



Rep. Barbara Flynn Currie

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1 AMENDMENT TO HOUSE BILL 1370

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1370 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 1, 2, 3, 4, 6, 7, 9, and 11 and by adding  
6 Sections 1.2, 1.3, 1.4, 3.5, 7.5, and 11.5 as follows:

7 (5 ILCS 140/1) (from Ch. 116, par. 201)

8 Sec. 1. Pursuant to the fundamental philosophy of the  
9 American constitutional form of government, it is declared to  
10 be the public policy of the State of Illinois that all persons  
11 are entitled to full and complete information regarding the  
12 affairs of government and the official acts and policies of  
13 those who represent them as public officials and public  
14 employees consistent with the terms of this Act. Such access is  
15 necessary to enable the people to fulfill their duties of  
16 discussing public issues fully and freely, making informed

1 political judgments and monitoring government to ensure that it  
2 is being conducted in the public interest.

3 The General Assembly hereby declares that it is the public  
4 policy of the State of Illinois that access by all persons to  
5 public records promotes the transparency and accountability of  
6 public bodies at all levels of government. It is a fundamental  
7 obligation of government to operate openly so that the public  
8 may scrutinize all public actions. This Act is not intended to  
9 be used to violate individual privacy, nor for the purpose of  
10 furthering a commercial enterprise, or to disrupt the  
11 duly undertaken work of any public body independent of the  
12 fulfillment of any of the fore mentioned rights of the people  
13 to access to information.

14 ~~This Act is not intended to create an obligation on the~~  
15 ~~part of any public body to maintain or prepare any public~~  
16 ~~record which was not maintained or prepared by such public body~~  
17 ~~at the time when this Act becomes effective, except as~~  
18 ~~otherwise required by applicable local, State or federal law.~~

19 Restraints ~~These restraints~~ on access to information, to  
20 the extent permitted by this Act, are ~~access should be seen as~~  
21 limited exceptions to the principle ~~general rule~~ that the  
22 people of this State have a right to full disclosure of  
23 information relating to ~~know~~ the decisions, policies,  
24 procedures, rules, standards, and other aspects of government  
25 activity that affect the conduct of government and the lives of  
26 any or all of the people. The provisions of this Act shall be

1 construed in accordance with these principles ~~to this end~~.

2 The General Assembly recognizes that this Act imposes  
3 fiscal obligations on public bodies to provide adequate staff  
4 and equipment to comply with its requirements. The General  
5 Assembly declares that providing records in compliance with the  
6 requirements of this Act is a primary duty of public bodies to  
7 the people of this State, and this Act should be construed to  
8 this end, fiscal obligations notwithstanding.

9 The General Assembly further recognizes that technology  
10 may advance at a rate that outpaces its ability to address  
11 those advances legislatively. To the extent that this Act may  
12 not expressly apply to those technological advances, this Act  
13 should nonetheless be interpreted to further the declared  
14 policy of this Act that public records in any form or format  
15 shall be made available upon request except when denial of  
16 access furthers the public policy underlying a specific  
17 exemption.

18 This Act shall be the exclusive State statute on freedom of  
19 information, except to the extent that other State statutes  
20 might create additional restrictions on disclosure of  
21 information or other laws in Illinois might create additional  
22 obligations for disclosure of information to the public.

23 (Source: P.A. 83-1013.)

24 (5 ILCS 140/1.2 new)

25 Sec. 1.2. Presumption. All records in the custody or

1 possession of a public body are presumed to be open to  
2 inspection or copying. Any public body that asserts that a  
3 record is exempt from disclosure has the burden of proving that  
4 it is exempt by clear and convincing evidence.

5 (5 ILCS 140/1.3 new)

6 Sec. 1.3. Records of funds. All records relating to the  
7 obligation, receipt, and use of public funds of the State,  
8 units of local government, and school districts are public  
9 records available for inspection by the public pursuant to this  
10 Act.

11 (5 ILCS 140/1.4 new)

12 Sec. 1.4. Payrolls. Certified payroll records submitted to  
13 a public body under Section 6(a)(2) of the Prevailing Wage Act  
14 are public records subject to inspection and copying in  
15 accordance with the provisions of this Act; except that that  
16 contractors' employees' addresses, telephone numbers, and  
17 social security numbers must be redacted by the public body  
18 prior to disclosure.

19 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

21 (a) "Public body" means all ~~any~~ legislative, executive,  
22 administrative, or advisory bodies of the State, state  
23 universities and colleges, counties, townships, cities,

1 villages, incorporated towns, school districts and all other  
2 municipal corporations, boards, bureaus, committees, or  
3 commissions of this State, any subsidiary bodies of any of the  
4 foregoing including but not limited to committees and  
5 subcommittees thereof ~~which are supported in whole or in part~~  
6 ~~by tax revenue, or which expend tax revenue,~~ and a School  
7 Finance Authority created under Article 1E of the School Code.  
8 "Public body" also means all elected or appointed officers of  
9 the State, State universities and colleges, counties,  
10 townships, cities, villages, incorporated towns, school  
11 districts, and all other municipal corporations, officers of  
12 any subsidiary bodies of any of the foregoing, and officers of  
13 any School Finance Authority created under Article 1E of the  
14 School Code. ~~"Public body" does not include a child death~~  
15 ~~review team or the Illinois Child Death Review Teams Executive~~  
16 ~~Council established under the Child Death Review Team Act.~~

17 (b) "Person" means any individual, corporation,  
18 partnership, firm, organization or association, acting  
19 individually or as a group.

20 (c) "Public records" means all records, reports, forms,  
21 writings, letters, memoranda, books, papers, maps,  
22 photographs, microfilms, cards, tapes, recordings, electronic  
23 data processing records, recorded information and all other  
24 documentary materials, regardless of physical form or  
25 characteristics, having been prepared by, or having been or  
26 being used by, received by, in the possession of, ~~possessed~~ or

1 under the control of any public body pertaining to the  
2 transaction of public business, and that evidence the  
3 organization, function, policies, decisions, procedures,  
4 operations, or other activities of the public body. "Public  
5 records" includes all forms of electronic communications,  
6 including but not limited to electronic mail, instant messages,  
7 and text messages, sent or received or otherwise in the  
8 possession of any public body or public officer. "Public  
9 ~~records" includes, but is expressly not limited to: (i)~~  
10 ~~administrative manuals, procedural rules, and instructions to~~  
11 ~~staff, unless exempted by Section 7(p) of this Act; (ii) final~~  
12 ~~opinions and orders made in the adjudication of cases, except~~  
13 ~~an educational institution's adjudication of student or~~  
14 ~~employee grievance or disciplinary cases; (iii) substantive~~  
15 ~~rules; (iv) statements and interpretations of policy which have~~  
16 ~~been adopted by a public body; (v) final planning policies,~~  
17 ~~recommendations, and decisions; (vi) factual reports,~~  
18 ~~inspection reports, and studies whether prepared by or for the~~  
19 ~~public body; (vii) all information in any account, voucher, or~~  
20 ~~contract dealing with the receipt or expenditure of public or~~  
21 ~~other funds of public bodies; (viii) the names, salaries,~~  
22 ~~titles, and dates of employment of all employees and officers~~  
23 ~~of public bodies; (ix) materials containing opinions~~  
24 ~~concerning the rights of the state, the public, a subdivision~~  
25 ~~of state or a local government, or of any private persons; (x)~~  
26 ~~the name of every official and the final records of voting in~~

