

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the
5 Department of Juvenile Justice Mortality Review Team Act.

6 Section 5. State policy. The following statements are the
7 policy of this State:

8 (1) Understanding that youth have different needs than
9 adults, it is the mission of the Illinois Department of
10 Juvenile Justice to preserve public safety by reducing
11 recidivism. Youth committed to the Department will receive
12 individualized services provided by qualified staff that
13 give them the skills to become productive citizens.

14 (2) When a youth dies while committed to the custody of
15 the Department of Juvenile Justice, the response by the
16 State and the community to the death must include an
17 accurate and complete determination of the cause of death
18 and the factors contributing to the death and the
19 development and implementation of measures where necessary
20 and appropriate to prevent future deaths from similar
21 causes.

22 (3) Professionals from diverse disciplines and
23 agencies who have responsibilities for youth and expertise

1 that can promote youth safety and well-being, particularly
2 while in State custody, should share their expertise and
3 knowledge so that the goals of determining the causes of
4 youth deaths and preventing future youth deaths can be
5 achieved.

6 (4) A greater understanding of the incidence and causes
7 of deaths of youths in State custody is necessary to aid
8 the prevention of such deaths in the future.

9 (5) Multidisciplinary and multiagency reviews of youth
10 deaths can assist the Department of Juvenile Justice in (i)
11 developing a greater understanding of the incidence and
12 causes of youth deaths and the methods for preventing those
13 deaths, (ii) identifying any deficiencies in services and
14 systems within the Department of Juvenile Justice that may
15 place youth at greater risk for death while in the custody
16 of the Department, and (iii) identifying and implementing
17 improvements to the Department's systems for delivery of
18 such services.

19 (6) Access to information regarding deceased youth and
20 their families by multidisciplinary and multiagency
21 mortality review teams is necessary for those teams to
22 achieve their purposes and duties.

23 Section 10. Definitions. In this Act, unless the context
24 requires otherwise:

25 "Department" means the Department of Juvenile Justice.

1 "Director" means the Director of Juvenile Justice.

2 "Mortality review team" or "team" means a Department of
3 Juvenile Justice mortality review team appointed pursuant to
4 this Act.

5 "Youth" means any person committed by court order to the
6 custody of the Department of Juvenile Justice.

7 Section 15. Mortality review teams; establishment.

8 (a) Upon the occurrence of the death of any youth in the
9 Department's custody, the Director shall appoint members and a
10 chairperson to a mortality review team. The Director shall make
11 the appointments within 30 days after the youth's death.

12 (b) Each mortality review team shall consist of at least
13 one member from each of the following categories:

14 (1) Pediatrician or other physician.

15 (2) Representative of the Department.

16 (3) State's Attorney or State's Attorney
17 representative.

18 (4) Representative of a local law enforcement agency.

19 (5) Psychologist or psychiatrist.

20 (6) Representative of a local health department.

21 (7) Designee of the Board of Education of the
22 Department of Juvenile Justice School District created
23 under Section 13-40 of the School Code.

24 (8) Coroner or forensic pathologist.

25 (9) Representative of a juvenile justice advocacy

1 organization.

2 (10) Representative of a local hospital, trauma
3 center, or provider of emergency medical services.

4 (11) Representative of the Department of State Police.

5 (12) Representative of the Office of the Governor's
6 Executive Inspector General.

7 A mortality review team may make recommendations to the
8 Director concerning additional appointments.

9 (c) Each mortality review team member must have
10 demonstrated experience or an interest in welfare of youth in
11 State custody.

12 (d) The mortality review teams shall be funded in the
13 Department's annual budget to provide for the travel expenses
14 of team members and professional services engaged by the team.

15 (e) If a death of a youth in the Department's custody
16 occurs while a prior youth death is under review by a team
17 pursuant to this Act, the Director may request that the team
18 review the subsequent death.

19 (f) Upon the conclusion of all reporting required under
20 Sections 20, 25, and 30 with respect to a death reviewed by a
21 team, all appointments to the team shall expire.

