



Sen. Patricia Van Pelt

Filed: 4/14/2016

09900SB2210sam002

LRB099 15836 HEP 47470 a

1 AMENDMENT TO SENATE BILL 2210

2 AMENDMENT NO. _____. Amend Senate Bill 2210 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 2, 7, 7.5, and 11 and by adding Section 7.2
6 as follows:

7 (5 ILCS 140/2) (from Ch. 116, par. 202)

8 (Text of Section before amendment by P.A. 99-478)

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

10 (a) "Public body" means all legislative, executive,
11 administrative, or advisory bodies of the State, state
12 universities and colleges, counties, townships, cities,
13 villages, incorporated towns, school districts and all other
14 municipal corporations, boards, bureaus, committees, or
15 commissions of this State, any subsidiary bodies of any of the
16 foregoing including but not limited to committees and

1 subcommittees thereof, and a School Finance Authority created
2 under Article 1E of the School Code. "Public body" does not
3 include a child death review team or the Illinois Child Death
4 Review Teams Executive Council established under the Child
5 Death Review Team Act, or a regional youth advisory board or
6 the Statewide Youth Advisory Board established under the
7 Department of Children and Family Services Statewide Youth
8 Advisory Board Act.

9 (b) "Person" means any individual, corporation,
10 partnership, firm, organization or association, acting
11 individually or as a group.

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

21 (c-5) "Private information" means unique identifiers,
22 including a person's social security number, driver's license
23 number, employee identification number, biometric identifiers,
24 personal financial information, passwords or other access
25 codes, medical records, home or personal telephone numbers, and
26 personal email addresses. Private information also includes

1 home address and personal license plates, except as otherwise
2 provided by law or when compiled without possibility of
3 attribution to any person.

4 (c-10) "Commercial purpose" means the use of any part of a
5 public record or records, or information derived from public
6 records, in any form for sale, resale, or solicitation or
7 advertisement for sales or services. For purposes of this
8 definition, requests made by news media and non-profit,
9 scientific, or academic organizations shall not be considered
10 to be made for a "commercial purpose" when the principal
11 purpose of the request is (i) to access and disseminate
12 information concerning news and current or passing events, (ii)
13 for articles of opinion or features of interest to the public,
14 or (iii) for the purpose of academic, scientific, or public
15 research or education.

16 (d) "Copying" means the reproduction of any public record
17 by means of any photographic, electronic, mechanical or other
18 process, device or means now known or hereafter developed and
19 available to the public body.

20 (e) "Head of the public body" means the president, mayor,
21 chairman, presiding officer, director, superintendent,
22 manager, supervisor or individual otherwise holding primary
23 executive and administrative authority for the public body, or
24 such person's duly authorized designee.

25 (f) "News media" means a newspaper or other periodical
26 issued at regular intervals whether in print or electronic

1 format, a news service whether in print or electronic format, a
2 radio station, a television station, a television network, a
3 community antenna television service, or a person or
4 corporation engaged in making news reels or other motion
5 picture news for public showing.

6 (g) "Recurrent requester", as used in Section 3.2 of this
7 Act, means a person that, in the 12 months immediately
8 preceding the request, has submitted to the same public body
9 (i) a minimum of 50 requests for records, (ii) a minimum of 15
10 requests for records within a 30-day period, or (iii) a minimum
11 of 7 requests for records within a 7-day period. For purposes
12 of this definition, requests made by news media and non-profit,
13 scientific, or academic organizations shall not be considered
14 in calculating the number of requests made in the time periods
15 in this definition when the principal purpose of the requests
16 is (i) to access and disseminate information concerning news
17 and current or passing events, (ii) for articles of opinion or
18 features of interest to the public, or (iii) for the purpose of
19 academic, scientific, or public research or education.

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

1 (h) "Voluminous request" means a request that: (i) includes
2 more than 5 individual requests for more than 5 different
3 categories of records or a combination of individual requests
4 that total requests for more than 5 different categories of
5 records in a period of 20 business days; or (ii) requires the
6 compilation of more than 500 letter or legal-sized pages of
7 public records unless a single requested record exceeds 500
8 pages. "Single requested record" may include, but is not
9 limited to, one report, form, e-mail, letter, memorandum, book,
10 map, microfilm, tape, or recording.

