



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4209

by Rep. André M. Thapedi

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7

from Ch. 116, par. 207

Creates the Eliminate Racial Profiling Act. Prohibits a State or local law enforcement agent or law enforcement agency from engaging in racial profiling. Allows the State or an individual injured by racial profiling to enforce the racial profiling provision in a civil action for declaratory or injunctive relief. Requires law enforcement agencies to maintain policies and procedures, designed to eliminate racial profiling, and to certify that in applications for certain federal grant programs. Requires the Attorney General to adopt rules for administrative complaint procedures and independent audit programs applicable to law enforcement agencies. Allows the Attorney General to make grants to law enforcement agencies to develop and implement best practices to eliminate racial profiling. Allows the Attorney General to order the withholding of certain federal grants for law enforcement agencies that are not in compliance with the Act. Grants rulemaking authority to the Attorney General to implement the Act. Contains report and publication requirements, with some limitations to protect personal identifying information. Amends the Freedom of Information Act to exempt disclosure of the name and identifying information of a law enforcement officer, complainant, or other person in any activity for which data is collected and compiled under the Eliminate Racial Profiling Act, except for disclosure of information to that person.

LRB099 12142 RLC 34872 b

1 AN ACT concerning racial profiling.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Eliminate Racial Profiling Act.

6 Section 5. Definitions. As used in this Act:

7 "Covered program" means any program or activity funded in
8 whole or in part with funds made available under:

9 (1) the Edward Byrne Memorial Justice Assistance Grant
10 Program under part E of title I of the federal Omnibus
11 Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750
12 et seq.); and

13 (2) the "Cops on the Beat" program under part Q of
14 title I of the federal Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C. 3796dd et seq.), except that
16 no program, project, or other activity specified in Section
17 1701(b)(13) of that part shall be a covered program under
18 this paragraph.

19 "Governmental body" means any department, agency, special
20 purpose district, or other instrumentality of State or local
21 government.

22 "Hit rate" means the percentage of stops and searches in
23 which a law enforcement officer finds drugs, a gun, or other

1 contraband that leads to an arrest. The hit rate is calculated
2 by dividing the total number of searches by the number of
3 searches that yield contraband. The hit rate is complementary
4 to the rate of false stops.

5 "Law enforcement agency" means any State or local public
6 agency engaged in the prevention, detection, or investigation
7 of violations of criminal laws.

8 "Law enforcement agent" means any State or local official
9 responsible for enforcing criminal laws, including police
10 officers and other agents of a law enforcement agency.

11 "Racial profiling" means the practice of a law enforcement
12 agent or agency relying, to any degree, on actual or perceived
13 race, ethnicity, national origin, religion, gender, gender
14 identity, or sexual orientation in selecting which individual
15 to subject to routine or spontaneous investigatory activities
16 or in deciding upon the scope and substance of law enforcement
17 activity following the initial investigatory procedure, except
18 when there is trustworthy information, relevant to the locality
19 and timeframe, that links a person with a particular
20 characteristic described in this paragraph to an identified
21 criminal incident or scheme.

22 "Routine or spontaneous investigatory activities" means
23 the following activities by a law enforcement agent:

- 24 (1) interviews;
25 (2) traffic stops;
26 (3) pedestrian stops;

1 (4) frisks and other types of body searches;

2 (5) consensual or nonconsensual searches of the
3 persons, property, or possessions including vehicles, of
4 individuals using any form of public or private
5 transportation, including motorists and pedestrians;

6 (6) data collection and analysis, assessments, and
7 predicated investigations; or

8 (7) any other types of law enforcement encounters
9 compiled for or by the Department of State Police and the
10 Racial Profiling Prevention and Data Oversight Board under
11 the Racial Profiling Prevention and Data Oversight Act.

12 "Reasonable request" means all requests for information,
13 except for those that:

14 (1) are immaterial to the investigation;

15 (2) would result in the unnecessary disclosure of
16 personal information; or

17 (3) would place a severe burden on the resources of the
18 law enforcement agency given its size.

19 "Unit of local government" means:

20 (1) any municipal, county, township, town, village, or
21 other general purpose political subdivision of this State;

22 (2) any law enforcement district or jurisdiction that:

23 (A) is established under applicable State law; and

24 (B) has the authority to, in a manner independent
25 of other State entities, establish a budget and impose
26 taxes.

