

SB0124



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0124

Introduced 1/30/2009, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7

from Ch. 116, par. 207

Amends the Freedom of Information Act. Provides that the exemption from copying and inspection requirements for information relating to computer geographic systems does not apply to requests from licensed design professionals under certain circumstances.

LRB096 04713 JAM 14776 b

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 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

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

8 Sec. 7. Exemptions.

9 (1) The following shall be exempt from inspection and
10 copying:

11 (a) Information specifically prohibited from
12 disclosure by federal or State law or rules and regulations
13 adopted under federal or State law.

14 (b) Information that, if disclosed, would constitute a
15 clearly unwarranted invasion of personal privacy, unless
16 the disclosure is consented to in writing by the individual
17 subjects of the information. The disclosure of information
18 that bears on the public duties of public employees and
19 officials shall not be considered an invasion of personal
20 privacy. Information exempted under this subsection (b)
21 shall include but is not limited to:

22 (i) files and personal information maintained with
23 respect to clients, patients, residents, students or

1 other individuals receiving social, medical,
2 educational, vocational, financial, supervisory or
3 custodial care or services directly or indirectly from
4 federal agencies or public bodies;

5 (ii) personnel files and personal information
6 maintained with respect to employees, appointees or
7 elected officials of any public body or applicants for
8 those positions;

9 (iii) files and personal information maintained
10 with respect to any applicant, registrant or licensee
11 by any public body cooperating with or engaged in
12 professional or occupational registration, licensure
13 or discipline;

14 (iv) information required of any taxpayer in
15 connection with the assessment or collection of any tax
16 unless disclosure is otherwise required by State
17 statute;

18 (v) information revealing the identity of persons
19 who file complaints with or provide information to
20 administrative, investigative, law enforcement or
21 penal agencies; provided, however, that identification
22 of witnesses to traffic accidents, traffic accident
23 reports, and rescue reports may be provided by agencies
24 of local government, except in a case for which a
25 criminal investigation is ongoing, without
26 constituting a clearly unwarranted per se invasion of

1 personal privacy under this subsection; and

2 (vi) the names, addresses, or other personal
3 information of participants and registrants in park
4 district, forest preserve district, and conservation
5 district programs.

6 (c) Records compiled by any public body for
7 administrative enforcement proceedings and any law
8 enforcement or correctional agency for law enforcement
9 purposes or for internal matters of a public body, but only
10 to the extent that disclosure would:

11 (i) interfere with pending or actually and
12 reasonably contemplated law enforcement proceedings
13 conducted by any law enforcement or correctional
14 agency;

15 (ii) interfere with pending administrative
16 enforcement proceedings conducted by any public body;

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

19 (iv) unavoidably disclose the identity of a
20 confidential source or confidential information
21 furnished only by the confidential source;

22 (v) disclose unique or specialized investigative
23 techniques other than those generally used and known or
24 disclose internal documents of correctional agencies
25 related to detection, observation or investigation of
26 incidents of crime or misconduct;

1 (vi) constitute an invasion of personal privacy
2 under subsection (b) of this Section;

3 (vii) endanger the life or physical safety of law
4 enforcement personnel or any other person; or

5 (viii) obstruct an ongoing criminal investigation.

6 (d) Criminal history record information maintained by
7 State or local criminal justice agencies, except the
8 following which shall be open for public inspection and
9 copying:

10 (i) chronologically maintained arrest information,
11 such as traditional arrest logs or blotters;

12 (ii) the name of a person in the custody of a law
13 enforcement agency and the charges for which that
14 person is being held;

15 (iii) court records that are public;

16 (iv) records that are otherwise available under
17 State or local law; or

18 (v) records in which the requesting party is the
19 individual identified, except as provided under part
20 (vii) of paragraph (c) of subsection (1) of this
21 Section.

22 "Criminal history record information" means data
23 identifiable to an individual and consisting of
24 descriptions or notations of arrests, detentions,
25 indictments, informations, pre-trial proceedings, trials,
26 or other formal events in the criminal justice system or

1 descriptions or notations of criminal charges (including
2 criminal violations of local municipal ordinances) and the
3 nature of any disposition arising therefrom, including
4 sentencing, court or correctional supervision,
5 rehabilitation and release. The term does not apply to
6 statistical records and reports in which individuals are
7 not identified and from which their identities are not
8 ascertainable, or to information that is for criminal
9 investigative or intelligence purposes.

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

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

21 (g) Trade secrets and commercial or financial
22 information obtained from a person or business where the
23 trade secrets or information are proprietary, privileged
24 or confidential, or where disclosure of the trade secrets
25 or information may cause competitive harm, including:

26 (i) All information determined to be confidential

1 under Section 4002 of the Technology Advancement and
2 Development Act.