11 "Voluminous request" does not include a request made by
12 news media and non-profit, scientific, or academic
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23 particular public record or records the requester seeks. One
24 request may identify multiple individual records to be
25 inspected or copied.

26 (j) "In-car video camera" has the meaning provided in

1 Section 5 of the Law Enforcement Camera Grant Act.

2 (k) "Officer-involved death" has the meaning provided in
3 Section 1-5 of the Police and Community Relations Improvement
4 Act.

5 (l) "Officer-worn body camera" has the meaning provided in
6 Section 5 of the Law Enforcement Camera Grant Act.

7 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
8 99-78, eff. 7-20-15.)

9 (Text of Section after amendment by P.A. 99-478)

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17 foregoing including but not limited to committees and
18 subcommittees thereof, and a School Finance Authority created
19 under Article 1E of the School Code. "Public body" does not
20 include a child death review team or the Illinois Child Death
21 Review Teams Executive Council established under the Child
22 Death Review Team Act, or a regional youth advisory board or
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12 (e) "Head of the public body" means the president, mayor,
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13 personal delivery, mail, telefax, electronic mail, or other
14 means available to the public body and that identifies the
15 particular public record or records the requester seeks. One
16 request may identify multiple individual records to be
17 inspected or copied.

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

21 (j) "In-car video camera" has the meaning provided in
22 Section 5 of the Law Enforcement Camera Grant Act.

23 (k) "Officer-involved death" has the meaning provided in
24 Section 1-5 of the Police and Community Relations Improvement
25 Act.

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2 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
3 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

4 (5 ILCS 140/7) (from Ch. 116, par. 207)

5 Sec. 7. Exemptions.

6 (1) When a request is made to inspect or copy a public
7 record that contains information that is exempt from disclosure
8 under this Section, but also contains information that is not
9 exempt from disclosure, the public body may elect to redact the
10 information that is exempt. The public body shall make the
11 remaining information available for inspection and copying.
12 Subject to this requirement, the following shall be exempt from
13 inspection and copying:

14 (a) Information specifically prohibited from
15 disclosure by federal or State law or rules and regulations
16 implementing federal or State law.

17 (b) Private information, unless disclosure is required
18 by another provision of this Act, a State or federal law or
19 a court order.

20 (b-5) Files, documents, and other data or databases
21 maintained by one or more law enforcement agencies and
22 specifically designed to provide information to one or more
23 law enforcement agencies regarding the physical or mental
24 status of one or more individual subjects.

25 (c) Personal information contained within public

1 records, the disclosure of which would constitute a clearly
2 unwarranted invasion of personal privacy, unless the
3 disclosure is consented to in writing by the individual
4 subjects of the information. "Unwarranted invasion of
5 personal privacy" means the disclosure of information that
6 is highly personal or objectionable to a reasonable person
7 and in which the subject's right to privacy outweighs any
8 legitimate public interest in obtaining the information.
9 The disclosure of information that bears on the public
10 duties of public employees and officials shall not be
11 considered an invasion of personal privacy.

12 (d) Except as otherwise provided in Section 7.2 of this
13 Act, records ~~Records~~ in the possession of any public body
14 created in the course of administrative enforcement
15 proceedings, and any law enforcement or correctional
16 agency for law enforcement purposes, but only to the extent
17 that disclosure would:

18 (i) interfere with pending or actually and
19 reasonably contemplated law enforcement proceedings
20 conducted by any law enforcement or correctional
21 agency that is the recipient of the request;

22 (ii) interfere with active administrative
23 enforcement proceedings conducted by the public body
24 that is the recipient of the request;

25 (iii) create a substantial likelihood that a
26 person will be deprived of a fair trial or an impartial

1 hearing;

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

14 (v) disclose unique or specialized investigative
15 techniques other than those generally used and known or
16 disclose internal documents of correctional agencies
17 related to detection, observation or investigation of
18 incidents of crime or misconduct, and disclosure would
19 result in demonstrable harm to the agency or public
20 body that is the recipient of the request;

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

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

25 (d-5) A law enforcement record created for law
26 enforcement purposes and contained in a shared electronic

1 record management system if the law enforcement agency that
2 is the recipient of the request did not create the record,
3 did not participate in or have a role in any of the events
4 which are the subject of the record, and only has access to
5 the record through the shared electronic record management
6 system.