1 Section 10. Racial profiling prohibition. No law
2 enforcement agent or law enforcement agency shall engage in
3 racial profiling.

4 Section 15. Enforcement.

5 (a) The State or an individual injured by racial profiling,
6 may enforce Section 10 of this Act in a civil action for
7 declaratory or injunctive relief, filed in a State court of
8 competent jurisdiction.

9 (b) In any action brought under this Act, relief may be
10 obtained against:

11 (1) any governmental body that employed any law
12 enforcement agent who engaged in racial profiling;

13 (2) any agent of a governmental body who engaged in
14 racial profiling; and

15 (3) any person with supervisory authority over any law
16 enforcement agent who engaged in racial profiling.

17 (c) Proof that the routine or spontaneous investigatory
18 activities of law enforcement agents in a jurisdiction have had
19 a disparate impact on individuals with a particular racial
20 profiling characteristic shall constitute prima facie evidence
21 of a violation of this Act.

22 (d) In any action or proceeding to enforce this Act against
23 any governmental body, the court may allow a prevailing
24 plaintiff reasonable attorney's fees as part of the costs, and

1 may include expert fees as part of the attorney's fee.

2 Section 20. Policies to eliminate racial profiling.

3 (a) Law enforcement agencies shall:

4 (1) maintain adequate policies and procedures designed
5 to eliminate racial profiling; and

6 (2) cease existing practices that permit racial
7 profiling.

8 (b) The policies and procedures described in paragraph (1)
9 of subsection (a) shall include:

10 (1) a prohibition on racial profiling;

11 (2) training on racial profiling issues as part of law
12 enforcement training;

13 (3) the collection of data under rules adopted under
14 Section 45 of this Act;

15 (4) procedures for receiving, investigating, and
16 responding meaningfully to complaints alleging racial
17 profiling by law enforcement agents; and

18 (5) any other policies and procedures the Attorney
19 General determines to be necessary to eliminate racial
20 profiling by law enforcement agencies.

21 Section 25. Policies required for grants.

22 (a) An application by a unit of local government or a law
23 enforcement agency for funding under a covered program shall
24 include a certification that the unit of local government or

1 law enforcement agency, and any law enforcement agency to which
2 it will distribute funds:

3 (1) maintains adequate policies and procedures
4 designed to eliminate racial profiling; and

5 (2) has eliminated any existing practices that permit
6 or encourage racial profiling.

7 (b) The policies and procedures described in paragraph (1)
8 of subsection (a) shall include:

9 (1) a prohibition on racial profiling;

10 (2) training on racial profiling issues as part of law
11 enforcement training;

12 (3) the collection of data under the rules adopted by
13 the Attorney General under Section 45 of this Act; and

14 (4) participation in an administrative complaint
15 procedure or independent audit program that meets the
16 requirements of Section 30 of this Act.

17 Section 30. Attorney General.

18 (a) Not later than 6 months after the effective date of
19 this Act and in consultation with stakeholders, including law
20 enforcement agencies and community, professional, research,
21 and civil rights organizations, the Attorney General shall
22 adopt rules for the operation of administrative complaint
23 procedures and independent audit programs to ensure that the
24 programs and procedures provide an appropriate response to
25 allegations of racial profiling by law enforcement agents or

1 agencies. The rules shall contain guidelines that ensure the
2 fairness, effectiveness, and independence of the
3 administrative complaint procedures and independent auditor
4 programs.

5 (b) If the Attorney General determines that the recipient
6 of a grant from any covered program is not in compliance with
7 the requirements of Section 20 of this Act or any rule adopted
8 under subsection (a) of this Section, the Attorney General
9 shall order the distributing agency to withhold, in whole or in
10 part, at the discretion of the Attorney General, funds for one
11 or more grants to the recipient under the covered program,
12 until the recipient establishes compliance.

13 (c) The Attorney General shall provide notice and an
14 opportunity for private parties to present evidence to the
15 Attorney General that a recipient of a grant from any covered
16 program is not in compliance with the requirements of this Act.

