  
19 copying.

20           (r) Drafts, notes, recommendations and memoranda  
21 pertaining to the financing and marketing transactions of  
22 the public body. The records of ownership, registration,  
23 transfer, and exchange of municipal debt obligations, and  
24 of persons to whom payment with respect to these  
25 obligations is made.

26           (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 the Eminent  
5 Domain Act, records, documents and information relating to  
6 that parcel shall be exempt except as may be allowed under  
7 discovery rules adopted by the Illinois Supreme Court. The  
8 records, documents and information relating to a real  
9 estate sale shall be exempt until a sale is consummated.

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

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

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

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

25 (x) Information contained in or related to  
26 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 restricted  
6 under Section 5-108 of the Public Utilities Act.

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

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

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

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

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

3 (ee) Firm performance evaluations under Section 55 of  
4 the Architectural, Engineering, and Land Surveying  
5 Qualifications Based Selection Act.

6 (ff) Security portions of system safety program plans,  
7 investigation reports, surveys, schedules, lists, data, or  
8 information compiled, collected, or prepared by or for the  
9 Regional Transportation Authority under Section 2.11 of  
10 the Regional Transportation Authority Act or the St. Clair  
11 County Transit District under the Bi-State Transit Safety  
12 Act.

13 (gg) Information the disclosure of which is restricted  
14 and exempted under Section 50 of the Illinois Prepaid  
15 Tuition Act.

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

18 (ii) Beginning July 1, 1999, information that would  
19 disclose or might lead to the disclosure of secret or  
20 confidential information, codes, algorithms, programs, or  
21 private keys intended to be used to create electronic or  
22 digital signatures under the Electronic Commerce Security  
23 Act.

24 (jj) Information contained in a local emergency energy  
25 plan submitted to a municipality in accordance with a local  
26 emergency energy plan ordinance that is adopted under

1 Section 11-21.5-5 of the Illinois Municipal Code.

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

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

20 (mm) Maps and other records regarding the location or  
21 security of generation, transmission, distribution,  
22 storage, gathering, treatment, or switching facilities  
23 owned by a utility or by the Illinois Power Agency.

24 (nn) Law enforcement officer identification  
25 information or driver identification information compiled  
26 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 Executive Council under the Abuse  
6           Prevention Review Team Act.

7           (pp) Information provided to the predatory lending  
8           database created pursuant to Article 3 of the Residential  
9           Real Property Disclosure Act, except to the extent  
10          authorized under that Article.

11          (qq) Defense budgets and petitions for certification  
12          of compensation and expenses for court appointed trial  
13          counsel as provided under Sections 10 and 15 of the Capital  
14          Crimes Litigation Act. This subsection (qq) shall apply  
15          until the conclusion of the trial of the case, even if the  
16          prosecution chooses not to pursue the death penalty prior  
17          to trial or sentencing.

18          (rr) Information contained in or related to proposals,  
19          bids, or negotiations related to electric power  
20          procurement under Section 1-75 of the Illinois Power Agency  
21          Act and Section 16-111.5 of the Public Utilities Act that  
22          is determined to be confidential and proprietary by the  
23          Illinois Power Agency or by the Illinois Commerce  
24          Commission.

25          (ss) Information that is prohibited from being  
26          disclosed under Section 4 of the Illinois Health and

1 Hazardous Substances Registry 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. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,  
7 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;  
8 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.  
9 8-28-07; 95-941, eff. 8-29-08.)

10 (Text of Section after amendment by P.A. 95-988)

11 Sec. 7. Exemptions.

12 (1) The following shall be exempt from inspection and  
13 copying:

14 (a) Information specifically prohibited from  
15 disclosure by federal or State law or rules and regulations  
16 adopted under federal or State law.