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

9 (e-5) Records requested by persons committed to the
10 Department of Corrections if those materials are available
11 in the library of the correctional facility where the
12 inmate is confined.

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

17 (e-7) Records requested by persons committed to the
18 Department of Corrections if those materials are available
19 through an administrative request to the Department of
20 Corrections.

21 (f) Preliminary drafts, notes, recommendations,
22 memoranda and other records in which opinions are
23 expressed, or policies or actions are formulated, except
24 that a specific record or relevant portion of a record
25 shall not be exempt when the record is publicly cited and
26 identified by the head of the public body. The exemption

1 provided in this paragraph (f) extends to all those records
2 of officers and agencies of the General Assembly that
3 pertain to the preparation of legislative documents.

4 (g) Trade secrets and commercial or financial
5 information obtained from a person or business where the
6 trade secrets or commercial or financial information are
7 furnished under a claim that they are proprietary,
8 privileged or confidential, and that disclosure of the
9 trade secrets or commercial or financial information would
10 cause competitive harm to the person or business, and only
11 insofar as the claim directly applies to the records
12 requested.

13 The information included under this exemption includes
14 all trade secrets and commercial or financial information
15 obtained by a public body, including a public pension fund,
16 from a private equity fund or a privately held company
17 within the investment portfolio of a private equity fund as
18 a result of either investing or evaluating a potential
19 investment of public funds in a private equity fund. The
20 exemption contained in this item does not apply to the
21 aggregate financial performance information of a private
22 equity fund, nor to the identity of the fund's managers or
23 general partners. The exemption contained in this item does
24 not apply to the identity of a privately held company
25 within the investment portfolio of a private equity fund,
26 unless the disclosure of the identity of a privately held

1 company may cause competitive harm.

2 Nothing contained in this paragraph (g) shall be
3 construed to prevent a person or business from consenting
4 to disclosure.

5 (h) Proposals and bids for any contract, grant, or
6 agreement, including information which if it were
7 disclosed would frustrate procurement or give an advantage
8 to any person proposing to enter into a contractor
9 agreement with the body, until an award or final selection
10 is made. Information prepared by or for the body in
11 preparation of a bid solicitation shall be exempt until an
12 award or final selection is made.

13 (i) Valuable formulae, computer geographic systems,
14 designs, drawings and research data obtained or produced by
15 any public body when disclosure could reasonably be
16 expected to produce private gain or public loss. The
17 exemption for "computer geographic systems" provided in
18 this paragraph (i) does not extend to requests made by news
19 media as defined in Section 2 of this Act when the
20 requested information is not otherwise exempt and the only
21 purpose of the request is to access and disseminate
22 information regarding the health, safety, welfare, or
23 legal rights of the general public.

24 (j) The following information pertaining to
25 educational matters:

26 (i) test questions, scoring keys and other

1 examination data used to administer an academic
2 examination;

3 (ii) information received by a primary or
4 secondary school, college, or university under its
5 procedures for the evaluation of faculty members by
6 their academic peers;

7 (iii) information concerning a school or
8 university's adjudication of student disciplinary
9 cases, but only to the extent that disclosure would
10 unavoidably reveal the identity of the student; and

11 (iv) course materials or research materials used
12 by faculty members.

13 (k) Architects' plans, engineers' technical
14 submissions, and other construction related technical
15 documents for projects not constructed or developed in
16 whole or in part with public funds and the same for
17 projects constructed or developed with public funds,
18 including but not limited to power generating and
19 distribution stations and other transmission and
20 distribution facilities, water treatment facilities,
21 airport facilities, sport stadiums, convention centers,
22 and all government owned, operated, or occupied buildings,
23 but only to the extent that disclosure would compromise
24 security.

25 (l) Minutes of meetings of public bodies closed to the
26 public as provided in the Open Meetings Act until the

1 public body makes the minutes available to the public under
2 Section 2.06 of the Open Meetings Act.

3 (m) Communications between a public body and an
4 attorney or auditor representing the public body that would
5 not be subject to discovery in litigation, and materials
6 prepared or compiled by or for a public body in
7 anticipation of a criminal, civil or administrative
8 proceeding upon the request of an attorney advising the
9 public body, and materials prepared or compiled with
10 respect to internal audits of public bodies.

