



Rep. Deborah Conroy

**Filed: 3/12/2013**

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LRB098 10557 JDS 42499 a

1 AMENDMENT TO HOUSE BILL 2747

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2747 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by  
5 changing Sections 3 and 4 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

7 Sec. 3. Inspection and copying of public records.

8 (a) Each public body shall make available to any person for  
9 inspection or copying all public records, except as otherwise  
10 provided in Section 7 of this Act. Notwithstanding any other  
11 law, a public body may not grant to any person or entity,  
12 whether by contract, license, or otherwise, the exclusive right  
13 to access and disseminate any public record as defined in this  
14 Act.

15 (b) Subject to the fee provisions of Section 6 of this Act,  
16 each public body shall promptly provide, to any person who

1 submits a request, a copy of any public record required to be  
2 disclosed by subsection (a) of this Section and shall certify  
3 such copy if so requested.

4 (c) Requests for inspection or copies shall be made in  
5 writing and directed to the public body. Written requests may  
6 be submitted to a public body via personal delivery, mail,  
7 telefax, electronic mail, or any other means available to the  
8 public body. A public body may honor oral requests for  
9 inspection or copying. A public body may not require that a  
10 request be submitted on a standard form or require the  
11 requester to specify the purpose for a request, except to  
12 determine whether the records are requested for a commercial  
13 purpose or whether to grant a request for a fee waiver. All  
14 requests for inspection and copying received by a public body  
15 shall immediately be forwarded to its Freedom of Information  
16 officer or designee.

17 (d) Each public body shall, promptly, either comply with or  
18 deny a request for public records within 5 business days after  
19 its receipt of the request, unless the time for response is  
20 properly extended under subsection (e) of this Section. Denial  
21 shall be in writing as provided in Section 9 of this Act.  
22 Failure to comply with a written request, extend the time for  
23 response, or deny a request within 5 business days after its  
24 receipt shall be considered a denial of the request. A public  
25 body that fails to respond to a request within the requisite  
26 periods in this Section but thereafter provides the requester

1 with copies of the requested public records may not impose a  
2 fee for such copies. A public body that fails to respond to a  
3 request received may not treat the request as unduly burdensome  
4 under subsection (g).

5 (e) The time for response under this Section may be  
6 extended by the public body for not more than 5 business days  
7 from the original due date for any of the following reasons:

8 (i) the requested records are stored in whole or in  
9 part at other locations than the office having charge of  
10 the requested records;

11 (ii) the request requires the collection of a  
12 substantial number of specified records;

13 (iii) the request is couched in categorical terms and  
14 requires an extensive search for the records responsive to  
15 it;

16 (iv) the requested records have not been located in the  
17 course of routine search and additional efforts are being  
18 made to locate them;

19 (v) the requested records require examination and  
20 evaluation by personnel having the necessary competence  
21 and discretion to determine if they are exempt from  
22 disclosure under Section 7 of this Act or should be  
23 revealed only with appropriate deletions;

24 (vi) the request for records cannot be complied with by  
25 the public body within the time limits prescribed by  
26 paragraph (c) of this Section without unduly burdening or

1 interfering with the operations of the public body;

2 (vii) there is a need for consultation, which shall be  
3 conducted with all practicable speed, with another public  
4 body or among two or more components of a public body  
5 having a substantial interest in the determination or in  
6 the subject matter of the request.

7 The person making a request and the public body may agree  
8 in writing to extend the time for compliance for a period to be  
9 determined by the parties. If the requester and the public body  
10 agree to extend the period for compliance, a failure by the  
11 public body to comply with any previous deadlines shall not be  
12 treated as a denial of the request for the records.

13 (f) When additional time is required for any of the above  
14 reasons, the public body shall, within 5 business days after  
15 receipt of the request, notify the person making the request of  
16 the reasons for the extension and the date by which the  
17 response will be forthcoming. Failure to respond within the  
18 time permitted for extension shall be considered a denial of  
19 the request. A public body that fails to respond to a request  
20 within the time permitted for extension but thereafter provides  
21 the requester with copies of the requested public records may  
22 not impose a fee for those copies. A public body that requests  
23 an extension and subsequently fails to respond to the request  
24 may not treat the request as unduly burdensome under subsection  
25 (g).

26 (g) Requests calling for all records falling within a

1 category shall be complied with unless compliance with the  
2 request would be unduly burdensome for the complying public  
3 body and there is no way to narrow the request and the burden  
4 on the public body outweighs the public interest in the  
5 information. Before invoking this exemption, the public body  
6 shall extend to the person making the request an opportunity to  
7 confer with it in an attempt to reduce the request to  
8 manageable proportions. If any body responds to a categorical  
9 request by stating that compliance would unduly burden its  
10 operation and the conditions described above are met, it shall  
11 do so in writing, specifying the reasons why it would be unduly  
12 burdensome and the extent to which compliance will so burden  
13 the operations of the public body. Such a response shall be  
14 treated as a denial of the request for information.

15 Repeated requests from the same person for the same records  
16 that are unchanged or identical to records previously provided  
17 or properly denied under this Act shall be deemed unduly  
18 burdensome under this provision.

19 (h) Each public body may promulgate rules and regulations  
20 in conformity with the provisions of this Section pertaining to  
21 the availability of records and procedures to be followed,  
22 including:

23 (i) the times and places where such records will be  
24 made available, and

25 (ii) the persons from whom such records may be  
26 obtained.

1 (i) The time periods for compliance or denial of a request  
2 to inspect or copy records set out in this Section shall not  
3 apply to requests for records made for a commercial purpose.  
4 Such requests shall be subject to the provisions of Section 3.1  
5 of this Act.

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

7 (5 ILCS 140/4) (from Ch. 116, par. 204)

8 Sec. 4. Information concerning public body. Each public  
9 body shall prominently display at each of its administrative or  
10 regional offices, make available for inspection and copying,  
11 and send through the mail if requested, each of the following:

12 (a) A brief description of itself, which will include,  
13 but not be limited to, a short summary of its purpose, a  
14 block diagram giving its functional subdivisions, the  
15 total amount of its operating budget, the number and  
16 location of all of its separate offices, the approximate  
17 number of full and part-time employees, and the  
18 identification and membership of any board, commission,  
19 committee, or council which operates in an advisory  
20 capacity relative to the operation of the public body, or  
21 which exercises control over its policies or procedures, or  
22 to which the public body is required to report and be  
23 answerable for its operations; and

24 (b) A brief description of the methods whereby the  
25 public may request information and public records, a

1           directory designating the Freedom of Information officer  
2           or officers, the mailing address and an electronic mail  
3           address where requests for public records should be  
4           directed, and any fees allowable under Section 6 of this  
5           Act.

6           A public body that maintains a website shall also post this  
7           information on its website.

8           (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10.)".