1 ~~all proceedings of public bodies; (xi) applications for any~~  
2 ~~contract, permit, grant, or agreement except as exempted from~~  
3 ~~disclosure by subsection (g) of Section 7 of this Act; (xii)~~  
4 ~~each report, document, study, or publication prepared by~~  
5 ~~independent consultants or other independent contractors for~~  
6 ~~the public body; (xiii) all other information required by law~~  
7 ~~to be made available for public inspection or copying; (xiv)~~  
8 ~~information relating to any grant or contract made by or~~  
9 ~~between a public body and another public body or private~~  
10 ~~organization; (xv) waiver documents filed with the State~~  
11 ~~Superintendent of Education or the president of the University~~  
12 ~~of Illinois under Section 30-12.5 of the School Code,~~  
13 ~~concerning nominees for General Assembly scholarships under~~  
14 ~~Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)~~  
15 ~~complaints, results of complaints, and Department of Children~~  
16 ~~and Family Services staff findings of licensing violations at~~  
17 ~~day care facilities, provided that personal and identifying~~  
18 ~~information is not released; and (xvii) records, reports,~~  
19 ~~forms, writings, letters, memoranda, books, papers, and other~~  
20 ~~documentary information, regardless of physical form or~~  
21 ~~characteristics, having been prepared, or having been or being~~  
22 ~~used, received, possessed, or under the control of the Illinois~~  
23 ~~Sports Facilities Authority dealing with the receipt or~~  
24 ~~expenditure of public funds or other funds of the Authority in~~  
25 ~~connection with the reconstruction, renovation, remodeling,~~  
26 ~~extension, or improvement of all or substantially all of an~~

1 ~~existing "facility" as that term is defined in the Illinois~~  
2 ~~Sports Facilities Authority Act.~~

3 (d) "Criminal history record information" means data  
4 identifiable to an individual and consisting of descriptions or  
5 notations of arrests, detentions, indictments, informations,  
6 pre-trial proceedings, trials, or other formal events in the  
7 criminal justice system or descriptions or notations of  
8 criminal charges (including criminal violations of local  
9 municipal ordinances) and the nature of any disposition arising  
10 therefrom, including sentencing, court or correctional  
11 supervision, rehabilitation, and release. The term does not  
12 apply to statistical records and reports in which individuals  
13 are not identified and from which their identities are not  
14 ascertainable, or to information that is for criminal  
15 investigative or intelligence purposes.

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

20 ~~(c) "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 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;  
7 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.  
8 7-11-02.)

9 (5 ILCS 140/3) (from Ch. 116, par. 203)

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

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

22 (c) Requests for inspection or for copies must be made in  
23 writing; however, the public body may not otherwise require  
24 that a request be submitted in a specific format. Written  
25 requests may be submitted to a public body via personal

1 delivery, mail, telefax, electronic mail, or other means  
2 available to the public body.

3 (d) ~~(e)~~ Each public body shall immediately ~~, promptly,~~  
4 either comply with or deny a ~~written~~ request to inspect or  
5 copy, or to obtain a copy of, for public records. If the  
6 requested records are not immediately accessible for  
7 inspection or copying, the request shall be complied with or  
8 denied within 5 working days after receipt of the request,  
9 unless the time for response may properly be extended under  
10 subsection (e) of this Section within 7 working days after its  
11 receipt. Denial shall be in writing ~~by letter~~ as provided in  
12 Section 9 of this Act. Failure to comply with ~~respond to a~~  
13 ~~written~~ request within 5 working days ~~7 working days~~ after its  
14 receipt or within any extension under subsection (e) of this  
15 Section shall constitute ~~be considered~~ a waiver ~~denial~~ of the  
16 public body's right to assert exemptions ~~request.~~

17 (e) ~~(d)~~ The time for response under ~~limits prescribed in~~  
18 ~~paragraph (c) of~~ this Section may be extended ~~in each case~~ for  
19 up to 10 ~~not more than 7~~ additional working days from the  
20 receipt of the request for any of the following reasons:

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

24 (ii) the request requires the collection of a  
25 substantial number of specified records;

26 (iii) the request is couched in categorical terms and

1 requires an extensive search for the records responsive to  
2 it;

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

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

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

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

20 (f) ~~(e)~~ When additional time is required for any of the  
21 above reasons, the public body shall, within 5 working days,  
22 notify ~~by letter~~ the person making the written request by the  
23 most expedient means available ~~within the time limits specified~~  
24 ~~by paragraph (c) of this Section~~ of the reasons for the delay  
25 and the date by which the records will be made available or a  
26 denial will be forthcoming. Failure ~~In no instance, may the~~

1 ~~delay in processing last longer than 7 working days. A failure~~  
2 to notify the person requesting records within 5 working days  
3 of the extension of time in which to respond, or to comply with  
4 or deny a request for records ~~render a decision~~ within 5 ~~7~~  
5 working days after having extended the time in which to  
6 respond, shall constitute ~~be considered~~ a waiver ~~denial~~ of the  
7 public body's right to assert exemptions ~~request~~.

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

25 (h) ~~(g)~~ Each public body may promulgate rules and  
26 regulations in conformity with the provisions of this Section

1 pertaining to the availability of records and procedures to be  
2 followed, including:

3 (i) the times and places where such records will be  
4 made available, and

5 (ii) the persons from whom such records may be  
6 obtained.

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

8 (5 ILCS 140/3.5 new)

9 Sec. 3.5. Freedom of Information officers. Each public body  
10 shall designate an official or employee to act as its Freedom  
11 of Information officer. The Freedom of Information officer  
12 shall receive requests submitted to the public body under this  
13 Act, direct those requests to appropriate persons within the  
14 public body or to appropriate persons in another public body,  
15 ensure that the public body responds to requests in a timely  
16 fashion, and issue final responses under this Act.

17 Upon receiving a request for a public record, the Freedom  
18 of Information officer shall:

19 (a) note the date of receipt on the written request;

20 (b) compute the day on which the period for response will  
21 expire and make a notation of that date on the written request;

22 (c) maintain an electronic or paper copy of a written  
23 request, including all documents submitted with the request  
24 until the request has been complied with or denied; and

25 (d) create a file for the retention of the original

1 request, a copy of the response, a record of written  
2 communications with the requester, and a copy of other  
3 communications.

4 (5 ILCS 140/4) (from Ch. 116, par. 204)

5 Sec. 4. Each public body shall prominently display at each  
6 of its administrative or regional offices, make available for  
7 inspection and copying, and send through the mail if requested,  
8 each of the following:

9 (a) A brief description of itself, which will include, but  
10 not be limited to, a short summary of its purpose, a block  
11 diagram giving its functional subdivisions, the total amount of  
12 its operating budget, the number and location of all of its  
13 separate offices, the approximate number of full and part-time  
14 employees, and the identification and membership of any board,  
15 commission, committee, or council which operates in an advisory  
16 capacity relative to the operation of the public body, or which  
17 exercises control over its policies or procedures, or to which  
18 the public body is required to report and be answerable for its  
19 operations; and

20 (b) A brief description by the Freedom of Information  
21 officer of the methods whereby the public may request  
22 information and public records, a directory designating by  
23 titles and addresses those employees to whom requests for  
24 public records should be directed, and any fees allowable under  
25 Section 6 of this Act.

1       (c) A public body that has a website that the full-time  
2 staff of the public body maintains shall also post this  
3 information on its website.

