

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 Sections 3 and 7 and by adding Section 3.4 as follows:

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

7 Sec. 3. (a) Each public body shall make available to any
8 person for inspection or copying all public records, except as
9 otherwise provided in Sections 7 and 8.5 of this Act.
10 Notwithstanding any other law, a public body may not grant to
11 any person or entity, whether by contract, license, or
12 otherwise, the exclusive right to access and disseminate any
13 public record as defined in this Act.

14 (b) Subject to the fee provisions of Section 6 of this Act,
15 each public body shall promptly provide, to any person who
16 submits a request, a copy of any public record required to be
17 disclosed by subsection (a) of this Section and shall certify
18 such copy if so requested.

19 (c) Requests for inspection or copies shall be made in
20 writing and directed to the public body. Written requests may
21 be submitted to a public body via personal delivery, mail,
22 telefax, or other means available to the public body. A public
23 body may honor oral requests for inspection or copying. A

1 public body may not require that a request be submitted on a
2 standard form or require the requester to specify the purpose
3 for a request, except to determine whether the records are
4 requested for a commercial purpose or whether to grant a
5 request for a fee waiver. All requests for inspection and
6 copying received by a public body shall immediately be
7 forwarded to its Freedom of Information officer or designee.

8 (d) Each public body shall, promptly, either comply with or
9 deny a request for public records within 5 business days after
10 its receipt of the request, unless the time for response is
11 properly extended under subsection (e) of this Section. Denial
12 shall be in writing as provided in Section 9 of this Act.
13 Failure to comply with a written request, extend the time for
14 response, or deny a request within 5 business days after its
15 receipt shall be considered a denial of the request. A public
16 body that fails to respond to a request within the requisite
17 periods in this Section but thereafter provides the requester
18 with copies of the requested public records may not impose a
19 fee for such copies. A public body that fails to respond to a
20 request received may not treat the request as unduly burdensome
21 under subsection (g).

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

25 (i) the requested records are stored in whole or in
26 part at other locations than the office having charge of

1 the requested records;

2 (ii) the request requires the collection of a
3 substantial number of specified records;

4 (iii) the request is couched in categorical terms and
5 requires an extensive search for the records responsive to
6 it;

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

10 (v) the requested records require examination and
11 evaluation by personnel having the necessary competence
12 and discretion to determine if they are exempt from
13 disclosure under Section 7 of this Act or should be
14 revealed only with appropriate deletions;

15 (vi) the request for records cannot be complied with by
16 the public body within the time limits prescribed by
17 paragraph (c) of this Section without unduly burdening or
18 interfering with the operations of the public body;

19 (vii) there is a need for consultation, which shall be
20 conducted with all practicable speed, with another public
21 body or among two or more components of a public body
22 having a substantial interest in the determination or in
23 the subject matter of the request.

24 The person making a request and the public body may agree
25 in writing to extend the time for compliance for a period to be
26 determined by the parties. If the requester and the public body

1 agree to extend the period for compliance, a failure by the
2 public body to comply with any previous deadlines shall not be
3 treated as a denial of the request for the records.

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

17 (g) Requests calling for all records falling within a
18 category shall be complied with unless compliance with the
19 request would be unduly burdensome for the complying public
20 body and there is no way to narrow the request and the burden
21 on the public body outweighs the public interest in the
22 information. Before invoking this exemption, the public body
23 shall extend to the person making the request an opportunity to
24 confer with it in an attempt to reduce the request to
25 manageable proportions. If any public body responds to a
26 categorical request by stating that compliance would unduly

1 burden its operation and the conditions described above are
2 met, it shall do so in writing, specifying the reasons why it
3 would be unduly burdensome and the extent to which compliance
4 will so burden the operations of the public body. Such a
5 response shall be treated as a denial of the request for
6 information.

7 Repeated requests from the same person for the same records
8 that are unchanged or identical to records previously provided
9 or properly denied under this Act shall be deemed unduly
10 burdensome under this provision.

11 (h) Each public body may promulgate rules and regulations
12 in conformity with the provisions of this Section pertaining to
13 the availability of records and procedures to be followed,
14 including:

15 (i) the times and places where such records will be
16 made available, and

17 (ii) the persons from whom such records may be
18 obtained.

19 (i) The time periods for compliance or denial of a request
20 to inspect or copy records set out in this Section shall not
21 apply to requests for records made for a commercial purpose,
22 requests by a recurrent requester, requests made by a person
23 committed to the Department of Corrections or a county jail, or
24 voluminous requests. Such requests shall be subject to the
25 provisions of Sections 3.1, 3.2, 3.4, and 3.6 of this Act, as
26 applicable.

