



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 2203

2 AMENDMENT NO. _____. Amend Senate Bill 2203 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 1 as follows:

6 (5 ILCS 140/1) (from Ch. 116, par. 201)

7 Sec. 1. Pursuant to the ~~the~~ fundamental philosophy of the
8 American constitutional form of government, it is declared to
9 be the public policy of the State of Illinois that all persons
10 are entitled to full and complete information regarding the
11 affairs of government and the official acts and policies of
12 those who represent them as public officials and public
13 employees consistent with the terms of this Act. Such access is
14 necessary to enable the people to fulfill their duties of
15 discussing public issues fully and freely, making informed
16 political judgments and monitoring government to ensure that it

1 is being conducted in the public interest.

2 The General Assembly hereby declares that it is the public
3 policy of the State of Illinois that access by all persons to
4 public records promotes the transparency and accountability of
5 public bodies at all levels of government. It is a fundamental
6 obligation of government to operate openly and provide public
7 records as expediently and efficiently as possible in
8 compliance with this Act.

9 This Act is not intended to cause an unwarranted invasion
10 of personal privacy, nor to allow the requests of a commercial
11 enterprise to unduly burden public resources, or to disrupt the
12 duly-undertaken work of any public body independent of the
13 fulfillment of any of the fore-mentioned rights of the people
14 to access to information.

15 This Act is not intended to create an obligation on the
16 part of any public body to maintain or prepare any public
17 record which was not maintained or prepared by such public body
18 at the time when this Act becomes effective, except as
19 otherwise required by applicable local, State or federal law.

20 Restraints on access to information, to the extent
21 permitted by this Act, are limited exceptions to the principle
22 that the people of this State have a right to full disclosure
23 of information relating to the decisions, policies,
24 procedures, rules, standards, and other aspects of government
25 activity that affect the conduct of government and the lives of
26 any or all of the people. The provisions of this Act shall be

1 construed in accordance with this principle. This Act shall be
2 construed to require disclosure of requested information as
3 expediently and efficiently as possible and adherence to the
4 deadlines established in this Act.

5 The General Assembly recognizes that this Act imposes
6 fiscal obligations on public bodies to provide adequate staff
7 and equipment to comply with its requirements. The General
8 Assembly declares that providing records in compliance with the
9 requirements of this Act is a primary duty of public bodies to
10 the people of this State, and this Act should be construed to
11 this end, fiscal obligations notwithstanding.

12 The General Assembly further recognizes that technology
13 may advance at a rate that outpaces its ability to address
14 those advances legislatively. To the extent that this Act may
15 not expressly apply to those technological advances, this Act
16 should nonetheless be interpreted to further the declared
17 policy of this Act that public records shall be made available
18 upon request except when denial of access furthers the public
19 policy underlying a specific exemption.

20 This Act shall be the exclusive State statute on freedom of
21 information, except to the extent that other State statutes
22 might create additional restrictions on disclosure of
23 information or other laws in Illinois might create additional
24 obligations for disclosure of information to the public.

25 (Source: P.A. 96-542, eff. 1-1-10.)".