4       (Source: P.A. 83-1013.)

5           (5 ILCS 140/6) (from Ch. 116, par. 206)

6       Sec. 6. Authority to charge fees.

7       (a) When a person requests a copy of a record maintained in  
8 an electronic format, the public body shall furnish it in the  
9 electronic format specified by the requestor if practical. If  
10 the public body does not have the ability to furnish an  
11 electronic record in the requested electronic format, it shall  
12 furnish the record in the format in which it is maintained by  
13 the public body. A public body may charge the requestor for the  
14 actual cost of purchasing the recording medium, whether disc,  
15 diskette, tape, or other medium. A public body may not charge  
16 the requestor for the costs of any search for and review of the  
17 records or other personnel costs associated with reproducing  
18 the records. Except to the extent that General Assembly  
19 expressly provides, statutory fees applicable to copies of  
20 public records when furnished in a paper format shall not be  
21 applicable to those records when furnished in an electronic  
22 format.

23       (b) ~~(a)~~ Except when a fee is otherwise fixed by statute,  
24 each ~~Each~~ public body may charge fees reasonably calculated to  
25 reimburse its actual cost for reproducing and certifying public

1 records and for the use, by any person, of the equipment of the  
2 public body to copy records; except that no fees shall be  
3 charged for the first 25 pages of copies requested by a  
4 requestor. The fee for copies shall not exceed 15¢ per page  
5 unless the public body first performs an acceptable cost study  
6 demonstrating that its costs of reproduction exceed that  
7 amount. In calculating its actual cost for reproducing records  
8 or for the use of the equipment of the public body to reproduce  
9 records, ~~Such fees shall exclude~~ the costs of any search for  
10 and review of the records or other personnel costs associated  
11 with reproducing the records record, and shall not exceed the  
12 actual cost of reproduction and certification, unless  
13 otherwise provided by State statute. Such fees shall be imposed  
14 according to a standard scale of fees, established and made  
15 public by the body imposing them. The cost for certifying a  
16 record shall not exceed \$1.

17 (c) ~~(b)~~ Documents shall be furnished without charge or at a  
18 reduced charge, as determined by the public body, if the person  
19 requesting the documents states the specific purpose for the  
20 request and indicates that a waiver or reduction of the fee is  
21 in the public interest. Waiver or reduction of the fee is in  
22 the public interest if the principal purpose of the request is  
23 to access and disseminate information regarding the health,  
24 safety and welfare or the legal rights of the general public  
25 and is not for the principal purpose of personal or commercial  
26 benefit. For purposes of this subsection, "commercial benefit"

1 shall not apply to requests made by news media when the  
2 principal purpose of the request is to access and disseminate  
3 information regarding the health, safety, and welfare or the  
4 legal rights of the general public. In setting the amount of  
5 the waiver or reduction, the public body may take into  
6 consideration the amount of materials requested and the cost of  
7 copying them.

8 (d) ~~(e)~~ The ~~purposeful~~ imposition of a fee not consistent  
9 with subsections (6) (a) and (b) of this Act constitutes ~~shall~~  
10 ~~be considered~~ a denial of access to public records for the  
11 purposes of judicial review.

12 ~~(d) The fee for an abstract of a driver's record shall be~~  
13 ~~as provided in Section 6-118 of "The Illinois Vehicle Code",~~  
14 ~~approved September 29, 1969, as amended.~~

15 (Source: P.A. 90-144, eff. 7-23-97.)

16 (5 ILCS 140/7) (from Ch. 116, par. 207)

17 (Text of Section before amendment by P.A. 95-988)

18 Sec. 7. Exemptions.

19 (1) When a request is made to inspect or copy a public  
20 record that contains information that is exempted from  
21 disclosure under this Section, but also contains information  
22 that is not exempted from disclosure, the public body shall  
23 redact the information that is exempted and make the remaining  
24 information available for inspection and copying. Subject to  
25 this requirement, the ~~The~~ following shall be exempt from

1 inspection and copying:

2 (a) Information specifically prohibited from  
3 disclosure by federal or State law ~~or rules and regulations~~  
4 ~~adopted under federal or State law.~~

5 (b) Information that, if disclosed, would constitute a  
6 clearly unwarranted invasion of personal privacy, unless  
7 the disclosure is consented to in writing by the individual  
8 subjects of the information. The disclosure of information  
9 that bears on the public duties of public employees and  
10 officials shall not be considered an invasion of personal  
11 privacy. ~~Information exempted under this subsection (b)~~  
12 ~~shall include but is not limited to:~~

13 ~~(i) files and personal information maintained with~~  
14 ~~respect to clients, patients, residents, students or~~  
15 ~~other individuals receiving social, medical,~~  
16 ~~educational, vocational, financial, supervisory or~~  
17 ~~custodial care or services directly or indirectly from~~  
18 ~~federal agencies or public bodies;~~

19 ~~(ii) personnel files and personal information~~  
20 ~~maintained with respect to employees, appointees or~~  
21 ~~elected officials of any public body or applicants for~~  
22 ~~those positions;~~

23 ~~(iii) files and personal information maintained~~  
24 ~~with respect to any applicant, registrant or licensee~~  
25 ~~by any public body cooperating with or engaged in~~  
26 ~~professional or occupational registration, licensure~~

1 ~~or discipline;~~

2 ~~(iv) information required of any taxpayer in~~  
3 ~~connection with the assessment or collection of any tax~~  
4 ~~unless disclosure is otherwise required by State~~  
5 ~~statute;~~

6 ~~(v) information revealing the identity of persons~~  
7 ~~who file complaints with or provide information to~~  
8 ~~administrative, investigative, law enforcement or~~  
9 ~~penal agencies; provided, however, that identification~~  
10 ~~of witnesses to traffic accidents, traffic accident~~  
11 ~~reports, and rescue reports may be provided by agencies~~  
12 ~~of local government, except in a case for which a~~  
13 ~~criminal investigation is ongoing, without~~  
14 ~~constituting a clearly unwarranted per se invasion of~~  
15 ~~personal privacy under this subsection; and~~

16 ~~(vi) the names, addresses, or other personal~~  
17 ~~information of participants and registrants in park~~  
18 ~~district, forest preserve district, and conservation~~  
19 ~~district programs.~~

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

26 (i) interfere with ~~pending or actually and~~

1 ~~reasonably contemplated~~ law enforcement proceedings  
2 conducted by any law enforcement or correctional  
3 agency, when an action has been filed and is pending  
4 before a court or administrative tribunal, or when the  
5 agency affirmatively asserts that such an action is  
6 probable or imminent;

7 (ii) interfere with ~~pending~~ administrative  
8 enforcement proceedings conducted by any public body, when an action on behalf of or affecting the public  
9 body has been filed and is pending before a court or  
10 administrative tribunal, or when the public body  
11 affirmatively asserts that such an action is probable  
12 or imminent;

13 (iii) that ~~deprive~~ a person will be deprived of a  
14 fair trial or an impartial hearing;

15 (iv) unavoidably disclose the identity of persons  
16 who file complaints with or provide information to  
17 administrative, investigative, law enforcement, or  
18 penal agencies; except that the identities of  
19 witnesses to traffic accidents, traffic accident  
20 reports, and rescue reports shall be provided by  
21 agencies of local government, except when disclosure  
22 would interfere with an ongoing criminal investigation  
23 a confidential source or confidential information  
24 furnished only by the confidential source;

25 (v) disclose unique or specialized investigative  
26

1 techniques other than those generally used and known or  
2 disclose internal documents of correctional agencies  
3 related to detection, observation or investigation of  
4 incidents of crime or misconduct, and disclosure would  
5 result in demonstrable harm to the agency or public  
6 body;

7 ~~(vi) constitute an invasion of personal privacy~~  
8 ~~under subsection (b) of this Section;~~

9 (vi) ~~(vii)~~ endanger the life or physical safety of  
10 law enforcement personnel or any other person; or

11 (viii) obstruct an ongoing criminal investigation.