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

15 (o) Administrative or technical information associated
16 with automated data processing operations, including but
17 not limited to software, operating protocols, computer
18 program abstracts, file layouts, source listings, object
19 modules, load modules, user guides, documentation
20 pertaining to all logical and physical design of
21 computerized systems, employee manuals, and any other
22 information that, if disclosed, would jeopardize the
23 security of the system or its data or the security of
24 materials exempt under this Section.

25 (p) Records relating to collective negotiating matters
26 between public bodies and their employees or

1 representatives, except that any final contract or
2 agreement shall be subject to inspection and copying.

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

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

17 (s) Any and all proprietary information and records
18 related to the operation of an intergovernmental risk
19 management association or self-insurance pool or jointly
20 self-administered health and accident cooperative or pool.
21 Insurance or self insurance (including any
22 intergovernmental risk management association or self
23 insurance pool) claims, loss or risk management
24 information, records, data, advice or communications.

25 (t) Information contained in or related to
26 examination, operating, or condition reports prepared by,

1 on behalf of, or for the use of a public body responsible
2 for the regulation or supervision of financial
3 institutions or insurance companies, unless disclosure is
4 otherwise required by State law.

5 (u) Information that would disclose or might lead to
6 the disclosure of secret or confidential information,
7 codes, algorithms, programs, or private keys intended to be
8 used to create electronic or digital signatures under the
9 Electronic Commerce Security Act.

10 (v) Vulnerability assessments, security measures, and
11 response policies or plans that are designed to identify,
12 prevent, or respond to potential attacks upon a community's
13 population or systems, facilities, or installations, the
14 destruction or contamination of which would constitute a
15 clear and present danger to the health or safety of the
16 community, but only to the extent that disclosure could
17 reasonably be expected to jeopardize the effectiveness of
18 the measures or the safety of the personnel who implement
19 them or the public. Information exempt under this item may
20 include such things as details pertaining to the
21 mobilization or deployment of personnel or equipment, to
22 the operation of communication systems or protocols, or to
23 tactical operations.

24 (w) (Blank).

25 (x) Maps and other records regarding the location or
26 security of generation, transmission, distribution,

1 storage, gathering, treatment, or switching facilities
2 owned by a utility, by a power generator, or by the
3 Illinois Power Agency.

4 (y) Information contained in or related to proposals,
5 bids, or negotiations related to electric power
6 procurement under Section 1-75 of the Illinois Power Agency
7 Act and Section 16-111.5 of the Public Utilities Act that
8 is determined to be confidential and proprietary by the
9 Illinois Power Agency or by the Illinois Commerce
10 Commission.

11 (z) Information about students exempted from
12 disclosure under Sections 10-20.38 or 34-18.29 of the
13 School Code, and information about undergraduate students
14 enrolled at an institution of higher education exempted
15 from disclosure under Section 25 of the Illinois Credit
16 Card Marketing Act of 2009.

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

19 (bb) Records and information provided to a mortality
20 review team and records maintained by a mortality review
21 team appointed under the Department of Juvenile Justice
22 Mortality Review Team Act.

23 (cc) Information regarding interments, entombments, or
24 inurnments of human remains that are submitted to the
25 Cemetery Oversight Database under the Cemetery Care Act or
26 the Cemetery Oversight Act, whichever is applicable.

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

5 (ee) The names, addresses, or other personal
6 information of persons who are minors and are also
7 participants and registrants in programs of park
8 districts, forest preserve districts, conservation
9 districts, recreation agencies, and special recreation
10 associations.

11 (ff) The names, addresses, or other personal
12 information of participants and registrants in programs of
13 park districts, forest preserve districts, conservation
14 districts, recreation agencies, and special recreation
15 associations where such programs are targeted primarily to
16 minors.

17 (gg) Confidential information described in Section
18 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

19 (hh) The report submitted to the State Board of
20 Education by the School Security and Standards Task Force
21 under item (8) of subsection (d) of Section 2-3.160 of the
22 School Code and any information contained in that report.

23 (ii) Records requested by persons committed to or
24 detained by the Department of Human Services under the
25 Sexually Violent Persons Commitment Act or committed to the
26 Department of Corrections under the Sexually Dangerous

1 Persons Act if those materials: (i) are available in the
2 library of the facility where the individual is confined;
3 (ii) include records from staff members' personnel files,
4 staff rosters, or other staffing assignment information;
5 or (iii) are available through an administrative request to
6 the Department of Human Services or the Department of
7 Corrections.