3 (ii) All trade secrets and commercial or financial
4 information obtained by a public body, including a
5 public pension fund, from a private equity fund or a
6 privately held company within the investment portfolio
7 of a private equity fund as a result of either
8 investing or evaluating a potential investment of
9 public funds in a private equity fund. The exemption
10 contained in this item does not apply to the aggregate
11 financial performance information of a private equity
12 fund, nor to the identity of the fund's managers or
13 general partners. The exemption contained in this item
14 does not apply to the identity of a privately held
15 company within the investment portfolio of a private
16 equity fund, unless the disclosure of the identity of a
17 privately held company may cause competitive harm.

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

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

1 award or final selection is made.

2 (i) Valuable formulae, computer geographic systems,
3 designs, drawings and research data obtained or produced by
4 any public body when disclosure could reasonably be
5 expected to produce private gain or public loss.

6 (A) The exemption for "computer geographic
7 systems" provided in this paragraph (i) does not extend
8 to requests made by news media as defined in Section 2
9 of this Act when the requested information is not
10 otherwise exempt and the only purpose of the request is
11 to access and disseminate information regarding the
12 health, safety, welfare, or legal rights of the general
13 public.

14 (B) The exemption for "computer geographic
15 systems" provided in this paragraph (i) does not extend
16 to a request made by a design professional, licensed
17 under the Illinois Architecture Practice Act of 1989,
18 the Structural Engineering Practice Act of 1989, the
19 Professional Engineering Practice of 1989, or the
20 Illinois Professional Land Surveyors Act of 1989, when
21 the requested information is not to be used to produce
22 private gain or public loss. Such a request must be
23 made for a one-time use only; the information may be
24 kept by the design professional for no more than 6
25 months; and no copying, re-use, re-transmission,
26 forwarding by electronic means, or reproduction of the

1 computer geographic systems may be made by the design
2 professional without the expressed written consent of
3 the public body.

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

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

18 (l) Library circulation and order records identifying
19 library users with specific materials.

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

24 (n) Communications between a public body and an
25 attorney or auditor representing the public body that would
26 not be subject to discovery in litigation, and materials

1 prepared or compiled by or for a public body in
2 anticipation of a criminal, civil or administrative
3 proceeding upon the request of an attorney advising the
4 public body, and materials prepared or compiled with
5 respect to internal audits of public bodies.

6 (o) Information received by a primary or secondary
7 school, college or university under its procedures for the
8 evaluation of faculty members by their academic peers.

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

19 (q) Documents or materials relating to collective
20 negotiating matters between public bodies and their
21 employees or representatives, except that any final
22 contract or agreement shall be subject to inspection and
23 copying.

24 (r) Drafts, notes, recommendations and memoranda
25 pertaining to the financing and marketing transactions of
26 the public body. The records of ownership, registration,

1 transfer, and exchange of municipal debt obligations, and
2 of persons to whom payment with respect to these
3 obligations is made.

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

14 (t) 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 (u) Information concerning a university's adjudication
19 of student or employee grievance or disciplinary cases, to
20 the extent that disclosure would reveal the identity of the
21 student or employee and information concerning any public
22 body's adjudication of student or employee grievances or
23 disciplinary cases, except for the final outcome of the
24 cases.

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

1 (w) Information related solely to the internal
2 personnel rules and practices of a public body.

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

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

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

15 (aa) Applications, related documents, and medical
16 records received by the Experimental Organ Transplantation
17 Procedures Board and any and all documents or other records
18 prepared by the Experimental Organ Transplantation
19 Procedures Board or its staff relating to applications it
20 has received.

21 (bb) Insurance or self insurance (including any
22 intergovernmental risk management association or self
23 insurance pool) claims, loss or risk management
24 information, records, data, advice or communications.

25 (cc) Information and records held by the Department of
26 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

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

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

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

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

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

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

1 Act.

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

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

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

24 (mm) Maps and other records regarding the location or
25 security of generation, transmission, distribution,
26 storage, gathering, treatment, or switching facilities

1 owned by a utility or by the Illinois Power Agency.

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

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

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

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

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

1 Illinois Power Agency or by the Illinois Commerce
2 Commission.

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

6 (2) This Section does not authorize withholding of
7 information or limit the availability of records to the public,
8 except as stated in this Section or otherwise provided in this
9 Act.

10 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,
11 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;
12 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.
13 8-28-07; 95-941, eff. 8-29-08.)

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

15 Sec. 7. Exemptions.

16 (1) The following shall be exempt from inspection and
17 copying:

18 (a) Information specifically prohibited from
19 disclosure by federal or State law or rules and regulations
20 adopted under federal or State law.