22 Section 20. Reviews of youth deaths.

23 (a) A mortality review team shall review every death of a
24 youth that occurs within a facility of the Department or as the
25 result of an act or incident occurring within a facility of the

1 Department, including deaths resulting from suspected illness,
2 injury, or self-harm or from an unknown cause.

3 (b) If the coroner of the county in which a youth died
4 determines that the youth's death was the direct or proximate
5 result of alleged or suspected criminal activity, the mortality
6 review team's investigation shall be in addition to any
7 criminal investigation of the death but shall be limited to a
8 review of systems and practices of the Department. In the
9 course of conducting its review, the team shall obtain
10 assurance from law enforcement officials that acts taken in
11 furtherance of the review will not impair any criminal
12 investigation or prosecution.

13 (c) A mortality review team's purpose in conducting a
14 review of a youth death is to do the following:

15 (1) Assist in determining the cause and manner of the
16 youth's death, if requested.

17 (2) Evaluate any means by which the death might have
18 been prevented, including, but not limited to, the
19 evaluation of the Department's systems for the following:

20 (A) Training.

21 (B) Assessment and referral for services.

22 (C) Communication.

23 (D) Housing.

24 (E) Supervision of youth.

25 (F) Intervention in critical incidents.

26 (G) Reporting.

1 (H) Follow-up and mortality review following
2 critical incidents or youth deaths.

3 (3) Recommend continuing education and training for
4 Department staff.

5 (4) Make specific recommendations to the Director
6 concerning the prevention of deaths of youth in the
7 Department's custody.

8 (d) A mortality review team shall review a youth death as
9 soon as practicable and not later than within 90 days after a
10 law enforcement agency's completion of its investigation if the
11 death is the result of alleged or suspected criminal activity.
12 If there has been no investigation by a law enforcement agency,
13 the mortality review team shall review a youth's death within
14 90 days after obtaining the information necessary to complete
15 the review from the coroner, pathologist, medical examiner, or
16 law enforcement agency, depending on the nature of the case.
17 The team shall meet as needed in person or via teleconference
18 or video conference following appointment of the team members.
19 When necessary and upon request of the team, the Director may
20 extend the deadline for a review up to an additional 90 days.

21 Section 25. Director's reply and additional report.

22 (a) As soon as practicable, but not later than 90 days
23 after receipt of the recommendations made by a team pursuant to
24 subdivision (c) (4) of Section 20, the Director shall review and
25 reply to each such recommendation. With respect to each

1 recommendation made by a team, the Director shall submit his or
2 her reply to the chairperson of that team. The Director's reply
3 to each recommendation must include a statement as to whether
4 the Director intends to implement the recommendation. The
5 Director shall implement a team's recommendations as feasible
6 and appropriate and shall respond in writing to explain the
7 implementation or non-implementation of each recommendation.

8 (b) Within 90 days after the Director submits a reply with
9 respect to a recommendation as required by subsection (a), the
10 Director must submit an additional report to the chairperson of
11 the team that sets forth in detail the way, if any, in which
12 the Director will implement the recommendation and the schedule
13 for implementing the recommendation.

14 Section 30. Report to Executive Inspector General. Within
15 180 days after the Director submits a reply under subsection
16 (a) of Section 25 concerning the implementation of a team's
17 recommendation, the Director shall submit a further report to
18 the chairperson of the team that made the recommendation and to
19 the Executive Inspector General appointed by the Governor under
20 Section 20-10 of the State Officials and Employees Ethics Act.
21 The Director's report shall set forth any specific changes in
22 the Department's policies and procedures that have been made in
23 response to the team's recommendation.

24 Section 35. Team access to information.

1 (a) The Department shall provide to a mortality review
2 team, on the request of the team's chairperson, all records and
3 information in the Department's possession that are relevant to
4 the team's review of a youth death.

5 (b) The mortality review team shall have access to all
6 records and information that are relevant to its review of a
7 youth death and in the possession of a State or local
8 governmental agency, including, without limitation, birth
9 certificates, all relevant medical and mental health records,
10 records of law enforcement agency investigations, records of
11 coroner or medical examiner investigations, records of a
12 probation and court services department regarding the youth,
13 and records of a social services agency that provided services
14 to the youth or the youth's family.

15 (c) Each appointed member of a mortality review team shall
16 sign an acknowledgement upon appointment and before
17 participating in meetings or review of records acknowledging
18 the confidentiality of information obtained in the course of
19 the team's review and containing the member's agreement not to
20 reproduce or distribute confidential information obtained in
21 the course of the review.

22 Section 40. Public access to information.

23 (a) Meetings of a mortality review team shall be closed to
24 the public. Meetings of the mortality review teams are not
25 subject to the Open Meetings Act, as provided in that Act.

