

# HB5875



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5875

by Rep. Sam Yingling

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that "public body" includes any State-wide organization which receives 75% or more of its funding through contributions from taxing bodies for the sake of membership or dues in order to participate in the organization's activities, including, but not limited to, educational endeavors, legislative initiatives, or a general liability insurance pool.

LRB098 18073 HEP 53202 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 2 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" includes any  
17 State-wide organization which receives 75% or more of its  
18 funding through contributions from taxing bodies for the sake  
19 of membership or dues in order to participate in the  
20 organization's activities, including, but not limited to,  
21 educational endeavors, legislative initiatives, or a general  
22 liability insurance pool. "Public body" does not include a  
23 child death review team or the Illinois Child Death Review

1 Teams Executive Council established under the Child Death  
2 Review Team Act.

3 (b) "Person" means any individual, corporation,  
4 partnership, firm, organization or association, acting  
5 individually or as a group.

6 (c) "Public records" means all records, reports, forms,  
7 writings, letters, memoranda, books, papers, maps,  
8 photographs, microfilms, cards, tapes, recordings, electronic  
9 data processing records, electronic communications, recorded  
10 information and all other documentary materials pertaining to  
11 the transaction of public business, regardless of physical form  
12 or characteristics, having been prepared by or for, or having  
13 been or being used by, received by, in the possession of, or  
14 under the control of any public body.

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

24 (c-10) "Commercial purpose" means the use of any part of a  
25 public record or records, or information derived from public  
26 records, in any form for sale, resale, or solicitation or

1 advertisement for sales or services. For purposes of this  
2 definition, requests made by news media and non-profit,  
3 scientific, or academic organizations shall not be considered  
4 to be made for a "commercial purpose" when the principal  
5 purpose of the request is (i) to access and disseminate  
6 information concerning news and current or passing events, (ii)  
7 for articles of opinion or features of interest to the public,  
8 or (iii) for the purpose of academic, scientific, or public  
9 research or education.

10 (d) "Copying" means the reproduction of any public record  
11 by means of any photographic, electronic, mechanical or other  
12 process, device or means now known or hereafter developed and  
13 available to the public body.

14 (e) "Head of the public body" means the president, mayor,  
15 chairman, presiding officer, director, superintendent,  
16 manager, supervisor or individual otherwise holding primary  
17 executive and administrative authority for the public body, or  
18 such person's duly authorized designee.

19 (f) "News media" means a newspaper or other periodical  
20 issued at regular intervals whether in print or electronic  
21 format, a news service whether in print or electronic format, a  
22 radio station, a television station, a television network, a  
23 community antenna television service, or a person or  
24 corporation engaged in making news reels or other motion  
25 picture news for public showing.

26 (g) "Recurrent requester", as used in Section 3.2 of this

1 Act, means a person that, in the 12 months immediately  
2 preceding the request, has submitted to the same public body  
3 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
4 requests for records within a 30-day period, or (iii) a minimum  
5 of 7 requests for records within a 7-day period. For purposes  
6 of this definition, requests made by news media and non-profit,  
7 scientific, or academic organizations shall not be considered  
8 in calculating the number of requests made in the time periods  
9 in this definition when the principal purpose of the requests  
10 is (i) to access and disseminate information concerning news  
11 and current or passing events, (ii) for articles of opinion or  
12 features of interest to the public, or (iii) for the purpose of  
13 academic, scientific, or public research or education.

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

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