8 (jj) ~~(ii)~~ Confidential information described in
9 Section 5-535 of the Civil Administrative Code of Illinois.

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

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

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

24 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;
25 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;
26 revised 1-11-16.)

1 (5 ILCS 140/7.2 new)

2 Sec. 7.2. Law enforcement recordings.

3 (a) Notwithstanding Section 7 of this Act, a recording from
4 an in-car video camera or an officer-worn body camera of a law
5 enforcement officer discharging a firearm or an
6 officer-involved death is not exempt from inspection and
7 copying, unless the public body asserts an exemption under this
8 Act supported by a court order finding the asserted exemption
9 applicable to the requested recording.

10 (b) An action under this Section shall take the form of an
11 action for declaratory judgment consistent with Section 11 of
12 this Act. Notice of the public body's intent to file an action
13 under this Section must be provided to the requestor prior to
14 the deadline to respond to the request under Section 3 of this
15 Act. Unless the requester withdraws the request, the action
16 must be commenced by filing a complaint in the circuit court of
17 the applicable jurisdiction within 14 days of the notice
18 provided under this subsection. The complaint must attach all
19 evidence on which the public body will rely to support its
20 exemption claims, except that any evidence claimed by the
21 public body to be exempt under this Act may be submitted for in
22 camera review. In addition to formal service, the public body
23 shall send a copy of the complaint by email to the email
24 address previously provided by the requester, or else by mail
25 to the mailing address previously provided by the requester.

1 The public body shall post copies of all notices under this
2 Section on its website, or if the public body does not have a
3 website, shall prominently display the notice at its primary
4 office. The action shall name the requester as a defendant, and
5 may name multiple requesters seeking the same records as
6 defendants in the same action. The decision in the action shall
7 only remain in effect for a specific period of time determined
8 by the court as necessary to effectuate the purpose of the
9 asserted exemption.

10 (c) Upon motion filed by a public body or requester, the
11 court shall conduct an expedited hearing on the applicability
12 of the exemption asserted by the public body to the release of
13 the requested recording.

14 (d) In addition to establishing that an exemption applies,
15 the public body must prove by clear and convincing evidence
16 that the harm that would result from release of the recording
17 outweighs the public interest in disclosure.

18 (e) If applicable, the requirements of paragraph (1) of
19 subsection (b) of Section 10-20 of the Law Enforcement
20 Officer-Worn Body Camera Act must be met before a recording may
21 be released under this Section.

22 (f) To the extent the public body does not prevail in an
23 action under this Section as to one or more of the claimed
24 exemptions, the requester shall be considered to have prevailed
25 under subsection (i) of Section 11. To the extent the court
26 determines that the public body lacked a good faith basis for

1 one or more of its exemption claims or brought an action under
2 this Section for the purpose of delay, the court shall award
3 civil penalties under subsection (j) of Section 11.

4 (5 ILCS 140/7.5)

5 Sec. 7.5. Statutory exemptions. To the extent provided for
6 by the statutes referenced below, the following shall be exempt
7 from inspection and copying:

8 (a) All information determined to be confidential
9 under Section 4002 of the Technology Advancement and
10 Development Act.

11 (b) Library circulation and order records identifying
12 library users with specific materials under the Library
13 Records Confidentiality Act.

14 (c) Applications, related documents, and medical
15 records received by the Experimental Organ Transplantation
16 Procedures Board and any and all documents or other records
17 prepared by the Experimental Organ Transplantation
18 Procedures Board or its staff relating to applications it
19 has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating
22 to known or suspected cases of sexually transmissible
23 disease or any information the disclosure of which is
24 restricted under the Illinois Sexually Transmissible
25 Disease Control Act.

1 (e) Information the disclosure of which is exempted
2 under Section 30 of the Radon Industry Licensing Act.

3 (f) Firm performance evaluations under Section 55 of
4 the Architectural, Engineering, and Land Surveying
5 Qualifications Based Selection Act.

6 (g) Information the disclosure of which is restricted
7 and exempted under Section 50 of the Illinois Prepaid
8 Tuition Act.