1 (b) Records and information provided to a mortality review
2 team and records maintained by a team are confidential and not
3 subject to inspection and copying under the Freedom of
4 Information Act, as provided in that Act.

5 (c) Members of a mortality review team are not subject to
6 examination, in any civil or criminal proceeding, concerning
7 information presented to members of the team or opinions formed
8 by members of the team based on that information. A team member
9 may, however, be examined concerning information provided to
10 the team that is otherwise available to the public.

11 (d) Records and information produced by a mortality review
12 team are not subject to discovery or subpoena and are not
13 admissible as evidence in any civil or criminal proceeding.
14 Those records and information are, however, subject to
15 discovery or a subpoena, and are admissible as evidence, to the
16 extent they are otherwise available to the public.

17 Section 45. Indemnification of team members. The State
18 shall indemnify and hold harmless members of a mortality review
19 team for all their acts, omissions, decisions, or other conduct
20 arising out of the scope of their service on the team, except
21 for acts, omissions, decisions, or other conduct involving
22 willful or wanton misconduct. The method of providing
23 indemnification shall be as provided in the State Employee
24 Indemnification Act.

1 Section 90. The Open Meetings Act is amended by changing
2 Section 2 as follows:

3 (5 ILCS 120/2) (from Ch. 102, par. 42)

4 Sec. 2. Open meetings.

5 (a) Openness required. All meetings of public bodies shall
6 be open to the public unless excepted in subsection (c) and
7 closed in accordance with Section 2a.

8 (b) Construction of exceptions. The exceptions contained
9 in subsection (c) are in derogation of the requirement that
10 public bodies meet in the open, and therefore, the exceptions
11 are to be strictly construed, extending only to subjects
12 clearly within their scope. The exceptions authorize but do not
13 require the holding of a closed meeting to discuss a subject
14 included within an enumerated exception.

15 (c) Exceptions. A public body may hold closed meetings to
16 consider the following subjects:

17 (1) The appointment, employment, compensation,
18 discipline, performance, or dismissal of specific
19 employees of the public body or legal counsel for the
20 public body, including hearing testimony on a complaint
21 lodged against an employee of the public body or against
22 legal counsel for the public body to determine its
23 validity.

24 (2) Collective negotiating matters between the public
25 body and its employees or their representatives, or

1 deliberations concerning salary schedules for one or more
2 classes of employees.

3 (3) The selection of a person to fill a public office,
4 as defined in this Act, including a vacancy in a public
5 office, when the public body is given power to appoint
6 under law or ordinance, or the discipline, performance or
7 removal of the occupant of a public office, when the public
8 body is given power to remove the occupant under law or
9 ordinance.

10 (4) Evidence or testimony presented in open hearing, or
11 in closed hearing where specifically authorized by law, to
12 a quasi-adjudicative body, as defined in this Act, provided
13 that the body prepares and makes available for public
14 inspection a written decision setting forth its
15 determinative reasoning.

16 (5) The purchase or lease of real property for the use
17 of the public body, including meetings held for the purpose
18 of discussing whether a particular parcel should be
19 acquired.

20 (6) The setting of a price for sale or lease of
21 property owned by the public body.

22 (7) The sale or purchase of securities, investments, or
23 investment contracts.

24 (8) Security procedures and the use of personnel and
25 equipment to respond to an actual, a threatened, or a
26 reasonably potential danger to the safety of employees,

1 students, staff, the public, or public property.

2 (9) Student disciplinary cases.

3 (10) The placement of individual students in special
4 education programs and other matters relating to
5 individual students.

6 (11) Litigation, when an action against, affecting or
7 on behalf of the particular public body has been filed and
8 is pending before a court or administrative tribunal, or
9 when the public body finds that an action is probable or
10 imminent, in which case the basis for the finding shall be
11 recorded and entered into the minutes of the closed
12 meeting.

13 (12) The establishment of reserves or settlement of
14 claims as provided in the Local Governmental and
15 Governmental Employees Tort Immunity Act, if otherwise the
16 disposition of a claim or potential claim might be
17 prejudiced, or the review or discussion of claims, loss or
18 risk management information, records, data, advice or
19 communications from or with respect to any insurer of the
20 public body or any intergovernmental risk management
21 association or self insurance pool of which the public body
22 is a member.

