



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5069

Introduced 1/29/2010, by Rep. Patrick J. Verschoore

SYNOPSIS AS INTRODUCED:

5 ILCS 140/6

from Ch. 116, par. 206

Amends the Freedom of Information Act. Makes the following changes with respect to a public body's authority to charge fees when meeting requests for records: removes the requirement that electronically-maintained records be provided in the format requested; removes the prohibition against charging for the first 50 pages of black and white legal sized or letter sized copies; removes the maximum fee permitted for color or other sized copies and for certification; and permits a fee to exceed the actual cost of reproduction and certification if otherwise provided by State statute. Effective immediately.

LRB096 16818 JAM 32126 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 6 as follows:

6 (5 ILCS 140/6) (from Ch. 116, par. 206)

7 Sec. 6. Authority to charge fees.

8 (a) (Blank.) ~~When a person requests a copy of a record~~
9 ~~maintained in an electronic format, the public body shall~~
10 ~~furnish it in the electronic format specified by the requester,~~
11 ~~if feasible. If it is not feasible to furnish the public~~
12 ~~records in the specified electronic format, then the public~~
13 ~~body shall furnish it in the format in which it is maintained~~
14 ~~by the public body, or in paper format at the option of the~~
15 ~~requester. A public body may charge the requester for the~~
16 ~~actual cost of purchasing the recording medium, whether disc,~~
17 ~~diskette, tape, or other medium. A public body may not charge~~
18 ~~the requester for the costs of any search for and review of the~~
19 ~~records or other personnel costs associated with reproducing~~
20 ~~the records. Except to the extent that the General Assembly~~
21 ~~expressly provides, statutory fees applicable to copies of~~
22 ~~public records when furnished in a paper format shall not be~~
23 ~~applicable to those records when furnished in an electronic~~

1 ~~format.~~

2 (b) Each ~~Except when a fee is otherwise fixed by statute,~~
3 ~~each~~ public body may charge fees reasonably calculated to
4 reimburse its actual cost for reproducing and certifying public
5 records and for the use, by any person, of the equipment of the
6 public body to copy records. The fees shall exclude ~~No fees~~
7 ~~shall be charged for the first 50 pages of black and white,~~
8 ~~letter or legal sized copies requested by a requester. The fee~~
9 ~~for black and white, letter or legal sized copies shall not~~
10 ~~exceed 15 cents per page. If a public body provides copies in~~
11 ~~color or in a size other than letter or legal, the public body~~
12 ~~may not charge more than its actual cost for reproducing the~~
13 ~~records. In calculating its actual cost for reproducing records~~
14 ~~or for the use of the equipment of the public body to reproduce~~
15 ~~records, a public body shall not include the costs of any~~
16 search for and review of the record and shall not exceed the
17 actual cost of reproduction and certification, unless
18 otherwise provided by State statute ~~records or other personnel~~
19 ~~costs associated with reproducing the records.~~ Such fees shall
20 be imposed according to a standard scale of fees, established
21 and made public by the body imposing them. ~~The cost for~~
22 ~~certifying a record shall not exceed \$1.~~

23 (c) Documents shall be furnished without charge or at a
24 reduced charge, as determined by the public body, if the person
25 requesting the documents states the specific purpose for the
26 request and indicates that a waiver or reduction of the fee is

1 in the public interest. Waiver or reduction of the fee is in
2 the public interest if the principal purpose of the request is
3 to access and disseminate information regarding the health,
4 safety and welfare or the legal rights of the general public
5 and is not for the principal purpose of personal or commercial
6 benefit. For purposes of this subsection, "commercial benefit"
7 shall not apply to requests made by news media when the
8 principal purpose of the request is to access and disseminate
9 information regarding the health, safety, and welfare or the
10 legal rights of the general public. In setting the amount of
11 the waiver or reduction, the public body may take into
12 consideration the amount of materials requested and the cost of
13 copying them.

14 (d) The purposeful imposition of a fee not consistent with
15 subsections (6) (a) and (b) of this Act constitutes a denial of
16 access to public records for the purposes of judicial review.

17 (e) ~~(d)~~ The fee for an ~~each~~ abstract of a driver's record
18 shall be as provided in Section 6-118 of "The Illinois Vehicle
19 Code", approved September 29, 1969, as amended, ~~whether~~
20 ~~furnished as a paper copy or as an electronic copy.~~

21 (Source: P.A. 96-542, eff. 1-1-10; revised 1-4-10.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.