17 Section 35. Data collection.

18 (a) The Attorney General may, through competitive grants or
19 contracts, carry out a 2-year demonstration project for the
20 purpose of developing and implementing data collection
21 programs on the hit rates for stops and searches by law
22 enforcement agencies. The data collected shall be
23 disaggregated by race, ethnicity, national origin, gender, and
24 religion.

25 (1) The Attorney General shall provide not more than 10

1 grants or contracts under this Section.

2 (2) Grants or contracts under this Section shall be
3 awarded to law enforcement agencies that serve communities
4 in which there is a significant concentration of racial or
5 ethnic minorities and that are not already collecting data
6 voluntarily beyond that which is required under the Traffic
7 Stop Statistical Study Act.

8 (b) Activities carried out with a grant under this Section
9 shall include:

10 (1) developing a data collection tool and reporting the
11 compiled data to the Attorney General; and

12 (2) training of law enforcement personnel on data
13 collection, particularly for data collection on hit rates
14 for stops and searches.

15 (c) Not later than 3 years after the effective date of this
16 Act, the Attorney General shall enter into a contract with a
17 State institution of higher education to analyze the data
18 collected by each of the grantees funded under this Section.

19 Section 40. Best practices development grants.

20 (a) The Attorney General may make grants to law enforcement
21 agencies and units of local government to develop and implement
22 best practice devices and systems to eliminate racial
23 profiling.

24 (b) The funds provided under subsection (a) of this Section
25 shall be used for programs that include the following purposes:

1 (1) The development and implementation of training to
2 prevent racial profiling and to encourage more respectful
3 interaction with the public.

4 (2) The acquisition and use of technology to facilitate
5 the accurate collection and analysis of data.

6 (3) The development and acquisition of feedback
7 systems and technologies that identify officers or units of
8 officers engaged in, or at risk of engaging in, racial
9 profiling or other misconduct.

10 (4) The establishment and maintenance of an
11 administrative complaint procedure or independent auditor
12 program.

13 (c) The Attorney General shall ensure that grants under
14 this Section are awarded in a manner that reserves an equitable
15 share of funding for small and rural law enforcement agencies.

16 (d) Each law enforcement agency or unit of local government
17 desiring a grant under this Section shall submit an application
18 to the Attorney General at the time, in the manner, and
19 accompanied by the information as the Attorney General may
20 reasonably require.

21 Section 45. Rulemaking.

22 (a) Not later than 6 months after the effective date of
23 this Act, the Attorney General, in consultation with
24 stakeholders, including State and local law enforcement
25 agencies and community, professional, research, and civil

1 rights organizations, shall adopt rules for the collection and
2 compilation of data under Sections 15 and 20 of this Act.

3 (b) The rules adopted under subsection (a) shall:

4 (1) provide for the collection of data on all routine
5 or spontaneous investigatory activities;

6 (2) provide that the data collected shall:

7 (A) be collected by race, ethnicity, national
8 origin, gender, and religion, as perceived by the law
9 enforcement officer;

10 (B) include the date, time, and location of the
11 investigatory activities;

12 (C) include detail sufficient to permit an
13 analysis of whether a law enforcement agency is
14 engaging in racial profiling; and

15 (D) not include personally identifiable
16 information

17 (3) provide that a standardized form shall be made
18 available to law enforcement agencies for the submission of
19 collected data to the Attorney General;

20 (4) provide that law enforcement agencies shall
21 compile data on the standardized form made available under
22 paragraph (3) of this subsection (b), and submit the form
23 to the Attorney General;

24 (5) provide that law enforcement agencies shall
25 maintain all data collected under this Act for not less
26 than 4 years;

1 (6) include guidelines for setting comparative
2 benchmarks, consistent with best practices, against which
3 collected data shall be measured;

4 (7) provide that the Attorney General shall:

5 (A) analyze the data for any statistically
6 significant disparities, including:

7 (i) disparities in the percentage of drivers
8 or pedestrians stopped relative to the proportion
9 of the population passing through the
10 neighborhood;

11 (ii) disparities in the hit rate; and

12 (iii) disparities in the frequency of searches
13 performed on racial or ethnic minority drivers and
14 the frequency of searches performed on
15 non-minority drivers; and

16 (B) not later than 3 years after the effective date
17 of this Act, and annually thereafter:

18 (i) prepare a report regarding the findings of
19 the analysis conducted under subparagraph (A) of
20 this paragraph (7);