9 (h) Information the disclosure of which is exempted
10 under the State Officials and Employees Ethics Act, and
11 records of any lawfully created State or local inspector
12 general's office that would be exempt if created or
13 obtained by an Executive Inspector General's office under
14 that Act.

15 (i) Information contained in a local emergency energy
16 plan submitted to a municipality in accordance with a local
17 emergency energy plan ordinance that is adopted under
18 Section 11-21.5-5 of the Illinois Municipal Code.

19 (j) Information and data concerning the distribution
20 of surcharge moneys collected and remitted by wireless
21 carriers under the Wireless Emergency Telephone Safety
22 Act.

23 (k) Law enforcement officer identification information
24 or driver identification information compiled by a law
25 enforcement agency or the Department of Transportation
26 under Section 11-212 of the Illinois Vehicle Code.

1 (l) Records and information provided to a residential
2 health care facility resident sexual assault and death
3 review team or the Executive Council under the Abuse
4 Prevention Review Team Act.

5 (m) Information provided to the predatory lending
6 database created pursuant to Article 3 of the Residential
7 Real Property Disclosure Act, except to the extent
8 authorized under that Article.

9 (n) Defense budgets and petitions for certification of
10 compensation and expenses for court appointed trial
11 counsel as provided under Sections 10 and 15 of the Capital
12 Crimes Litigation Act. This subsection (n) shall apply
13 until the conclusion of the trial of the case, even if the
14 prosecution chooses not to pursue the death penalty prior
15 to trial or sentencing.

16 (o) Information that is prohibited from being
17 disclosed under Section 4 of the Illinois Health and
18 Hazardous Substances Registry Act.

19 (p) Security portions of system safety program plans,
20 investigation reports, surveys, schedules, lists, data, or
21 information compiled, collected, or prepared by or for the
22 Regional Transportation Authority under Section 2.11 of
23 the Regional Transportation Authority Act or the St. Clair
24 County Transit District under the Bi-State Transit Safety
25 Act.

26 (q) Information prohibited from being disclosed by the

1 Personnel Records Review Act.

2 (r) Information prohibited from being disclosed by the
3 Illinois School Student Records Act.

4 (s) Information the disclosure of which is restricted
5 under Section 5-108 of the Public Utilities Act.

6 (t) All identified or deidentified health information
7 in the form of health data or medical records contained in,
8 stored in, submitted to, transferred by, or released from
9 the Illinois Health Information Exchange, and identified
10 or deidentified health information in the form of health
11 data and medical records of the Illinois Health Information
12 Exchange in the possession of the Illinois Health
13 Information Exchange Authority due to its administration
14 of the Illinois Health Information Exchange. The terms
15 "identified" and "deidentified" shall be given the same
16 meaning as in the Health Insurance Portability and
17 Accountability and Portability Act of 1996, Public Law
18 104-191, or any subsequent amendments thereto, and any
19 regulations promulgated thereunder.

20 (u) Records and information provided to an independent
21 team of experts under Brian's Law.

22 (v) Names and information of people who have applied
23 for or received Firearm Owner's Identification Cards under
24 the Firearm Owners Identification Card Act or applied for
25 or received a concealed carry license under the Firearm
26 Concealed Carry Act, unless otherwise authorized by the

1 Firearm Concealed Carry Act; and databases under the
2 Firearm Concealed Carry Act, records of the Concealed Carry
3 Licensing Review Board under the Firearm Concealed Carry
4 Act, and law enforcement agency objections under the
5 Firearm Concealed Carry Act.

6 (w) Personally identifiable information which is
7 exempted from disclosure under subsection (g) of Section
8 19.1 of the Toll Highway Act.

9 (x) Information which is exempted from disclosure
10 under Section 5-1014.3 of the Counties Code or Section
11 8-11-21 of the Illinois Municipal Code.

12 (y) Confidential information under the Adult
13 Protective Services Act and its predecessor enabling
14 statute, the Elder Abuse and Neglect Act, including
15 information about the identity and administrative finding
16 against any caregiver of a verified and substantiated
17 decision of abuse, neglect, or financial exploitation of an
18 eligible adult maintained in the Registry established
19 under Section 7.5 of the Adult Protective Services Act.

