



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3664

by Rep. Renée Kosel

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

5 ILCS 140/2.21 new

Amends the Freedom of Information Act. Provides that a settlement agreement that is funded in whole or part by public moneys or that releases a claim against a public body shall not require or impose any condition on any party to keep allegations, evidence, settlement amounts, or any other information confidential, except that which is necessary to protect a trade secret, proprietary information, or information that is otherwise exempt from disclosure under the Act. Provides that a severance agreement that is funded in whole or part by public moneys or that releases a claim against a public body shall not require or impose any condition on any party to keep allegations, evidence, settlement amounts, or any other information confidential, except that which is necessary to protect a trade secret, proprietary information, or information that is otherwise exempt from disclosure under the Act. Defines "settlement agreement" and "severance agreement".

LRB098 13032 JDS 47541 b

FISCAL NOTE ACT
MAY APPLY

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 adding Sections 2 and 2.21 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" does not
17 include a child death review team or the Illinois Child Death
18 Review Teams Executive Council established under the Child
19 Death Review Team Act.

20 (b) "Person" means any individual, corporation,
21 partnership, firm, organization or association, acting
22 individually or as a group.

23 (c) "Public records" means all records, reports, forms,

1 writings, letters, memoranda, books, papers, maps,
2 photographs, microfilms, cards, tapes, recordings, electronic
3 data processing records, electronic communications, recorded
4 information and all other documentary materials pertaining to
5 the transaction of public business, regardless of physical form
6 or characteristics, having been prepared by or for, or having
7 been or being used by, received by, in the possession of, or
8 under the control of any public body.

9 (c-5) "Private information" means unique identifiers,
10 including a person's social security number, driver's license
11 number, employee identification number, biometric identifiers,
12 personal financial information, passwords or other access
13 codes, medical records, home or personal telephone numbers, and
14 personal email addresses. Private information also includes
15 home address and personal license plates, except as otherwise
16 provided by law or when compiled without possibility of
17 attribution to any person.

18 (c-10) "Commercial purpose" means the use of any part of a
19 public record or records, or information derived from public
20 records, in any form for sale, resale, or solicitation or
21 advertisement for sales or services. For purposes of this
22 definition, requests made by news media and non-profit,
23 scientific, or academic organizations shall not be considered
24 to be made for a "commercial purpose" when the principal
25 purpose of the request is (i) to access and disseminate
26 information concerning news and current or passing events, (ii)

1 for articles of opinion or features of interest to the public,
2 or (iii) for the purpose of academic, scientific, or public
3 research or education.

4 (d) "Copying" means the reproduction of any public record
5 by means of any photographic, electronic, mechanical or other
6 process, device or means now known or hereafter developed and
7 available to the public body.

8 (e) "Head of the public body" means the president, mayor,
9 chairman, presiding officer, director, superintendent,
10 manager, supervisor or individual otherwise holding primary
11 executive and administrative authority for the public body, or
12 such person's duly authorized designee.

13 (f) "News media" means a newspaper or other periodical
14 issued at regular intervals whether in print or electronic
15 format, a news service whether in print or electronic format, a
16 radio station, a television station, a television network, a
17 community antenna television service, or a person or
18 corporation engaged in making news reels or other motion
19 picture news for public showing.

20 (g) "Recurrent requester", as used in Section 3.2 of this
21 Act, means a person that, in the 12 months immediately
22 preceding the request, has submitted to the same public body
23 (i) a minimum of 50 requests for records, (ii) a minimum of 15
24 requests for records within a 30-day period, or (iii) a minimum
25 of 7 requests for records within a 7-day period. For purposes
26 of this definition, requests made by news media and non-profit,

1 scientific, or academic organizations shall not be considered
2 in calculating the number of requests made in the time periods
3 in this definition when the principal purpose of the requests
4 is (i) to access and disseminate information concerning news
5 and current or passing events, (ii) for articles of opinion or
6 features of interest to the public, or (iii) for the purpose of
7 academic, scientific, or public research or education.

8 For the purposes of this subsection (g), "request" means a
9 written document (or oral request, if the public body chooses
10 to honor oral requests) that is submitted to a public body via
11 personal delivery, mail, telefax, electronic mail, or other
12 means available to the public body and that identifies the
13 particular public record the requester seeks. One request may
14 identify multiple records to be inspected or copied.

15 (h) "Settlement agreement" means any arrangement for
16 payment in exchange for the adjudication or release of a civil
17 claim established by an agreement between some or all of the
18 parties to the claim.

19 (i) "Severance agreement" means a mutual agreement between
20 any public body and its employee for the employee's resignation
21 in exchange for payment by the public body.

22 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
23 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

24 (5 ILCS 140/2.21 new)

25 Sec. 2.21. Confidential settlement agreements and

1 confidential severance agreements prohibited.

2 (a) A settlement agreement that is funded in whole or part
3 by public moneys or that releases a claim against a public body
4 shall not require or impose any condition on any party to keep
5 allegations, evidence, settlement amounts, or any other
6 information confidential, except that which is necessary to
7 protect a trade secret, proprietary information, or
8 information otherwise exempt from disclosure under Section 7 of
9 this Act.

10 (b) A severance agreement that is funded in whole or part
11 by public moneys or that releases a claim against a public body
12 shall not require or impose any condition on any party to keep
13 allegations, evidence, settlement amounts, or any other
14 information confidential, except that which is necessary to
15 protect a trade secret, proprietary information, or
16 information otherwise exempt from disclosure under Section 7 of
17 this Act.