12 (d) Criminal history record information maintained by  
13 State or local criminal justice agencies, except the  
14 following which shall be open for public inspection and  
15 copying:

16 (i) chronologically maintained arrest information,  
17 including the following information, which shall  
18 immediately be furnished upon request and payment of  
19 copying fees, if copies are requested, notwithstanding  
20 the time limits otherwise provided for in Section 3 of  
21 this Act ~~such as traditional arrest logs or blotters;~~

22 (A) information that identifies the  
23 individual, including the name, age, address, and  
24 photograph, when and if available;

25 (B) information detailing any charges relating  
26 to the arrest;

1                   (C) the time and location of the arrest;

2                   (D) the name of the investigating or arresting  
3                   law enforcement agency;

4                   (E) if the individual is incarcerated, the  
5                   amount of any bail or bond; and

6                   (F) if the individual is incarcerated, the  
7                   time and date that the individual was received,  
8                   discharged, or transferred from the arresting  
9                   agency's custody.

10           The information described in paragraphs (C), (D), (E), and  
11           (F) of subsection (i), however, may be withheld from disclosure  
12           if it is determined that disclosure would interfere with  
13           pending or actually and reasonably contemplated law  
14           enforcement proceedings conducted by any law enforcement or  
15           correctional agency, endanger the life or physical safety of  
16           law enforcement or correctional personnel or any other person,  
17           or compromise the security of any correctional facility.

18                   ~~(ii) the name of a person in the custody of a law~~  
19                   ~~enforcement agency and the charges for which that~~  
20                   ~~person is being held;~~

21                   (ii) ~~(iii)~~ court records and any other records that  
22                   are otherwise available to the public under State or  
23                   local law; or

24                   ~~(iv) records that are otherwise available under~~  
25                   ~~State or local law; or~~

26                   (iii) ~~(v)~~ records in which the requesting party is

1 the individual identified, except to the extent  
2 exempted by ~~as provided under~~ part (vi) ~~(vii)~~ of  
3 paragraph (c) of subsection (1) of this Section.

4 ~~"Criminal history record information" means data~~  
5 ~~identifiable to an individual and consisting of~~  
6 ~~descriptions or notations of arrests, detentions,~~  
7 ~~indictments, informations, pre trial proceedings, trials,~~  
8 ~~or other formal events in the criminal justice system or~~  
9 ~~descriptions or notations of criminal charges (including~~  
10 ~~criminal violations of local municipal ordinances) and the~~  
11 ~~nature of any disposition arising therefrom, including~~  
12 ~~sentencing, court or correctional supervision,~~  
13 ~~rehabilitation and release. The term does not apply to~~  
14 ~~statistical records and reports in which individuals are~~  
15 ~~not identified and from which their identities are not~~  
16 ~~ascertainable, or to information that is for criminal~~  
17 ~~investigative or intelligence purposes.~~

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

20 (f) Preliminary documents, generated by the members,  
21 employees, or officials of a public body, ~~drafts, notes,~~  
22 ~~recommendations, memoranda and other records~~ in which  
23 opinions are expressed, or policies or actions are  
24 formulated, except that a specific record or relevant  
25 portion of a record shall not be exempt when the record is  
26 publicly referenced by an officer or member of the public

1 body or referenced in or on the agenda of an open meeting  
2 of a public body, or to the extent the record contains  
3 factual information cited and identified by the head of the  
4 public body. The exemption provided in this paragraph (f)  
5 extends to all those records of officers and agencies of  
6 the General Assembly that pertain to the preparation of  
7 legislative documents.

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

16 ~~(i) All information determined to be confidential~~  
17 ~~under Section 4002 of the Technology Advancement and~~  
18 ~~Development Act.~~

19 (i) ~~(ii)~~ All trade secrets and commercial or  
20 financial information obtained by a public body,  
21 including a public pension fund, from a private equity  
22 fund or a privately held company within the investment  
23 portfolio of a private equity fund as a result of  
24 either investing or evaluating a potential investment  
25 of public funds in a private equity fund. The exemption  
26 contained in this item does not apply to the aggregate

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

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

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

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

1 information regarding the health, safety, welfare, or  
2 legal rights of the general public.

3 (j) The following information pertaining to  
4 educational matters:

5 (i) test ~~Test~~ questions, scoring keys and other  
6 examination data used to administer an academic  
7 examination; ~~or determined the qualifications of an~~  
8 ~~applicant for a license or employment.~~

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

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

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

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

1 government owned, operated, or occupied buildings, but  
2 only to the extent that disclosure would compromise  
3 security, ~~including but not limited to water treatment~~  
4 ~~facilities, airport facilities, sport stadiums, convention~~  
5 ~~centers, and all government owned, operated, or occupied~~  
6 ~~buildings.~~

7 ~~(l) Library circulation and order records identifying~~  
8 ~~library users with specific materials.~~

9 (l) ~~(m)~~ Minutes of meetings of public bodies closed to  
10 the public as provided in the Open Meetings Act until the  
11 public body makes the minutes available to the public under  
12 Section 2.06 of the Open Meetings Act.

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

21 (n) ~~(o)~~ Records relating to a public body's  
22 adjudication of employee grievances or disciplinary cases;  
23 however, this exemption shall not extend to the final  
24 outcome of cases in which discipline is imposed ~~Information~~  
25 ~~received by a primary or secondary school, college or~~  
26 ~~university under its procedures for the evaluation of~~

1 ~~faculty members by their academic peers.~~

2 (o) ~~(p)~~ Administrative or technical information  
3 associated with automated data processing operations,  
4 including but not limited to software, operating  
5 protocols, computer program abstracts, file layouts,  
6 source listings, object modules, load modules, user  
7 guides, documentation pertaining to all logical and  
8 physical design of computerized systems, employee manuals,  
9 and any other information that, if disclosed, would  
10 jeopardize the security of the system or its data or the  
11 security of materials exempt under this Section.

12 (p) ~~(q)~~ Records ~~Documents or materials~~ relating to  
13 collective negotiating matters between public bodies and  
14 their employees or representatives, except that any final  
15 contract or agreement shall be subject to inspection and  
16 copying.

