



Adopted in House Comm. on Feb 27, 2008

09500HB4270ham002

LRB095 15190 JAM 46902 a

1 AMENDMENT TO HOUSE BILL 4270

2 AMENDMENT NO. _____. Amend House Bill 4270, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Freedom of Information Act is amended by
6 changing Section 3 as follows:

7 (5 ILCS 140/3) (from Ch. 116, par. 203)

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

15 (b) Subject to the fee provisions of Section 6 of this Act,
16 each public body shall promptly provide, to any person who

1 submits a written request, a copy of any public record required
2 to be disclosed by subsection (a) of this Section and shall
3 certify such copy if so requested. The public body shall
4 provide a record created after the effective date of this
5 amendatory Act of the 95th General Assembly in any form or
6 format requested, if the record is readily reproducible in that
7 form or format. Each public body shall make reasonable efforts
8 to maintain records, created after the effective date of this
9 amendatory Act of the 95th General Assembly and subject to
10 public inspection and copying, in forms or formats that are
11 reproducible. Each public body shall make reasonable efforts to
12 search for requested records, which are created after the
13 effective date of this amendatory Act of the 95th General
14 Assembly and subject to the public inspection and copying
15 requirements, in an electronic format, unless those efforts
16 would significantly interfere with the operations of the public
17 body's automated information system. Notwithstanding any other
18 rulemaking authority that may exist, neither the Governor nor
19 any agency or agency head under the jurisdiction of the
20 Governor has any authority to make or promulgate rules to
21 implement or enforce the provisions of this amendatory Act of
22 the 95th General Assembly. If, however, the Governor believes
23 that rules are necessary to implement or enforce the provisions
24 of this amendatory Act of the 95th General Assembly, the
25 Governor may suggest rules to the General Assembly by filing
26 them with the Clerk of the House and the Secretary of the

1 Senate and by requesting that the General Assembly authorize
2 such rulemaking by law, enact those suggested rules into law,
3 or take any other appropriate action in the General Assembly's
4 discretion. Nothing contained in this amendatory Act of the
5 95th General Assembly shall be interpreted to grant rulemaking
6 authority under any other Illinois statute where such authority
7 is not otherwise explicitly given. For the purposes of this
8 subsection, "rules" is given the meaning contained in Section
9 1-70 of the Illinois Administrative Procedure Act, and "agency"
10 and "agency head" are given the meanings contained in Sections
11 1-20 and 1-25 of the Illinois Administrative Procedure Act to
12 the extent that such definitions apply to agencies or agency
13 heads under the jurisdiction of the Governor.

14 (c) Each public body shall, promptly, either comply with or
15 deny a written request for public records within 7 working days
16 after its receipt. Denial shall be by letter as provided in
17 Section 9 of this Act. Failure to respond to a written request
18 within 7 working days after its receipt shall be considered a
19 denial of the request.

20 (d) The time limits prescribed in paragraph (c) of this
21 Section may be extended in each case for not more than 7
22 additional working days for any of the following reasons:

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

26 (ii) the request requires the collection of a

1 substantial number of specified records;

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

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

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

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

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

22 (e) When additional time is required for any of the above
23 reasons, the public body shall notify by letter the person
24 making the written request within the time limits specified by
25 paragraph (c) of this Section of the reasons for the delay and
26 the date by which the records will be made available or denial

1 will be forthcoming. In no instance, may the delay in
2 processing last longer than 7 working days. A failure to render
3 a decision within 7 working days shall be considered a denial
4 of the request.

5 (f) Requests calling for all records falling within a
6 category shall be complied with unless compliance with the
7 request would be unduly burdensome for the complying public
8 body and there is no way to narrow the request and the burden
9 on the public body outweighs the public interest in the
10 information. Before invoking this exemption, the public body
11 shall extend to the person making the request an opportunity to
12 confer with it in an attempt to reduce the request to
13 manageable proportions. If any body responds to a categorical
14 request by stating that compliance would unduly burden its
15 operation and the conditions described above are met, it shall
16 do so in writing, specifying the reasons why it would be unduly
17 burdensome and the extent to which compliance will so burden
18 the operations of the public body. Such a response shall be
19 treated as a denial of the request for information. Repeated
20 requests for the same public records by the same person shall
21 be deemed unduly burdensome under this provision.

22 (g) Each public body may promulgate rules and regulations
23 in conformity with the provisions of this Section pertaining to
24 the availability of records and procedures to be followed,
25 including:

26 (i) the times and places where such records will be

1 made available, and

2 (ii) the persons from whom such records may be
3 obtained.

4 (Source: P.A. 90-206, eff. 7-25-97.)"