21 (ii) provide the report to the General
22 Assembly; and

23 (iii) make the report available to the public,
24 including on the Attorney General's website; and

25 (8) protect the privacy of individuals whose data is
26 collected by:

1 (A) limiting the use of the data collected under
2 this Act to the purposes under this Act;

3 (B) except as otherwise provided in this Act,
4 limiting access to the data collected under this Act to
5 those State or local employees or agents who require
6 this access in order to fulfill the purposes for the
7 data under this Act;

8 (C) requiring contractors or other
9 non-governmental agents who are permitted access to
10 the data collected under this Act to sign use
11 agreements incorporating the use and disclosure
12 restrictions set forth in subparagraph (A) of this
13 paragraph (8); and

14 (D) requiring the maintenance of adequate security
15 measures to prevent unauthorized access to the data
16 collected under this Act.

17 (c) In addition to the rules under subsections (a) and (b)
18 of this Section, the Attorney General may adopt any other rules
19 he or she determines are necessary to implement this Act.

20 Section 50. Publication of data. The Attorney General shall
21 provide to the General Assembly and make available to the
22 public, together with each annual report described in Section
23 25, the data collected under this Act, excluding any personally
24 identifiable information described in Section 55.

1 Section 55. Limitations on publication of data. The name or
2 identifying information of a law enforcement officer,
3 complainant, or any other individual involved in any activity
4 for which data is collected and compiled under this Act shall
5 not be:

6 (1) released to the public;

7 (2) disclosed to any person, except for:

8 (A) the disclosures as are necessary to comply with
9 this Act;

10 (B) disclosures of information regarding a particular
11 person to that person; or

12 (C) disclosures pursuant to litigation; or

13 (3) subject to disclosure under the Freedom of Information
14 Act, except for disclosures of information regarding a
15 particular person to that person.

16 Section 60. Reports. Not later than 2 years after the
17 effective date of this Act, and annually thereafter, the
18 Attorney General shall submit to the General Assembly a report
19 on racial profiling by law enforcement agencies. Each report
20 submitted shall include:

21 (1) a summary of data collected under paragraph (3) of
22 subsection (b) of Section 15 and paragraph (3) of subsection
23 (b) of Section 20 of this Act and from any other reliable
24 source of information regarding racial profiling in the State;

25 (2) a discussion of the findings in the most recent report

1 prepared by the Attorney General under paragraph (7) of
2 subsection (b) of Section 45 of this Act;

3 (3) the status of the adoption and implementation of
4 policies and procedures by law enforcement agencies under this
5 Act; and

6 (4) a description of any other policies and procedures that
7 the Attorney General believes would facilitate the elimination
8 of racial profiling.

9 Section 105. The Freedom of Information Act is amended by
10 changing Section 7 as follows:

11 (5 ILCS 140/7) (from Ch. 116, par. 207)

12 Sec. 7. Exemptions.

13 (1) When a request is made to inspect or copy a public
14 record that contains information that is exempt from disclosure
15 under this Section, but also contains information that is not
16 exempt from disclosure, the public body may elect to redact the
17 information that is exempt. The public body shall make the
18 remaining information available for inspection and copying.
19 Subject to this requirement, the following shall be exempt from
20 inspection and copying:

21 (a) Information specifically prohibited from
22 disclosure by federal or State law or rules and regulations
23 implementing federal or State law.

24 (b) Private information, unless disclosure is required

1 by another provision of this Act, a State or federal law or
2 a court order.

3 (b-5) Files, documents, and other data or databases
4 maintained by one or more law enforcement agencies and
5 specifically designed to provide information to one or more
6 law enforcement agencies regarding the physical or mental
7 status of one or more individual subjects.

8 (c) Personal information contained within public
9 records, the disclosure of which would constitute a clearly
10 unwarranted invasion of personal privacy, unless the
11 disclosure is consented to in writing by the individual
12 subjects of the information. "Unwarranted invasion of
13 personal privacy" means the disclosure of information that
14 is highly personal or objectionable to a reasonable person
15 and in which the subject's right to privacy outweighs any
16 legitimate public interest in obtaining the information.
17 The disclosure of information that bears on the public
18 duties of public employees and officials shall not be
19 considered an invasion of personal privacy.