17 (q) ~~(r)~~ Test questions, scoring keys, and other  
18 examination data used to determine the qualifications of an  
19 applicant for a license or employment. ~~Drafts, notes,~~  
20 ~~recommendations and memoranda pertaining to the financing~~  
21 ~~and marketing transactions of the public body. The records~~  
22 ~~of ownership, registration, transfer, and exchange of~~  
23 ~~municipal debt obligations, and of persons to whom payment~~  
24 ~~with respect to these obligations is made.~~

25 (r) ~~(s)~~ The records, documents and information  
26 relating to real estate purchase negotiations until those

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

10 ~~(t) Any and all proprietary information and records~~  
11 ~~related to the operation of an intergovernmental risk~~  
12 ~~management association or self-insurance pool or jointly~~  
13 ~~self-administered health and accident cooperative or pool.~~

14 ~~(u) Information concerning a university's adjudication~~  
15 ~~of student or employee grievance or disciplinary cases, to~~  
16 ~~the extent that disclosure would reveal the identity of the~~  
17 ~~student or employee and information concerning any public~~  
18 ~~body's adjudication of student or employee grievances or~~  
19 ~~disciplinary cases, except for the final outcome of the~~  
20 ~~eases.~~

21 ~~(v) Course materials or research materials used by~~  
22 ~~faculty members.~~

23 ~~(w) Information related solely to the internal~~  
24 ~~personnel rules and practices of a public body.~~

25 (s) ~~(x)~~ 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 ~~(y) Information the disclosure of which is restricted~~  
6 ~~under Section 5-108 of the Public Utilities Act.~~

7 ~~(z) Manuals or instruction to staff that relate to~~  
8 ~~establishment or collection of liability for any State tax~~  
9 ~~or that relate to investigations by a public body to~~  
10 ~~determine violation of any criminal law.~~

11 ~~(aa) Applications, related documents, and medical~~  
12 ~~records received by the Experimental Organ Transplantation~~  
13 ~~Procedures Board and any and all documents or other records~~  
14 ~~prepared by the Experimental Organ Transplantation~~  
15 ~~Procedures Board or its staff relating to applications it~~  
16 ~~has received.~~

17 ~~(bb) Insurance or self insurance (including any~~  
18 ~~intergovernmental risk management association or self~~  
19 ~~insurance pool) claims, loss or risk management~~  
20 ~~information, records, data, advice or communications.~~

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

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

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

6           ~~(ff) Security portions of system safety program plans,~~  
7           ~~investigation reports, surveys, schedules, lists, data, or~~  
8           ~~information compiled, collected, or prepared by or for the~~  
9           ~~Regional Transportation Authority under Section 2.11 of~~  
10           ~~the Regional Transportation Authority Act or the St. Clair~~  
11           ~~County Transit District under the Bi-State Transit Safety~~  
12           ~~Act.~~

13           ~~(gg) Information the disclosure of which is restricted~~  
14           ~~and exempted under Section 50 of the Illinois Prepaid~~  
15           ~~Tuition Act.~~

16           ~~(hh) Information the disclosure of which is exempted~~  
17           ~~under the State Officials and Employees Ethics Act.~~

18           (t) ~~(ii)~~ Information ~~Beginning July 1, 1999,~~  
19           ~~information~~ that would disclose or might lead to the  
20           disclosure of secret or confidential information, codes,  
21           algorithms, programs, or private keys intended to be used  
22           to create electronic or digital signatures under the  
23           Electronic Commerce Security Act.

24           (u) ~~(jj)~~ Information contained in a local emergency  
25           energy plan submitted to a municipality in accordance with  
26           a local emergency energy plan ordinance that is adopted

1 under Section 11-21.5-5 of the Illinois Municipal Code.

2 ~~(kk) Information and data concerning the distribution~~  
3 ~~of surcharge moneys collected and remitted by wireless~~  
4 ~~carriers under the Wireless Emergency Telephone Safety~~  
5 ~~Act.~~

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

20 (w) ~~(mm)~~ Maps and other records regarding the location  
21 or security of generation, transmission, distribution,  
22 storage, gathering, treatment, or switching facilities  
23 owned by a utility or by the Illinois Power Agency.

24 ~~(nn) Law enforcement officer identification~~  
25 ~~information or driver identification information compiled~~  
26 ~~by a law enforcement agency or the Department of~~

1 ~~Transportation under Section 11-212 of the Illinois~~  
2 ~~Vehicle Code.~~

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

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

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

18 ~~(x) (rr)~~ Information contained in or related to  
19 proposals, bids, or negotiations related to electric power  
20 procurement under Section 1-75 of the Illinois Power Agency  
21 Act and Section 16-111.5 of the Public Utilities Act that  
22 is determined to be confidential and proprietary by the  
23 Illinois Power Agency or by the Illinois Commerce  
24 Commission.

25 ~~(ss) Information that is prohibited from being~~  
26 ~~disclosed under Section 4 of the Illinois Health and~~

1 ~~Hazardous Substances Registry Act.~~

2 (2) A public record that is not in the possession of a  
3 public body but is in the possession of a party with whom the  
4 agency has contracted to perform a governmental function on  
5 behalf of the public body, and that directly relates to the  
6 governmental function and is not otherwise exempt under this  
7 Act, shall be considered a public record of the public body,  
8 for purposes of this Act.

9 (3) ~~(2)~~ This Section does not authorize withholding of  
10 information or limit the availability of records to the public,  
11 except as stated in this Section or otherwise provided in this  
12 Act.

13 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,  
14 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;  
15 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.  
16 8-28-07; 95-941, eff. 8-29-08.)

17 (Text of Section after amendment by P.A. 95-988)

18 Sec. 7. Exemptions.

19 (1) When a request is made to inspect or copy a public  
20 record that contains information that is exempted from  
21 disclosure under this Section, but also contains information  
22 that is not exempted from disclosure, the public body shall  
23 redact the information that is exempted and make the remaining  
24 information available for inspection and copying. Subject to  
25 this requirement, the ~~The~~ following shall be exempt from

1 inspection and copying:

2 (a) Information specifically prohibited from  
3 disclosure by federal or State law ~~or rules and regulations~~  
4 ~~adopted under federal or State law.~~

5 (b) Information that, if disclosed, would constitute a  
6 clearly unwarranted invasion of personal privacy, unless  
7 the disclosure is consented to in writing by the individual  
8 subjects of the information. The disclosure of information  
9 that bears on the public duties of public employees and  
10 officials shall not be considered an invasion of personal  
11 privacy. ~~Information exempted under this subsection (b)~~  
12 ~~shall include but is not limited to:~~

13 ~~(i) files and personal information maintained with~~  
14 ~~respect to clients, patients, residents, students or~~  
15 ~~other individuals receiving social, medical,~~  
16 ~~educational, vocational, financial, supervisory or~~  
17 ~~custodial care or services directly or indirectly from~~  
18 ~~federal agencies or public bodies;~~

19 ~~(ii) personnel files and personal information~~  
20 ~~maintained with respect to employees, appointees or~~  
21 ~~elected officials of any public body or applicants for~~  
22 ~~those positions;~~

23 ~~(iii) files and personal information maintained~~  
24 ~~with respect to any applicant, registrant or licensee~~  
25 ~~by any public body cooperating with or engaged in~~  
26 ~~professional or occupational registration, licensure~~

1 ~~or discipline;~~

2 ~~(iv) information required of any taxpayer in~~  
3 ~~connection with the assessment or collection of any tax~~  
4 ~~unless disclosure is otherwise required by State~~  
5 ~~statute;~~

6 ~~(v) information revealing the identity of persons~~  
7 ~~who file complaints with or provide information to~~  
8 ~~administrative, investigative, law enforcement or~~  
9 ~~penal agencies; provided, however, that identification~~  
10 ~~of witnesses to traffic accidents, traffic accident~~  
11 ~~reports, and rescue reports may be provided by agencies~~  
12 ~~of local government, except in a case for which a~~  
13 ~~criminal investigation is ongoing, without~~  
14 ~~constituting a clearly unwarranted per se invasion of~~  
15 ~~personal privacy under this subsection;~~