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

25 (i) files and personal information maintained with



1 respect to clients, patients, residents, students or  
2 other individuals receiving social, medical,  
3 educational, vocational, financial, supervisory or  
4 custodial care or services directly or indirectly from  
5 federal agencies or public bodies;

6 (ii) personnel files and personal information  
7 maintained with respect to employees, appointees or  
8 elected officials of any public body or applicants for  
9 those positions;

10 (iii) files and personal information maintained  
11 with respect to any applicant, registrant or licensee  
12 by any public body cooperating with or engaged in  
13 professional or occupational registration, licensure  
14 or discipline;

15 (iv) information required of any taxpayer in  
16 connection with the assessment or collection of any tax  
17 unless disclosure is otherwise required by State  
18 statute;

19 (v) information revealing the identity of persons  
20 who file complaints with or provide information to  
21 administrative, investigative, law enforcement or  
22 penal agencies; provided, however, that identification  
23 of witnesses to traffic accidents, traffic accident  
24 reports, and rescue reports may be provided by agencies  
25 of local government, except in a case for which a  
26 criminal investigation is ongoing, without

1           constituting a clearly unwarranted per se invasion of  
2           personal privacy under this subsection;

3           (vi) the names, addresses, or other personal  
4           information of participants and registrants in park  
5           district, forest preserve district, and conservation  
6           district programs; and

7           (vii) the Notarial Record or other medium  
8           containing the thumbprint or fingerprint required by  
9           Section 3-102(c)(6) of the Illinois Notary Public Act.

10          (b-5) Files, documents, and other data or databases  
11          maintained by one or more law enforcement agencies and  
12          specifically designed to provide information to one or more  
13          law enforcement agencies regarding the physical or mental  
14          status of one or more individual subjects. For the purposes  
15          of this paragraph (b-5), "physical or mental status" means  
16          (i) any physical or mental disability, defect, or malady  
17          that would or could present a danger to a responding law  
18          enforcement officer or to the general public or (ii) any  
19          physical or mental disability, defect, or malady that a  
20          responding law enforcement officer should be aware of for  
21          the safety of the officer or for the safety of the  
22          individual subject.

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1 to the extent that disclosure would:

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3 reasonably contemplated law enforcement proceedings  
4 conducted by any law enforcement or correctional  
5 agency;

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7 enforcement proceedings conducted by any public body;

8 (iii) deprive a person of a fair trial or an  
9 impartial hearing;

10 (iv) unavoidably disclose the identity of a  
11 confidential source or confidential information  
12 furnished only by the confidential source;

13 (v) disclose unique or specialized investigative  
14 techniques other than those generally used and known or  
15 disclose internal documents of correctional agencies  
16 related to detection, observation or investigation of  
17 incidents of crime or misconduct;

18 (vi) constitute an invasion of personal privacy  
19 under subsection (b) of this Section;

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

22 (viii) obstruct an ongoing criminal investigation.

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24 State or local criminal justice agencies, except the  
25 following which shall be open for public inspection and  
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4 enforcement agency and the charges for which that  
5 person is being held;

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8 State or local law; or

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10 individual identified, except as provided under part  
11 (vii) of paragraph (c) of subsection (1) of this  
12 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 the  
20 nature of any disposition arising therefrom, including  
21 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.

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2           correctional institutions and detention facilities.

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14          trade secrets or information are proprietary, privileged  
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16          or information may cause competitive harm, including:

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25               investing or evaluating a potential investment of  
26               public funds in a private equity fund. The exemption

1 contained in this item does not apply to the aggregate  
2 financial performance information of a private equity  
3 fund, nor to the identity of the fund's managers or  
4 general partners. The exemption contained in this item  
5 does not apply to the identity of a privately held  
6 company within the investment portfolio of a private  
7 equity fund, unless the disclosure of the identity of a  
8 privately held company may cause competitive harm.