23 (13) Conciliation of complaints of discrimination in
24 the sale or rental of housing, when closed meetings are
25 authorized by the law or ordinance prescribing fair housing
26 practices and creating a commission or administrative

1 agency for their enforcement.

2 (14) Informant sources, the hiring or assignment of
3 undercover personnel or equipment, or ongoing, prior or
4 future criminal investigations, when discussed by a public
5 body with criminal investigatory responsibilities.

6 (15) Professional ethics or performance when
7 considered by an advisory body appointed to advise a
8 licensing or regulatory agency on matters germane to the
9 advisory body's field of competence.

10 (16) Self evaluation, practices and procedures or
11 professional ethics, when meeting with a representative of
12 a statewide association of which the public body is a
13 member.

14 (17) The recruitment, credentialing, discipline or
15 formal peer review of physicians or other health care
16 professionals for a hospital, or other institution
17 providing medical care, that is operated by the public
18 body.

19 (18) Deliberations for decisions of the Prisoner
20 Review Board.

21 (19) Review or discussion of applications received
22 under the Experimental Organ Transplantation Procedures
23 Act.

24 (20) The classification and discussion of matters
25 classified as confidential or continued confidential by
26 the State Government Suggestion Award Board.

1 (21) Discussion of minutes of meetings lawfully closed
2 under this Act, whether for purposes of approval by the
3 body of the minutes or semi-annual review of the minutes as
4 mandated by Section 2.06.

5 (22) Deliberations for decisions of the State
6 Emergency Medical Services Disciplinary Review Board.

7 (23) The operation by a municipality of a municipal
8 utility or the operation of a municipal power agency or
9 municipal natural gas agency when the discussion involves
10 (i) contracts relating to the purchase, sale, or delivery
11 of electricity or natural gas or (ii) the results or
12 conclusions of load forecast studies.

13 (24) Meetings of a residential health care facility
14 resident sexual assault and death review team or the
15 Executive Council under the Abuse Prevention Review Team
16 Act.

17 (25) Meetings of a mortality review team appointed
18 under the Department of Juvenile Justice Mortality Review
19 Team Act.

20 (d) Definitions. For purposes of this Section:

21 "Employee" means a person employed by a public body whose
22 relationship with the public body constitutes an
23 employer-employee relationship under the usual common law
24 rules, and who is not an independent contractor.

25 "Public office" means a position created by or under the
26 Constitution or laws of this State, the occupant of which is

1 charged with the exercise of some portion of the sovereign
2 power of this State. The term "public office" shall include
3 members of the public body, but it shall not include
4 organizational positions filled by members thereof, whether
5 established by law or by a public body itself, that exist to
6 assist the body in the conduct of its business.

7 "Quasi-adjudicative body" means an administrative body
8 charged by law or ordinance with the responsibility to conduct
9 hearings, receive evidence or testimony and make
10 determinations based thereon, but does not include local
11 electoral boards when such bodies are considering petition
12 challenges.

13 (e) Final action. No final action may be taken at a closed
14 meeting. Final action shall be preceded by a public recital of
15 the nature of the matter being considered and other information
16 that will inform the public of the business being conducted.

17 (Source: P.A. 94-931, eff. 6-26-06; 95-185, eff. 1-1-08.)

18 Section 92. The Freedom of Information Act is amended by
19 changing Section 7 as follows:

20 (5 ILCS 140/7) (from Ch. 116, par. 207)

21 (Text of Section before amendment by P.A. 96-736)

22 Sec. 7. Exemptions.

23 (1) When a request is made to inspect or copy a public
24 record that contains information that is exempt from disclosure

1 under this Section, but also contains information that is not
2 exempt from disclosure, the public body may elect to redact the
3 information that is exempt. The public body shall make the
4 remaining information available for inspection and copying.
5 Subject to this requirement, the following shall be exempt from
6 inspection and copying:

7 (a) Information specifically prohibited from
8 disclosure by federal or State law or rules and regulations
9 implementing federal or State law.

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

13 (b-5) Files, documents, and other data or databases
14 maintained by one or more law enforcement agencies and
15 specifically designed to provide information to one or more
16 law enforcement agencies regarding the physical or mental
17 status of one or more individual subjects.

