

HB6938



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6938

by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

5 ILCS 140/3.1

Amends the Freedom of Information Act. Provides that the Department of Natural Resources may not categorize a request for public records as a request for records to be used for a commercial purpose if that request is made by a municipality.

LRB096 24209 JDS 43653 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 3.1 as follows:

6 (5 ILCS 140/3.1)

7 Sec. 3.1. Requests for commercial purposes.

8 (a) A public body shall respond to a request for records to
9 be used for a commercial purpose within 21 working days after
10 receipt. The response shall (i) provide to the requester an
11 estimate of the time required by the public body to provide the
12 records requested and an estimate of the fees to be charged,
13 which the public body may require the person to pay in full
14 before copying the requested documents, (ii) deny the request
15 pursuant to one or more of the exemptions set out in this Act,
16 (iii) notify the requester that the request is unduly
17 burdensome and extend an opportunity to the requester to
18 attempt to reduce the request to manageable proportions, or
19 (iv) provide the records requested.

20 (b) Unless the records are exempt from disclosure, a public
21 body shall comply with a request within a reasonable period
22 considering the size and complexity of the request, and giving
23 priority to records requested for non-commercial purposes.

1 (b-5) The Department of Natural Resources may not
2 categorize a request for public records as a request for
3 records to be used for a commercial purpose if the request is
4 made by a municipality. Instead, the Department must, as
5 specified in subsection (d) of Section 3, comply with each
6 request for public records within 5 business days after its
7 receipt, unless the time for response is properly extended
8 under subsection (e) of Section 3. This subsection shall not be
9 construed to limit any exemption that is otherwise available
10 under Section 7.

11 (c) It is a violation of this Act for a person to knowingly
12 obtain a public record for a commercial purpose without
13 disclosing that it is for a commercial purpose, if requested to
14 do so by the public body.

15 (Source: P.A. 96-542, eff. 1-1-10.)