1 (Source: P.A. 98-1129, eff. 12-3-14.)

2 (5 ILCS 140/3.4 new)

3 Sec. 3.4. Requests by incarcerated individuals. A public
4 body shall respond to a request for records from a person
5 committed to the Department of Corrections or a county jail
6 within 21 working days after receipt.

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

8 Sec. 7. Exemptions.

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

17 (a) Information specifically prohibited from
18 disclosure by federal or State law or rules and regulations
19 implementing federal or State law.

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

23 (b-5) Files, documents, and other data or databases
24 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or more
2 law enforcement agencies regarding the physical or mental
3 status of one or more individual subjects.

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

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

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

25 (ii) interfere with active administrative
26 enforcement proceedings conducted by the public body

1 that is the recipient of the request;

2 (iii) create a substantial likelihood that a
3 person will be deprived of a fair trial or an impartial
4 hearing;

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

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

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

26 (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

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

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

12 (e-5) Records requested by persons committed to the
13 Department of Corrections or a county jail if those
14 materials are available in the library of the correctional
15 facility or jail where the inmate is confined.

16 (e-6) Records requested by persons committed to the
17 Department of Corrections or a county jail if those
18 materials include records from staff members' personnel
19 files, staff rosters, or other staffing assignment
20 information.

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

25 (e-8) Records requested by a person committed to the
26 Department of Corrections or a county jail, the disclosure

1 of which would result in the risk of harm to any person or
2 the risk of an escape from a jail or correctional
3 institution or facility.

4 (e-9) Records requested by a person in a county jail or
5 committed to the Department of Corrections containing
6 personal information pertaining to the person's victim or
7 the victim's family, including, but not limited to, a
8 victim's home address, home telephone number, work or
9 school address, work telephone number, social security
10 account number, or any other identifying information,
11 except as may be relevant to a requester's current or
12 potential case or claim.

13 (e-10) Records requested by a person committed to the
14 Department of Corrections or a county jail if those
15 materials include law enforcement records of other persons
16 in the custody of or committed to the Department of
17 Corrections or a county jail, except as these records may
18 be relevant to the requester's current or potential case or
19 claim.

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

1 of officers and agencies of the General Assembly that
2 pertain to the preparation of legislative documents.

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

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

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

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

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

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

25 (i) test questions, scoring keys and other
26 examination data used to administer an academic

1 examination;

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

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

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

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

24 (l) Minutes of meetings of public bodies closed to the
25 public as provided in the Open Meetings Act until the
26 public body makes the minutes available to the public under

1 Section 2.06 of the Open Meetings Act.

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

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

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

24 (p) Records relating to collective negotiating matters
25 between public bodies and their employees or
26 representatives, except that any final contract or

1 agreement shall be subject to inspection and copying.

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

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

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

24 (t) Information contained in or related to
25 examination, operating, or condition reports prepared by,
26 on behalf of, or for the use of a public body responsible

1 for the regulation or supervision of financial
2 institutions or insurance companies, unless disclosure is
3 otherwise required by State law.

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

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

23 (w) (Blank).

24 (x) Maps and other records regarding the location or
25 security of generation, transmission, distribution,
26 storage, gathering, treatment, or switching facilities

1 owned by a utility, by a power generator, or by the
2 Illinois Power Agency.

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

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

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

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

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

26 (dd) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Public Aid Code or (ii)
2 that pertain to appeals under Section 11-8 of the Public
3 Aid Code.

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

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

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

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

22 (ii) Records requested by persons committed to or
23 detained by the Department of Human Services under the
24 Sexually Violent Persons Commitment Act or committed to the
25 Department of Corrections under the Sexually Dangerous
26 Persons Act if those materials: (i) are available in the

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

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

9 (kk) Information or materials received, generated, or
10 maintained by a State's Attorney, county sheriff, or other
11 law enforcement agency that are subject to the criminal
12 discovery process, the disclosure of which would
13 circumvent Supreme Court Rule 415. This exemption applies
14 while the case is pending at the trial level.

15 (1.5) Any information exempt from disclosure under the
16 Judicial Privacy Act shall be redacted from public records
17 prior to disclosure under this Act.

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

25 (3) This Section does not authorize withholding of
26 information or limit the availability of records to the public,

1 except as stated in this Section or otherwise provided in this
2 Act.

3 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;
4 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;
5 revised 1-11-16.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.