18 (c) Personal information contained within public
19 records, the disclosure of which would constitute a clearly
20 unwarranted invasion of personal privacy, unless the
21 disclosure is consented to in writing by the individual
22 subjects of the information. "Unwarranted invasion of
23 personal privacy" means the disclosure of information that
24 is highly personal or objectionable to a reasonable person
25 and in which the subject's right to privacy outweighs any
26 legitimate public interest in obtaining the information.

1 The disclosure of information that bears on the public
2 duties of public employees and officials shall not be
3 considered an invasion of personal privacy.

4 (d) Records in the possession of any public body
5 created in the course of administrative enforcement
6 proceedings, and any law enforcement or correctional
7 agency for law enforcement purposes, but only to the extent
8 that disclosure would:

9 (i) interfere with pending or actually and
10 reasonably contemplated law enforcement proceedings
11 conducted by any law enforcement or correctional
12 agency that is the recipient of the request;

13 (ii) interfere with active administrative
14 enforcement proceedings conducted by the public body
15 that is the recipient of the request;

16 (iii) create a substantial likelihood that a
17 person will be deprived of a fair trial or an impartial
18 hearing;

19 (iv) unavoidably disclose the identity of a
20 confidential source, confidential information
21 furnished only by the confidential source, or persons
22 who file complaints with or provide information to
23 administrative, investigative, law enforcement, or
24 penal agencies; except that the identities of
25 witnesses to traffic accidents, traffic accident
26 reports, and rescue reports shall be provided by

1 agencies of local government, except when disclosure
2 would interfere with an active criminal investigation
3 conducted by the agency that is the recipient of the
4 request;

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

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

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

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

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

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

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

25 Nothing contained in this paragraph (g) shall be
26 construed to prevent a person or business from consenting

1 to disclosure.

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

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

21 (j) The following information pertaining to
22 educational matters:

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

26 (ii) information received by a primary or

1 secondary school, college, or university under its
2 procedures for the evaluation of faculty members by
3 their academic peers;

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

8 (iv) course materials or research materials used
9 by faculty members.

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

22 (l) Minutes of meetings of public bodies closed to the
23 public as provided in the Open Meetings Act until the
24 public body makes the minutes available to the public under
25 Section 2.06 of the Open Meetings Act.

26 (m) Communications between a public body and an

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

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

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

22 (p) Records relating to collective negotiating matters
23 between public bodies and their employees or
24 representatives, except that any final contract or
25 agreement shall be subject to inspection and copying.

26 (q) Test questions, scoring keys, and other

1 examination data used to determine the qualifications of an
2 applicant for a license or employment.

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

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

22 (t) Information contained in or related to
23 examination, operating, or condition reports prepared by,
24 on behalf of, or for the use of a public body responsible
25 for the regulation or supervision of financial
26 institutions or insurance companies, unless disclosure is

1 otherwise required by State law.

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

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

21 (w) (Blank).

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

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

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

14 (bb) Records and information provided to a mortality
15 review team and records maintained by a mortality review
16 team appointed under the Department of Juvenile Justice
17 Mortality Review Team Act.

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

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

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

3 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
4 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; 96-261, eff. 1-1-10;
5 96-328, eff. 8-11-09; 96-542, eff. 1-1-10; 96-558, eff. 1-1-10;
6 revised 9-25-09.)

7 (Text of Section after amendment by P.A. 96-736)

8 Sec. 7. Exemptions.

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

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

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

23 (b-5) Files, documents, and other data or databases
24 maintained by one or more law enforcement agencies and
25 specifically designed to provide information to one or more

1 law enforcement agencies regarding the physical or mental
2 status of one or more individual subjects.

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

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

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

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

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

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

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

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

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

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

3 (f) Preliminary drafts, notes, recommendations,
4 memoranda and other records in which opinions are
5 expressed, or policies or actions are formulated, except
6 that a specific record or relevant portion of a record
7 shall not be exempt when the record is publicly cited and
8 identified by the head of the public body. The exemption
9 provided in this paragraph (f) extends to all those records
10 of officers and agencies of the General Assembly that
11 pertain to the preparation of legislative documents.