16 ~~(vi) the names, addresses, or other personal~~  
17 ~~information of participants and registrants in park~~  
18 ~~district, forest preserve district, and conservation~~  
19 ~~district programs; and~~

20 ~~(vii) the Notarial Record or other medium~~  
21 ~~containing the thumbprint or fingerprint required by~~  
22 ~~Section 3-102(c)(6) of the Illinois Notary Public Act.~~

23 (c) Records in the possession of ~~compiled by~~ any public  
24 body created in the course of ~~for~~ administrative  
25 enforcement proceedings, and any law enforcement or  
26 correctional agency for law enforcement purposes, and ~~or for~~

1 ~~internal matters of a public body,~~ but only to the extent  
2 that disclosure would:

3 (i) interfere with ~~pending or actually and~~  
4 ~~reasonably contemplated~~ law enforcement proceedings  
5 conducted by any law enforcement or correctional  
6 agency, when an action has been filed and is pending  
7 before a court or administrative tribunal, or when the  
8 agency affirmatively asserts that such an action is  
9 probable or imminent;

10 (ii) interfere with ~~pending~~ administrative  
11 enforcement proceedings conducted by any public body,  
12 when an action on behalf of or affecting the public  
13 body has been filed and is pending before a court or  
14 administrative tribunal, or when the public body  
15 affirmatively asserts that such an action is probable  
16 or imminent;

17 (iii) that deprive a person will be deprived of a  
18 fair trial or an impartial hearing;

19 (iv) unavoidably disclose the identity of persons  
20 who file complaints with or provide information to  
21 administrative, investigative, law enforcement, or  
22 penal agencies; except that the identities of  
23 witnesses to traffic accidents, traffic accident  
24 reports, and rescue reports shall be provided by  
25 agencies of local government, except when disclosure  
26 would interfere with an ongoing criminal investigation

1 ~~a confidential source or confidential information~~  
2 ~~furnished only by the confidential source;~~

3 (v) disclose unique or specialized investigative  
4 techniques other than those generally used and known or  
5 disclose internal documents of correctional agencies  
6 related to detection, observation or investigation of  
7 incidents of crime or misconduct, and disclosure would  
8 result in demonstrable harm to the agency or public  
9 body;

10 ~~(vi) constitute an invasion of personal privacy~~  
11 ~~under subsection (b) of this Section;~~

12 (vi) ~~(vii)~~ endanger the life or physical safety of  
13 law enforcement personnel or any other person; or

14 (viii) obstruct an ongoing criminal investigation.

15 (d) Criminal history record information maintained by  
16 State or local criminal justice agencies, except the  
17 following which shall be open for public inspection and  
18 copying:

19 (i) chronologically maintained arrest information,  
20 including the following information, which shall  
21 immediately be furnished upon request and payment of  
22 copying fees, if copies are requested, notwithstanding  
23 the time limits otherwise provided for in Section 3 of  
24 this Act ~~such as traditional arrest logs or blotters;~~

25 (A) information that identifies the  
26 individual, including the name, age, address, and

1 photograph, when and if available;

2 (B) information detailing any charges relating  
3 to the arrest;

4 (C) the time and location of the arrest;

5 (D) the name of the investigating or arresting  
6 law enforcement agency;

7 (E) if the individual is incarcerated, the  
8 amount of any bail or bond; and

9 (F) if the individual is incarcerated, the  
10 time and date that the individual was received,  
11 discharged, or transferred from the arresting  
12 agency's custody.

13 The information described in paragraphs (C), (D), (E), and  
14 (F) of subsection (i), however, may be withheld from disclosure  
15 if it is determined that disclosure would interfere with  
16 pending or actually and reasonably contemplated law  
17 enforcement proceedings conducted by any law enforcement or  
18 correctional agency, endanger the life or physical safety of  
19 law enforcement or correctional personnel or any other person,  
20 or compromise the security of any correctional facility.

21 ~~(ii) the name of a person in the custody of a law~~  
22 ~~enforcement agency and the charges for which that~~  
23 ~~person is being held;~~

24 (ii) ~~(iii)~~ court records and any other records that  
25 are otherwise available to the public under State or  
26 local law; or

1           ~~(iv) records that are otherwise available under~~  
2           ~~State or local law; or~~

3           (iii) ~~(v)~~ records in which the requesting party is  
4           the individual identified, except to the extent  
5           exempted by ~~as provided under~~ part (vi) ~~(vii)~~ of  
6           paragraph (c) of subsection (1) of this Section.

7           ~~"Criminal history record information" means data~~  
8           ~~identifiable to an individual and consisting of~~  
9           ~~descriptions or notations of arrests, detentions,~~  
10           ~~indictments, informations, pre trial proceedings, trials,~~  
11           ~~or other formal events in the criminal justice system or~~  
12           ~~descriptions or notations of criminal charges (including~~  
13           ~~criminal violations of local municipal ordinances) and the~~  
14           ~~nature of any disposition arising therefrom, including~~  
15           ~~sentencing, court or correctional supervision,~~  
16           ~~rehabilitation and release. The term does not apply to~~  
17           ~~statistical records and reports in which individuals are~~  
18           ~~not identified and from which their identities are not~~  
19           ~~ascertainable, or to information that is for criminal~~  
20           ~~investigative or intelligence purposes.~~

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

23           (f) Preliminary documents, generated by the members,  
24           employees or officials of a public body, drafts, notes,  
25           ~~recommendations, memoranda and other records~~ in which  
26           opinions are expressed, or policies or actions are

1 formulated, except that a specific record or relevant  
2 portion of a record shall not be exempt when the record is  
3 publicly referenced by an officer or member of the public  
4 body or referenced in or on the agenda of an open meeting  
5 of a public body, or to the extent the record contains  
6 factual information cited and identified by the head of the  
7 public body. The exemption provided in this paragraph (f)  
8 extends to all those records of officers and agencies of  
9 the General Assembly that pertain to the preparation of  
10 legislative documents.

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

19 ~~(i) All information determined to be confidential~~  
20 ~~under Section 4002 of the Technology Advancement and~~  
21 ~~Development Act.~~

22 (i) ~~(ii)~~ All trade secrets and commercial or  
23 financial information obtained by a public body,  
24 including a public pension fund, from a private equity  
25 fund or a privately held company within the investment  
26 portfolio of a private equity fund as a result of

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

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

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

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

1 media as defined in Section 2 of this Act when the  
2 requested information is not otherwise exempt and the only  
3 purpose of the request is to access and disseminate  
4 information regarding the health, safety, welfare, or  
5 legal rights of the general public.

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

8 (i) test ~~Test~~ questions, scoring keys and other  
9 examination data used to administer an academic  
10 examination; ~~or determined the qualifications of an~~  
11 ~~applicant for a license or employment.~~

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

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

20 (iv) course materials or research materials used  
21 by faculty members.

22 (k) Architects' plans, engineers' technical  
23 submissions, and other construction related technical  
24 documents for projects not constructed or developed in  
25 whole or in part with public funds and the same for  
26 projects constructed or developed with public funds,

1 including but not limited to power generating and  
2 distribution stations, water treatment facilities, airport  
3 facilities, sport stadiums, convention centers, and all  
4 government owned, operated, or occupied buildings, but  
5 only to the extent that disclosure would compromise  
6 security, ~~including but not limited to water treatment~~  
7 ~~facilities, airport facilities, sport stadiums, convention~~  
8 ~~centers, and all government owned, operated, or occupied~~  
9 ~~buildings.~~

10 ~~(l) Library circulation and order records identifying~~  
11 ~~library users with specific materials.~~

12 (l) ~~(m)~~ Minutes of meetings of public bodies closed to  
13 the public as provided in the Open Meetings Act until the  
14 public body makes the minutes available to the public under  
15 Section 2.06 of the Open Meetings Act.