20 (d) Records in the possession of any public body
21 created in the course of administrative enforcement
22 proceedings, and any law enforcement or correctional
23 agency for law enforcement purposes, but only to the extent
24 that disclosure would:

25 (i) interfere with pending or actually and
26 reasonably contemplated law enforcement proceedings

1 conducted by any law enforcement or correctional
2 agency that is the recipient of the request;

3 (ii) interfere with active administrative
4 enforcement proceedings conducted by the public body
5 that is the recipient of the request;

6 (iii) create a substantial likelihood that a
7 person will be deprived of a fair trial or an impartial
8 hearing;

9 (iv) unavoidably disclose the identity of a
10 confidential source, confidential information
11 furnished only by the confidential source, or persons
12 who file complaints with or provide information to
13 administrative, investigative, law enforcement, or
14 penal agencies; except that the identities of
15 witnesses to traffic accidents, traffic accident
16 reports, and rescue reports shall be provided by
17 agencies of local government, except when disclosure
18 would interfere with an active criminal investigation
19 conducted by the agency that is the recipient of the
20 request;

21 (v) disclose unique or specialized investigative
22 techniques other than those generally used and known or
23 disclose internal documents of correctional agencies
24 related to detection, observation or investigation of
25 incidents of crime or misconduct, and disclosure would
26 result in demonstrable harm to the agency or public

1 body that is the recipient of the request;

2 (vi) endanger the life or physical safety of law
3 enforcement personnel or any other person; or

4 (vii) obstruct an ongoing criminal investigation
5 by the agency that is the recipient of the request.

6 (d-5) A law enforcement record created for law
7 enforcement purposes and contained in a shared electronic
8 record management system if the law enforcement agency that
9 is the recipient of the request did not create the record,
10 did not participate in or have a role in any of the events
11 which are the subject of the record, and only has access to
12 the record through the shared electronic record management
13 system.

14 (e) Records that relate to or affect the security of
15 correctional institutions and detention facilities.

16 (e-5) Records requested by persons committed to the
17 Department of Corrections if those materials are available
18 in the library of the correctional facility where the
19 inmate is confined.

20 (e-6) Records requested by persons committed to the
21 Department of Corrections if those materials include
22 records from staff members' personnel files, staff
23 rosters, or other staffing assignment information.

24 (e-7) Records requested by persons committed to the
25 Department of Corrections if those materials are available
26 through an administrative request to the Department of

1 Corrections.

2 (f) Preliminary drafts, notes, recommendations,
3 memoranda and other records in which opinions are
4 expressed, or policies or actions are formulated, except
5 that a specific record or relevant portion of a record
6 shall not be exempt when the record is publicly cited and
7 identified by the head of the public body. The exemption
8 provided in this paragraph (f) extends to all those records
9 of officers and agencies of the General Assembly that
10 pertain to the preparation of legislative documents.

11 (g) Trade secrets and commercial or financial
12 information obtained from a person or business where the
13 trade secrets or commercial or financial information are
14 furnished under a claim that they are proprietary,
15 privileged or confidential, and that disclosure of the
16 trade secrets or commercial or financial information would
17 cause competitive harm to the person or business, and only
18 insofar as the claim directly applies to the records
19 requested.

20 The information included under this exemption includes
21 all trade secrets and commercial or financial information
22 obtained by a public body, including a public pension fund,
23 from a private equity fund or a privately held company
24 within the investment portfolio of a private equity fund as
25 a result of either investing or evaluating a potential
26 investment of public funds in a private equity fund. The

1 exemption contained in this item does not apply to the
2 aggregate financial performance information of a private
3 equity fund, nor to the identity of the fund's managers or
4 general partners. The exemption contained in this item does
5 not apply to the identity of a privately held company
6 within the investment portfolio of a private equity fund,
7 unless the disclosure of the identity of a privately held
8 company may cause competitive harm.

9 Nothing contained in this paragraph (g) shall be
10 construed to prevent a person or business from consenting
11 to disclosure.

12 (h) Proposals and bids for any contract, grant, or
13 agreement, including information which if it were
14 disclosed would frustrate procurement or give an advantage
15 to any person proposing to enter into a contractor
16 agreement with the body, until an award or final selection
17 is made. Information prepared by or for the body in
18 preparation of a bid solicitation shall be exempt until an
19 award or final selection is made.