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

21 The information included under this exemption includes
22 all ~~(i) All~~ trade secrets and commercial or financial
23 information obtained by a public body, including a public
24 pension fund, from a private equity fund or a privately
25 held company within the investment portfolio of a private
26 equity fund as a result of either investing or evaluating a

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

10 Nothing contained in this paragraph (g) shall be
11 construed to prevent a person or business from consenting
12 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 questions, scoring keys and other
9 examination data used to administer an academic
10 examination;

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

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

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

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

1 distribution stations and other transmission and
2 distribution facilities, water treatment facilities,
3 airport facilities, sport stadiums, convention centers,
4 and all government owned, operated, or occupied buildings,
5 but only to the extent that disclosure would compromise
6 security.

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

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

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

23 (o) Administrative or technical information associated
24 with automated data processing operations, including but
25 not limited to software, operating protocols, computer
26 program abstracts, file layouts, source listings, object

1 modules, load modules, user guides, documentation
2 pertaining to all logical and physical design of
3 computerized systems, employee manuals, and any other
4 information that, if disclosed, would jeopardize the
5 security of the system or its data or the security of
6 materials exempt under this Section.

7 (p) Records relating to collective negotiating matters
8 between public bodies and their employees or
9 representatives, except that any final contract or
10 agreement shall be subject to inspection and copying.

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

14 (r) The records, documents, and information relating
15 to real estate purchase negotiations until those
16 negotiations have been completed or otherwise terminated.
17 With regard to a parcel involved in a pending or actually
18 and reasonably contemplated eminent domain proceeding
19 under the Eminent Domain Act, records, documents and
20 information relating to that parcel shall be exempt except
21 as may be allowed under discovery rules adopted by the
22 Illinois Supreme Court. The records, documents and
23 information relating to a real estate sale shall be exempt
24 until a sale is consummated.

25 (s) Any and all proprietary information and records
26 related to the operation of an intergovernmental risk

1 management association or self-insurance pool or jointly
2 self-administered health and accident cooperative or pool.
3 Insurance or self insurance (including any
4 intergovernmental risk management association or self
5 insurance pool) claims, loss or risk management
6 information, records, data, advice or communications.

7 (t) Information contained in or related to
8 examination, operating, or condition reports prepared by,
9 on behalf of, or for the use of a public body responsible
10 for the regulation or supervision of financial
11 institutions or insurance companies, unless disclosure is
12 otherwise required by State law.

13 (u) Information that would disclose or might lead to
14 the disclosure of secret or confidential information,
15 codes, algorithms, programs, or private keys intended to be
16 used to create electronic or digital signatures under the
17 Electronic Commerce Security Act.

18 (v) Vulnerability assessments, security measures, and
19 response policies or plans that are designed to identify,
20 prevent, or respond to potential attacks upon a community's
21 population or systems, facilities, or installations, the
22 destruction or contamination of which would constitute a
23 clear and present danger to the health or safety of the
24 community, but only to the extent that disclosure could
25 reasonably be expected to jeopardize the effectiveness of
26 the measures or the safety of the personnel who implement

1 them or the public. Information exempt under this item may
2 include such things as details pertaining to the
3 mobilization or deployment of personnel or equipment, to
4 the operation of communication systems or protocols, or to
5 tactical operations.

6 (w) (Blank).

7 (x) Maps and other records regarding the location or
8 security of generation, transmission, distribution,
9 storage, gathering, treatment, or switching facilities
10 owned by a utility, by a power generator, or by the
11 Illinois Power Agency.

12 (y) Information contained in or related to proposals,
13 bids, or negotiations related to electric power
14 procurement under Section 1-75 of the Illinois Power Agency
15 Act and Section 16-111.5 of the Public Utilities Act that
16 is determined to be confidential and proprietary by the
17 Illinois Power Agency or by the Illinois Commerce
18 Commission.

19 (z) ~~(tt)~~ Information about students exempted from
20 disclosure under Sections 10-20.38 or 34-18.29 of the
21 School Code, and information about undergraduate students
22 enrolled at an institution of higher education exempted
23 from disclosure under Section 25 of the Illinois Credit
24 Card Marketing Act of 2009.

25 (aa) ~~(tt)~~ Information the disclosure of which is
26 exempted under the Viatical Settlements Act of 2009.

1 (bb) Records and information provided to a mortality
2 review team and records maintained by a mortality review
3 team appointed under the Department of Juvenile Justice
4 Mortality Review Team 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) 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. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
17 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; 96-261, eff. 1-1-10;
18 96-328, eff. 8-11-09; 96-542, eff. 1-1-10; 96-558, eff. 1-1-10;
19 96-736, eff. 7-1-10; revised 9-25-09.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.