21 (b) Information that, if disclosed, would constitute a
22 clearly unwarranted invasion of personal privacy, unless
23 the disclosure is consented to in writing by the individual
24 subjects of the information. The disclosure of information
25 that bears on the public duties of public employees and

1 officials shall not be considered an invasion of personal
2 privacy. Information exempted under this subsection (b)
3 shall include but is not limited to:

4 (i) files and personal information maintained with
5 respect to clients, patients, residents, students or
6 other individuals receiving social, medical,
7 educational, vocational, financial, supervisory or
8 custodial care or services directly or indirectly from
9 federal agencies or public bodies;

10 (ii) personnel files and personal information
11 maintained with respect to employees, appointees or
12 elected officials of any public body or applicants for
13 those positions;

14 (iii) files and personal information maintained
15 with respect to any applicant, registrant or licensee
16 by any public body cooperating with or engaged in
17 professional or occupational registration, licensure
18 or discipline;

19 (iv) information required of any taxpayer in
20 connection with the assessment or collection of any tax
21 unless disclosure is otherwise required by State
22 statute;

23 (v) information revealing the identity of persons
24 who file complaints with or provide information to
25 administrative, investigative, law enforcement or
26 penal agencies; provided, however, that identification

1 of witnesses to traffic accidents, traffic accident
2 reports, and rescue reports may be provided by agencies
3 of local government, except in a case for which a
4 criminal investigation is ongoing, without
5 constituting a clearly unwarranted per se invasion of
6 personal privacy under this subsection;

7 (vi) the names, addresses, or other personal
8 information of participants and registrants in park
9 district, forest preserve district, and conservation
10 district programs; and

11 (vii) the Notarial Record or other medium
12 containing the thumbprint or fingerprint required by
13 Section 3-102(c)(6) of the Illinois Notary Public Act.

14 (c) Records compiled by any public body for
15 administrative enforcement proceedings and any law
16 enforcement or correctional agency for law enforcement
17 purposes or for internal matters of a public body, but only
18 to the extent that disclosure would:

19 (i) interfere with pending or actually and
20 reasonably contemplated law enforcement proceedings
21 conducted by any law enforcement or correctional
22 agency;

23 (ii) interfere with pending administrative
24 enforcement proceedings conducted by any public body;

25 (iii) deprive a person of a fair trial or an
26 impartial hearing;

1 (iv) unavoidably disclose the identity of a
2 confidential source or confidential information
3 furnished only by the confidential source;

4 (v) disclose unique or specialized investigative
5 techniques other than those generally used and known or
6 disclose internal documents of correctional agencies
7 related to detection, observation or investigation of
8 incidents of crime or misconduct;

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

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

13 (viii) obstruct an ongoing criminal investigation.

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

18 (i) chronologically maintained arrest information,
19 such as traditional arrest logs or blotters;

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

23 (iii) court records that are public;

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

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

1 individual identified, except as provided under part
2 (vii) of paragraph (c) of subsection (1) of this
3 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 drafts, notes, recommendations,
21 memoranda and other records in which opinions are
22 expressed, or policies or actions are formulated, except
23 that a specific record or relevant portion of a record
24 shall not be exempt when the record is publicly cited and
25 identified by the head of the public body. The exemption
26 provided in this paragraph (f) extends to all those records

1 of officers and agencies of the General Assembly that
2 pertain to the preparation of legislative documents.

3 (g) Trade secrets and commercial or financial
4 information obtained from a person or business where the
5 trade secrets or information are proprietary, privileged
6 or confidential, or where disclosure of the trade secrets
7 or information may cause competitive harm, including:

8 (i) All information determined to be confidential
9 under Section 4002 of the Technology Advancement and
10 Development Act.

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

26 Nothing contained in this paragraph (g) shall be construed

1 to prevent a person or business from consenting 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.

14 (A) The exemption for "computer geographic
15 systems" provided in this paragraph (i) does not extend
16 to requests made by news media as defined in Section 2
17 of this Act when the requested information is not
18 otherwise exempt and the only purpose of the request is
19 to access and disseminate information regarding the
20 health, safety, welfare, or legal rights of the general
21 public.

22 (B) The exemption for "computer geographic
23 systems" provided in this paragraph (i) does not extend
24 to a request made by a design professional, licensed
25 under the Illinois Architecture Practice Act of 1989,
26 the Structural Engineering Practice Act of 1989, the

1 Professional Engineering Practice of 1989, or the
2 Illinois Professional Land Surveyors Act of 1989, when
3 the requested information is not to be used to produce
4 private gain or public loss. Such a request must be
5 made for a one-time use only; the information may be
6 kept by the design professional for no more than 6
7 months; and no copying, re-use, re-transmission,
8 forwarding by electronic means, or reproduction of the
9 computer geographic systems may be made by the design
10 professional without the expressed written consent of
11 the public body.