20 (i) Valuable formulae, computer geographic systems,
21 designs, drawings and research data obtained or produced by
22 any public body when disclosure could reasonably be
23 expected to produce private gain or public loss. The
24 exemption for "computer geographic systems" provided in
25 this paragraph (i) does not extend to requests made by news
26 media as defined in Section 2 of this Act when the

1 requested information is not otherwise exempt and the only
2 purpose of the request is to access and disseminate
3 information regarding the health, safety, welfare, or
4 legal rights of the general public.

5 (j) The following information pertaining to
6 educational matters:

7 (i) test questions, scoring keys and other
8 examination data used to administer an academic
9 examination;

10 (ii) information received by a primary or
11 secondary school, college, or university under its
12 procedures for the evaluation of faculty members by
13 their academic peers;

14 (iii) information concerning a school or
15 university's adjudication of student disciplinary
16 cases, but only to the extent that disclosure would
17 unavoidably reveal the identity of the student; and

18 (iv) course materials or research materials used
19 by faculty members.

20 (k) Architects' plans, engineers' technical
21 submissions, and other construction related technical
22 documents for projects not constructed or developed in
23 whole or in part with public funds and the same for
24 projects constructed or developed with public funds,
25 including but not limited to power generating and
26 distribution stations and other transmission and

1 distribution facilities, water treatment facilities,
2 airport facilities, sport stadiums, convention centers,
3 and all government owned, operated, or occupied buildings,
4 but only to the extent that disclosure would compromise
5 security.

6 (l) Minutes of meetings of public bodies closed to the
7 public as provided in the Open Meetings Act until the
8 public body makes the minutes available to the public under
9 Section 2.06 of the Open Meetings Act.

10 (m) Communications between a public body and an
11 attorney or auditor representing the public body that would
12 not be subject to discovery in litigation, and materials
13 prepared or compiled by or for a public body in
14 anticipation of a criminal, civil or administrative
15 proceeding upon the request of an attorney advising the
16 public body, and materials prepared or compiled with
17 respect to internal audits of public bodies.

18 (n) Records relating to a public body's adjudication of
19 employee grievances or disciplinary cases; however, this
20 exemption shall not extend to the final outcome of cases in
21 which discipline is imposed.

22 (o) Administrative or technical information associated
23 with automated data processing operations, including but
24 not limited to software, operating protocols, computer
25 program abstracts, file layouts, source listings, object
26 modules, load modules, user guides, documentation

1 pertaining to all logical and physical design of
2 computerized systems, employee manuals, and any other
3 information that, if disclosed, would jeopardize the
4 security of the system or its data or the security of
5 materials exempt under this Section.

6 (p) Records relating to collective negotiating matters
7 between public bodies and their employees or
8 representatives, except that any final contract or
9 agreement shall be subject to inspection and copying.

10 (q) Test questions, scoring keys, and other
11 examination data used to determine the qualifications of an
12 applicant for a license or employment.

13 (r) The records, documents, and information relating
14 to real estate purchase negotiations until those
15 negotiations have been completed or otherwise terminated.
16 With regard to a parcel involved in a pending or actually
17 and reasonably contemplated eminent domain proceeding
18 under the Eminent Domain Act, records, documents and
19 information relating to that parcel shall be exempt except
20 as may be allowed under discovery rules adopted by the
21 Illinois Supreme Court. The records, documents and
22 information relating to a real estate sale shall be exempt
23 until a sale is consummated.

24 (s) Any and all proprietary information and records
25 related to the operation of an intergovernmental risk
26 management association or self-insurance pool or jointly

1 self-administered health and accident cooperative or pool.
2 Insurance or self insurance (including any
3 intergovernmental risk management association or self
4 insurance pool) claims, loss or risk management
5 information, records, data, advice or communications.

6 (t) Information contained in or related to
7 examination, operating, or condition reports prepared by,
8 on behalf of, or for the use of a public body responsible
9 for the regulation or supervision of financial
10 institutions or insurance companies, unless disclosure is
11 otherwise required by State law.

