



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4270

by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

5 ILCS 140/3

from Ch. 116, par. 203

Amends the Freedom of Information Act. In responding to a request for inspection and copying of public records, requires that a public body provide them in any form or format requested, if they are readily reproducible in that form or format. Requires that a public body must make reasonable efforts to maintain its records in forms or formats that are reproducible. Requires that a public body shall make a reasonable effort to search for records in electronic format, unless that effort would significantly interfere with the operations of the public body's automated information system.

LRB095 15190 JAM 41170 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 3 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 Section 7 of this Act. Notwithstanding
10 any other law, a public body may not grant to any person or
11 entity, whether by contract, license, or otherwise, the
12 exclusive right to access and disseminate any public record as
13 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 written request, a copy of any public record required
17 to be disclosed by subsection (a) of this Section and shall
18 certify such copy if so requested. The public body shall
19 provide the record in any form or format requested, if the
20 record is readily reproducible in that form or format. Each
21 public body shall make reasonable efforts to maintain the
22 records subject to public inspection and copying in forms or
23 formats that are reproducible. Each public body shall make

1 reasonable efforts to search for requested records, which are
2 subject to the public inspection and copying requirements, in
3 an electronic format, unless those efforts would significantly
4 interfere with the operations of the public body's automated
5 information system.

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

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

15 (i) the requested records are stored in whole or in
16 part at other locations than the office having charge of
17 the requested records;

18 (ii) the request requires the collection of a
19 substantial number of specified records;

20 (iii) the request is couched in categorical terms and
21 requires an extensive search for the records responsive to
22 it;

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

26 (v) the requested records require examination and

1 evaluation by personnel having the necessary competence
2 and discretion to determine if they are exempt from
3 disclosure under Section 7 of this Act or should be
4 revealed only with appropriate deletions;

5 (vi) the request for records cannot be complied with by
6 the public body within the time limits prescribed by
7 paragraph (c) of this Section without unduly burdening or
8 interfering with the operations of the public body;

9 (vii) there is a need for consultation, which shall be
10 conducted with all practicable speed, with another public
11 body or among two or more components of a public body
12 having a substantial interest in the determination or in
13 the subject matter of the request.

14 (e) When additional time is required for any of the above
15 reasons, the public body shall notify by letter the person
16 making the written request within the time limits specified by
17 paragraph (c) of this Section of the reasons for the delay and
18 the date by which the records will be made available or denial
19 will be forthcoming. In no instance, may the delay in
20 processing last longer than 7 working days. A failure to render
21 a decision within 7 working days shall be considered a denial
22 of the request.

23 (f) Requests calling for all records falling within a
24 category shall be complied with unless compliance with the
25 request would be unduly burdensome for the complying public
26 body and there is no way to narrow the request and the burden

1 on the public body outweighs the public interest in the
2 information. Before invoking this exemption, the public body
3 shall extend to the person making the request an opportunity to
4 confer with it in an attempt to reduce the request to
5 manageable proportions. If any body responds to a categorical
6 request by stating that compliance would unduly burden its
7 operation and the conditions described above are met, it shall
8 do so in writing, specifying the reasons why it would be unduly
9 burdensome and the extent to which compliance will so burden
10 the operations of the public body. Such a response shall be
11 treated as a denial of the request for information. Repeated
12 requests for the same public records by the same person shall
13 be deemed unduly burdensome under this provision.

14 (g) Each public body may promulgate rules and regulations
15 in conformity with the provisions of this Section pertaining to
16 the availability of records and procedures to be followed,
17 including:

18 (i) the times and places where such records will be
19 made available, and

20 (ii) the persons from whom such records may be
21 obtained.

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