16 (m) ~~(n)~~ Communications between a public body and an  
17 attorney or auditor representing the public body that would  
18 not be subject to discovery in litigation, and materials  
19 prepared or compiled by or for a public body in  
20 anticipation of a criminal, civil or administrative  
21 proceeding upon the request of an attorney advising the  
22 public body, and materials prepared or compiled with  
23 respect to internal audits of public bodies.

24 (n) ~~(o)~~ Records relating to a public body's  
25 adjudication of employee grievances or disciplinary cases;  
26 however, this exemption shall not extend to the final

1 outcome of cases in which discipline is imposed ~~Information~~  
2 ~~received by a primary or secondary school, college or~~  
3 ~~university under its procedures for the evaluation of~~  
4 ~~faculty members by their academic peers.~~

5 (o) ~~(p)~~ Administrative or technical information  
6 associated with automated data processing operations,  
7 including but not limited to software, operating  
8 protocols, computer program abstracts, file layouts,  
9 source listings, object modules, load modules, user  
10 guides, documentation pertaining to all logical and  
11 physical design of computerized systems, employee manuals,  
12 and any other information that, if disclosed, would  
13 jeopardize the security of the system or its data or the  
14 security of materials exempt under this Section.

15 (p) ~~(q)~~ Records ~~Documents or materials~~ relating to  
16 collective negotiating matters between public bodies and  
17 their employees or representatives, except that any final  
18 contract or agreement shall be subject to inspection and  
19 copying.

20 (q) ~~(r)~~ Test questions, scoring keys, and other  
21 examination data used to determine the qualifications of an  
22 applicant for a license or employment. ~~Drafts, notes,~~  
23 ~~recommendations and memoranda pertaining to the financing~~  
24 ~~and marketing transactions of the public body. The records~~  
25 ~~of ownership, registration, transfer, and exchange of~~  
26 ~~municipal debt obligations, and of persons to whom payment~~

1 ~~with respect to these obligations is made.~~

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

13 ~~(t) Any and all proprietary information and records~~  
14 ~~related to the operation of an intergovernmental risk~~  
15 ~~management association or self insurance pool or jointly~~  
16 ~~self administered health and accident cooperative or pool.~~

17 ~~(u) Information concerning a university's adjudication~~  
18 ~~of student or employee grievance or disciplinary cases, to~~  
19 ~~the extent that disclosure would reveal the identity of the~~  
20 ~~student or employee and information concerning any public~~  
21 ~~body's adjudication of student or employee grievances or~~  
22 ~~disciplinary cases, except for the final outcome of the~~  
23 ~~eases.~~

24 ~~(v) Course materials or research materials used by~~  
25 ~~faculty members.~~

26 ~~(w) Information related solely to the internal~~

1 ~~personnel rules and practices of a public body.~~

2 (s) ~~(x)~~ Information contained in or related to  
3 examination, operating, or condition reports prepared by,  
4 on behalf of, or for the use of a public body responsible  
5 for the regulation or supervision of financial  
6 institutions or insurance companies, unless disclosure is  
7 otherwise required by State law.

8 ~~(y) Information the disclosure of which is restricted~~  
9 ~~under Section 5-108 of the Public Utilities Act.~~

10 ~~(z) Manuals or instruction to staff that relate to~~  
11 ~~establishment or collection of liability for any State tax~~  
12 ~~or that relate to investigations by a public body to~~  
13 ~~determine violation of any criminal law.~~

14 ~~(aa) 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 ~~(bb) 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 ~~(cc) Information and records held by the Department of~~  
25 ~~Public Health and its authorized representatives relating~~  
26 ~~to known or suspected cases of sexually transmissible~~

1 ~~disease or any information the disclosure of which is~~  
2 ~~restricted under the Illinois Sexually Transmissible~~  
3 ~~Disease Control Act.~~

4 ~~(dd) Information the disclosure of which is exempted~~  
5 ~~under Section 30 of the Radon Industry Licensing Act.~~

6 ~~(cc) Firm performance evaluations under Section 55 of~~  
7 ~~the Architectural, Engineering, and Land Surveying~~  
8 ~~Qualifications Based Selection Act.~~

9 ~~(ff) Security portions of system safety program plans,~~  
10 ~~investigation reports, surveys, schedules, lists, data, or~~  
11 ~~information compiled, collected, or prepared by or for the~~  
12 ~~Regional Transportation Authority under Section 2.11 of~~  
13 ~~the Regional Transportation Authority Act or the St. Clair~~  
14 ~~County Transit District under the Bi State Transit Safety~~  
15 ~~Act.~~

16 ~~(gg) Information the disclosure of which is restricted~~  
17 ~~and exempted under Section 50 of the Illinois Prepaid~~  
18 ~~Tuition Act.~~

19 ~~(hh) Information the disclosure of which is exempted~~  
20 ~~under the State Officials and Employees Ethics Act.~~

21 ~~(t) (ii) Information Beginning July 1, 1999,~~  
22 ~~information~~ that would disclose or might lead to the  
23 disclosure of secret or confidential information, codes,  
24 algorithms, programs, or private keys intended to be used  
25 to create electronic or digital signatures under the  
26 Electronic Commerce Security Act.

1           (u) ~~(jj)~~ Information contained in a local emergency  
2 energy plan submitted to a municipality in accordance with  
3 a local emergency energy plan ordinance that is adopted  
4 under Section 11-21.5-5 of the Illinois Municipal Code.

5           ~~(kk) Information and data concerning the distribution~~  
6 ~~of surcharge moneys collected and remitted by wireless~~  
7 ~~carriers under the Wireless Emergency Telephone Safety~~  
8 ~~Act.~~

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

23           (w) ~~(mm)~~ Maps and other records regarding the location  
24 or security of generation, transmission, distribution,  
25 storage, gathering, treatment, or switching facilities  
26 owned by a utility or by the Illinois Power Agency.

1           ~~(nn) Law enforcement officer identification~~  
2 ~~information or driver identification information compiled~~  
3 ~~by a law enforcement agency or the Department of~~  
4 ~~Transportation under Section 11-212 of the Illinois~~  
5 ~~Vehicle Code.~~

6           ~~(oo) Records and information provided to a residential~~  
7 ~~health care facility resident sexual assault and death~~  
8 ~~review team or the Executive Council under the Abuse~~  
9 ~~Prevention Review Team Act.~~

10           ~~(pp) Information provided to the predatory lending~~  
11 ~~database created pursuant to Article 3 of the Residential~~  
12 ~~Real Property Disclosure Act, except to the extent~~  
13 ~~authorized under that Article.~~

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

21           (x) ~~(rr)~~ Information contained in or related to  
22 proposals, bids, or negotiations related to electric power  
23 procurement under Section 1-75 of the Illinois Power Agency  
24 Act and Section 16-111.5 of the Public Utilities Act that  
25 is determined to be confidential and proprietary by the  
26 Illinois Power Agency or by the Illinois Commerce

1 Commission.

2 ~~(ss) Information that is prohibited from being~~  
3 ~~disclosed under Section 4 of the Illinois Health and~~  
4 ~~Hazardous Substances Registry Act.~~

5 (2) A public record that is not in the possession of a  
6 public body but is in the possession of a party with whom the  
7 agency has contracted to perform a governmental function on  
8 behalf of the public body, and that directly relates to the  
9 governmental function and is not otherwise exempt under this  
10 Act, shall be considered a public record of the public body,  
11 for purposes of this Act.