9 Nothing contained in this paragraph (g) shall be construed  
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11 (h) Proposals and bids for any contract, grant, or  
12 agreement, including information which if it were  
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17 preparation of a bid solicitation shall be exempt until an  
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16 centers, and all government owned, operated, or occupied  
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2 anticipation of a criminal, civil or administrative  
3 proceeding upon the request of an attorney advising the  
4 public body, and materials prepared or compiled with  
5 respect to internal audits of public bodies.

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

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

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

24 (r) Drafts, notes, recommendations and memoranda  
25 pertaining to the financing and marketing transactions of  
26 the public body. The records of ownership, registration,



1 transfer, and exchange of municipal debt obligations, and  
2 of persons to whom payment with respect to these  
3 obligations is made.

4 (s) The records, documents and information relating to  
5 real estate purchase negotiations until those negotiations  
6 have been completed or otherwise terminated. With regard to  
7 a parcel involved in a pending or actually and reasonably  
8 contemplated eminent domain proceeding under the Eminent  
9 Domain Act, records, documents and information relating to  
10 that parcel shall be exempt except as may be allowed under  
11 discovery rules adopted by the Illinois Supreme Court. The  
12 records, documents and information relating to a real  
13 estate sale shall be exempt until a sale is consummated.

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

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

25 (v) Course materials or research materials used by  
26 faculty members.

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

3           (x) Information contained in or related to  
4 examination, operating, or condition reports prepared by,  
5 on behalf of, or for the use of a public body responsible  
6 for the regulation or supervision of financial  
7 institutions or insurance companies, unless disclosure is  
8 otherwise required by State law.

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

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

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

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

25           (cc) Information and records held by the Department of  
26 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

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

7 (ee) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (ff) Security portions of system safety program plans,  
11 investigation reports, surveys, schedules, lists, data, or  
12 information compiled, collected, or prepared by or for the  
13 Regional Transportation Authority under Section 2.11 of  
14 the Regional Transportation Authority Act or the St. Clair  
15 County Transit District under the Bi-State Transit Safety  
16 Act.

17 (gg) Information the disclosure of which is restricted  
18 and exempted under Section 50 of the Illinois Prepaid  
19 Tuition Act.

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

22 (ii) Beginning July 1, 1999, information that would  
23 disclose or might lead to the disclosure of secret or  
24 confidential information, codes, algorithms, programs, or  
25 private keys intended to be used to create electronic or  
26 digital signatures under the Electronic Commerce Security

1 Act.

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

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

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

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

1 owned by a utility or by the Illinois Power Agency.

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

7 (oo) Records and information provided to a residential  
8 health care facility resident sexual assault and death  
9 review team or the Executive Council under the Abuse  
10 Prevention Review Team Act.

11 (pp) Information provided to the predatory lending  
12 database created pursuant to Article 3 of the Residential  
13 Real Property Disclosure Act, except to the extent  
14 authorized under that Article.

15 (qq) Defense budgets and petitions for certification  
16 of compensation and expenses for court appointed trial  
17 counsel as provided under Sections 10 and 15 of the Capital  
18 Crimes Litigation Act. This subsection (qq) shall apply  
19 until the conclusion of the trial of the case, even if the  
20 prosecution chooses not to pursue the death penalty prior  
21 to trial or sentencing.

22 (rr) Information contained in or related to proposals,  
23 bids, or negotiations related to electric power  
24 procurement under Section 1-75 of the Illinois Power Agency  
25 Act and Section 16-111.5 of the Public Utilities Act that  
26 is determined to be confidential and proprietary by the

1 Illinois Power Agency or by the Illinois Commerce  
2 Commission.

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

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

10 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,  
11 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;  
12 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.  
13 8-28-07; 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; revised  
14 10-20-08.)

15 Section 95. No acceleration or delay. Where this Act makes  
16 changes in a statute that is represented in this Act by text  
17 that is not yet or no longer in effect (for example, a Section  
18 represented by multiple versions), the use of that text does  
19 not accelerate or delay the taking effect of (i) the changes  
20 made by this Act or (ii) provisions derived from any other  
21 Public Act.