12 (u) Information that would disclose or might lead to
13 the disclosure of secret or confidential information,
14 codes, algorithms, programs, or private keys intended to be
15 used to create electronic or digital signatures under the
16 Electronic Commerce Security Act.

17 (v) Vulnerability assessments, security measures, and
18 response policies or plans that are designed to identify,
19 prevent, or respond to potential attacks upon a community's
20 population or systems, facilities, or installations, the
21 destruction or contamination of which would constitute a
22 clear and present danger to the health or safety of the
23 community, but only to the extent that disclosure could
24 reasonably be expected to jeopardize the effectiveness of
25 the measures or the safety of the personnel who implement
26 them or the public. Information exempt under this item may

1 include such things as details pertaining to the
2 mobilization or deployment of personnel or equipment, to
3 the operation of communication systems or protocols, or to
4 tactical operations.

5 (w) (Blank).

6 (x) Maps and other records regarding the location or
7 security of generation, transmission, distribution,
8 storage, gathering, treatment, or switching facilities
9 owned by a utility, by a power generator, or by the
10 Illinois Power Agency.

11 (y) Information contained in or related to proposals,
12 bids, or negotiations related to electric power
13 procurement under Section 1-75 of the Illinois Power Agency
14 Act and Section 16-111.5 of the Public Utilities Act that
15 is determined to be confidential and proprietary by the
16 Illinois Power Agency or by the Illinois Commerce
17 Commission.

18 (z) Information about students exempted from
19 disclosure under Sections 10-20.38 or 34-18.29 of the
20 School Code, and information about undergraduate students
21 enrolled at an institution of higher education exempted
22 from disclosure under Section 25 of the Illinois Credit
23 Card Marketing Act of 2009.

24 (aa) Information the disclosure of which is exempted
25 under the Viatical Settlements Act of 2009.

26 (bb) Records and information provided to a mortality

1 review team and records maintained by a mortality review
2 team appointed under the Department of Juvenile Justice
3 Mortality Review Team Act.

4 (cc) Information regarding interments, entombments, or
5 inurnments of human remains that are submitted to the
6 Cemetery Oversight Database under the Cemetery Care Act or
7 the Cemetery Oversight Act, whichever is applicable.

8 (dd) Correspondence and records (i) that may not be
9 disclosed under Section 11-9 of the Public Aid Code or (ii)
10 that pertain to appeals under Section 11-8 of the Public
11 Aid Code.

12 (ee) The names, addresses, or other personal
13 information of persons who are minors and are also
14 participants and registrants in programs of park
15 districts, forest preserve districts, conservation
16 districts, recreation agencies, and special recreation
17 associations.

18 (ff) The names, addresses, or other personal
19 information of participants and registrants in programs of
20 park districts, forest preserve districts, conservation
21 districts, recreation agencies, and special recreation
22 associations where such programs are targeted primarily to
23 minors.

24 (gg) Confidential information described in Section
25 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

26 (hh) The report submitted to the State Board of

1 Education by the School Security and Standards Task Force
2 under item (8) of subsection (d) of Section 2-3.160 of the
3 School Code and any information contained in that report.

4 (ii) The name and identifying information of a law
5 enforcement officer, complainant, or other person involved
6 in any activity for which data is collected and compiled
7 under the Eliminate Racial Profiling Act, except for
8 information regarding a particular person to that person.

9 (1.5) Any information exempt from disclosure under the
10 Judicial Privacy Act shall be redacted from public records
11 prior to disclosure under this Act.

12 (2) A public record that is not in the possession of a
13 public body but is in the possession of a party with whom the
14 agency has contracted to perform a governmental function on
15 behalf of the public body, and that directly relates to the
16 governmental function and is not otherwise exempt under this
17 Act, shall be considered a public record of the public body,
18 for purposes of this Act.

19 (3) This Section does not authorize withholding of
20 information or limit the availability of records to the public,
21 except as stated in this Section or otherwise provided in this
22 Act.

23 (Source: P.A. 97-333, eff. 8-12-11; 97-385, eff. 8-15-11;
24 97-452, eff. 8-19-11; 97-783, eff. 7-13-12; 97-813, eff.
25 7-13-12; 97-847, eff. 9-22-12; 97-1065, eff. 8-24-12; 97-1129,
26 eff. 8-28-12; 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;

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1 98-695, eff. 7-3-14.)