20 (z) Records and information provided to a fatality
21 review team or the Illinois Fatality Review Team Advisory
22 Council under Section 15 of the Adult Protective Services
23 Act.

24 (aa) Information which is exempted from disclosure
25 under Section 2.37 of the Wildlife Code.

26 (bb) Information which is or was prohibited from

1 disclosure by the Juvenile Court Act of 1987.

2 (cc) ~~(bb)~~ Recordings made under the Law Enforcement
3 Officer-Worn Body Camera Act, except to the extent
4 authorized under that Act or under Section 7.2 of this Act.

5 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
6 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
7 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
8 revised 10-14-15.)

9 (5 ILCS 140/11) (from Ch. 116, par. 211)

10 Sec. 11. (a) Any person denied access to inspect or copy
11 any public record by a public body may file suit for injunctive
12 or declaratory relief.

13 (b) Where the denial is from a public body of the State,
14 suit may be filed in the circuit court for the county where the
15 public body has its principal office or where the person denied
16 access resides.

17 (c) Where the denial is from a municipality or other public
18 body, except as provided in subsection (b) of this Section,
19 suit may be filed in the circuit court for the county where the
20 public body is located.

21 (d) The circuit court shall have the jurisdiction to enjoin
22 the public body from withholding public records and to order
23 the production of any public records improperly withheld from
24 the person seeking access. If the public body can show that
25 exceptional circumstances exist, and that the body is

1 exercising due diligence in responding to the request, the
2 court may retain jurisdiction and allow the agency additional
3 time to complete its review of the records.

4 (e) On motion of the plaintiff, prior to or after in camera
5 inspection, the court shall order the public body to provide an
6 index of the records to which access has been denied. The index
7 shall include the following:

8 (i) A description of the nature or contents of each
9 document withheld, or each deletion from a released
10 document, provided, however, that the public body shall not
11 be required to disclose the information which it asserts is
12 exempt; and

13 (ii) A statement of the exemption or exemptions claimed
14 for each such deletion or withheld document.

15 (f) In any action considered by the court, the court shall
16 consider the matter de novo, and shall conduct such in camera
17 examination of the requested records as it finds appropriate to
18 determine if such records or any part thereof may be withheld
19 under any provision of this Act. The burden shall be on the
20 public body to establish that its refusal to permit public
21 inspection or copying is in accordance with the provisions of
22 this Act. Any public body that asserts that a record is exempt
23 from disclosure has the burden of proving that it is exempt by
24 clear and convincing evidence.

25 (g) In the event of noncompliance with an order of the
26 court to disclose, the court may enforce its order against any

1 public official or employee so ordered or primarily responsible
2 for such noncompliance through the court's contempt powers.

3 (h) Except as to causes the court considers to be of
4 greater importance, proceedings arising under this Section
5 shall take precedence on the docket over all other causes and
6 be assigned for hearing and trial at the earliest practicable
7 date and expedited in every way.

8 (i) If a person seeking the right to inspect or receive a
9 copy of a public record prevails in a proceeding under this
10 Section, the court shall award such person reasonable
11 attorney's ~~attorneys'~~ fees and costs. In determining what
12 amount of attorney's fees is reasonable, the court shall
13 consider the degree to which the relief obtained relates to the
14 relief sought. The changes contained in this subsection apply
15 to an action filed on or after January 1, 2010 (the effective
16 date of Public Act 96-542) ~~this amendatory Act of the 96th~~
17 ~~General Assembly.~~

18 (j) If the court determines that a public body willfully
19 and intentionally failed to comply with this Act, or otherwise
20 acted in bad faith, the court shall also impose upon the public
21 body a civil penalty of not less than \$2,500 nor more than
22 \$5,000 for each occurrence. In assessing the civil penalty, the
23 court shall consider in aggravation or mitigation the budget of
24 the public body and whether the public body has previously been
25 assessed penalties for violations of this Act. The changes
26 contained in this subsection apply to an action filed on or

1 after January 1, 2010 (the effective date of Public Act 96-542)
2 ~~this amendatory Act of the 96th General Assembly.~~

3 (k) This Section applies in an action for declaratory
4 relief brought by a public body pursuant to subsection (b) of
5 Section 7.2 of this Act.

6 (Source: P.A. 96-542, eff. 1-1-10; 97-813, eff. 7-13-12;
7 revised 10-14-15.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".