12 (3) ~~(2)~~ This Section does not authorize withholding of  
13 information or limit the availability of records to the public,  
14 except as stated in this Section or otherwise provided in this  
15 Act.

16 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,  
17 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;  
18 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.  
19 8-28-07; 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; revised  
20 10-20-08.)

21 (5 ILCS 140/7.5 new)

22 Sec. 7.5. Statutory Exemptions. To the extent provided for  
23 by the statutes referenced below, the following shall be exempt  
24 from inspection and copying:

25 (a) All information determined to be confidential under

1 Section 4002 of the Technology Advancement and Development Act.

2 (b) Library circulation and order records identifying  
3 library users with specific materials under the Library Records  
4 Confidentiality Act.

5 (c) Applications, related documents, and medical records  
6 received by the Experimental Organ Transplantation Procedures  
7 Board and any and all documents or other records prepared by  
8 the Experimental Organ Transplantation Procedures Board or its  
9 staff relating to applications it has received.

10 (d) Information and records held by the Department of  
11 Public Health and its authorized representatives relating to  
12 known or suspected cases of sexually transmissible disease or  
13 any information the disclosure of which is restricted under the  
14 Illinois Sexually Transmissible Disease Control Act.

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

17 (f) Firm performance evaluations under Section 55 of the  
18 Architectural, Engineering, and Land Surveying Qualifications  
19 Based Selection Act.

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

22 (h) Information the disclosure of which is exempted under  
23 the State Officials and Employees Ethics Act.

24 (i) Information contained in a local emergency energy plan  
25 submitted to a municipality in accordance with a local  
26 emergency energy plan ordinance that is adopted under Section

1 11-21.5-5 of the Illinois Municipal Code.

2 (j) Information and data concerning the distribution of  
3 surcharge moneys collected and remitted by wireless carriers  
4 under the Wireless Emergency Telephone Safety Act.

5 (k) Law enforcement officer identification information or  
6 driver identification information compiled by a law  
7 enforcement agency or the Department of Transportation under  
8 Section 11-212 of the Illinois Vehicle Code.

9 (l) Records and information provided to a residential  
10 health care facility resident sexual assault and death review  
11 team or the Executive Council under the Abuse Prevention Review  
12 Team Act.

13 (m) Information provided to the predatory lending database  
14 created pursuant to Article 3 of the Residential Real Property  
15 Disclosure Act, except to the extent authorized under that  
16 Article.

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

24 (o) Information that is prohibited from being disclosed  
25 under Section 4 of the Illinois Health and Hazardous Substances  
26 Registry Act.

1       (p) Security portions of system safety program plans,  
2 investigation reports, surveys, schedules, lists, data, or  
3 information compiled, collected, or prepared by or for the  
4 Regional Transportation Authority under Section 2.11 of the  
5 Regional Transportation Authority Act or the St. Clair County  
6 Transit District under the Bi-State Transit Safety Act.

7           (5 ILCS 140/9) (from Ch. 116, par. 209)

8       Sec. 9. (a) Each public body ~~or head of a public body~~  
9 denying a request for public records shall notify in writing ~~by~~  
10 ~~letter~~ the person making the request of the decision to deny  
11 such, the reasons for the denial, including a detailed factual  
12 basis for the application of any exemption claimed, and the  
13 names and titles or positions of each person responsible for  
14 the denial. ~~Each notice of denial by a public body shall also~~  
15 ~~inform such person of his right to appeal to the head of the~~  
16 ~~public body.~~ Each notice of denial ~~of an appeal by the head of~~  
17 ~~a public body~~ shall inform such person of his right to judicial  
18 review under Section 10 ~~11~~ of this Act.

19       (b) When a request for public records is denied on the  
20 grounds that the records are exempt under Section 7 of this  
21 Act, the notice of denial shall specify the exemption claimed  
22 to authorize the denial and the specific reasons for the  
23 denial, including a detailed factual basis and a citation to  
24 supporting legal authority. Copies of all notices of denial  
25 shall be retained by each public body in a single central

1 office file that is open to the public and indexed according to  
2 the type of exemption asserted and, to the extent feasible,  
3 according to the types of records requested.

4 (c) Any person making a request for public records shall be  
5 deemed to have exhausted his administrative remedies with  
6 respect to that request if the public body fails to act within  
7 the time periods provided in Section 3 of this Act.

8 (Source: P.A. 83-1013.)

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 ~~the head of~~ a public body may file suit  
12 for injunctive or declaratory relief.

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

17 (c) Where the denial is from ~~the head of~~ a municipality or  
18 other public body, except as provided in subsection (b) of this  
19 Section, suit may be filed in the circuit court for the county  
20 where the 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 the court determines in a proceeding under this  
9 Section that a person seeking the right to inspect or receive a  
10 copy of a public record was entitled to the record, or a  
11 portion thereof ~~substantially prevails in a proceeding under~~  
12 ~~this Section,~~ the court shall ~~may~~ award such person reasonable  
13 attorneys' fees and costs. The court may also award reasonable  
14 attorney fees and costs of litigation or an appropriate portion  
15 thereof to a public body if the court finds that a suit filed  
16 under this Section was frivolous. ~~If, however, the court finds~~  
17 ~~that the fundamental purpose of the request was to further the~~  
18 ~~commercial interests of the requestor, the court may award~~  
19 ~~reasonable attorneys' fees and costs if the court finds that~~  
20 ~~the record or records in question were of clearly significant~~  
21 ~~interest to the general public and that the public body lacked~~  
22 ~~any reasonable basis in law for withholding the record.~~

23 (j) If the court determines that a public body willfully  
24 and intentionally failed to comply with a request for  
25 inspection or copies of public records, or otherwise acted in  
26 bad faith, the court shall also impose upon the public body a

1 civil penalty of not less than \$100 nor more than \$1000 for  
2 each occurrence. In assessing the civil penalty, the court  
3 shall consider in aggravation or mitigation whether the public  
4 body has previously been assessed penalties for violations of  
5 this Act.

6 (Source: P.A. 93-466, eff. 1-1-04.)

7 (5 ILCS 140/11.5 new)

8 Sec. 11.5. Criminal offense. The imposition of civil  
9 penalties set out in Section 11 notwithstanding, any person who  
10 knowingly and willfully violates any of the provisions of this  
11 Act shall be guilty of a Class C misdemeanor.

12 (5 ILCS 140/7.1 rep.)

13 (5 ILCS 140/8 rep.)

14 (5 ILCS 140/10 rep.)

15 Section 10. The Freedom of Information Act is amended by  
16 repealing Sections 7.1, 8, and 10.

17 Section 15. The Whistleblower Act is amended by changing  
18 Section 20 as follows:

19 (740 ILCS 174/20)

20 Sec. 20. Retaliation for certain refusals prohibited. An  
21 employer may not retaliate against an employee for refusing to  
22 participate in an activity that would result in a violation of

1 a State or federal law, rule, or regulation, including, but not  
2 limited to, violations of the Freedom of Information Act.

3 (Source: P.A. 93-544, eff. 1-1-04.)

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