12 (j) Test questions, scoring keys and other examination
13 data used to administer an academic examination or
14 determined the qualifications of an applicant for a license
15 or employment.

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

26 (1) Library circulation and order records identifying

1 library users with specific materials.

2 (m) Minutes of meetings of public bodies closed to the
3 public as provided in the Open Meetings Act until the
4 public body makes the minutes available to the public under
5 Section 2.06 of the Open Meetings Act.

6 (n) Communications between a public body and an
7 attorney or auditor representing the public body that would
8 not be subject to discovery in litigation, and materials
9 prepared or compiled by or for a public body in
10 anticipation of a criminal, civil or administrative
11 proceeding upon the request of an attorney advising the
12 public body, and materials prepared or compiled with
13 respect to internal audits of public bodies.

14 (o) Information received by a primary or secondary
15 school, college or university under its procedures for the
16 evaluation of faculty members by their academic peers.

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

1 (q) Documents or materials relating to collective
2 negotiating matters between public bodies and their
3 employees or representatives, except that any final
4 contract or agreement shall be subject to inspection and
5 copying.

6 (r) Drafts, notes, recommendations and memoranda
7 pertaining to the financing and marketing transactions of
8 the public body. The records of ownership, registration,
9 transfer, and exchange of municipal debt obligations, and
10 of persons to whom payment with respect to these
11 obligations is made.

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

22 (t) Any and all proprietary information and records
23 related to the operation of an intergovernmental risk
24 management association or self-insurance pool or jointly
25 self-administered health and accident cooperative or pool.

26 (u) Information concerning a university's adjudication

1 of student or employee grievance or disciplinary cases, to
2 the extent that disclosure would reveal the identity of the
3 student or employee and information concerning any public
4 body's adjudication of student or employee grievances or
5 disciplinary cases, except for the final outcome of the
6 cases.

7 (v) Course materials or research materials used by
8 faculty members.

9 (w) Information related solely to the internal
10 personnel rules and practices of a public body.

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

17 (y) Information the disclosure of which is restricted
18 under Section 5-108 of the Public Utilities Act.

19 (z) Manuals or instruction to staff that relate to
20 establishment or collection of liability for any State tax
21 or that relate to investigations by a public body to
22 determine violation of any criminal law.

23 (aa) Applications, related documents, and medical
24 records received by the Experimental Organ Transplantation
25 Procedures Board and any and all documents or other records
26 prepared by the Experimental Organ Transplantation

1 Procedures Board or its staff relating to applications it
2 has received.

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

13 (dd) Information the disclosure of which is exempted
14 under Section 30 of the Radon Industry Licensing Act.

15 (ee) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (ff) Security portions of system safety program plans,
19 investigation reports, surveys, schedules, lists, data, or
20 information compiled, collected, or prepared by or for the
21 Regional Transportation Authority under Section 2.11 of
22 the Regional Transportation Authority Act or the St. Clair
23 County Transit District under the Bi-State Transit Safety
24 Act.

25 (gg) Information the disclosure of which is restricted
26 and exempted under Section 50 of the Illinois Prepaid

1 Tuition Act.

2 (hh) Information the disclosure of which is exempted
3 under the State Officials and Employees Ethics Act.

4 (ii) Beginning July 1, 1999, information that would
5 disclose or might lead to the disclosure of secret or
6 confidential information, codes, algorithms, programs, or
7 private keys intended to be used to create electronic or
8 digital signatures under the Electronic Commerce Security
9 Act.

10 (jj) Information contained in a local emergency energy
11 plan submitted to a municipality in accordance with a local
12 emergency energy plan ordinance that is adopted under
13 Section 11-21.5-5 of the Illinois Municipal Code.

14 (kk) Information and data concerning the distribution
15 of surcharge moneys collected and remitted by wireless
16 carriers under the Wireless Emergency Telephone Safety
17 Act.

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

10 (nn) Law enforcement officer identification
11 information or driver identification information compiled
12 by a law enforcement agency or the Department of
13 Transportation under Section 11-212 of the Illinois
14 Vehicle Code.

15 (oo) Records and information provided to a residential
16 health care facility resident sexual assault and death
17 review team or the Executive Council under the Abuse
18 Prevention Review Team Act.

19 (pp) Information provided to the predatory lending
20 database created pursuant to Article 3 of the Residential
21 Real Property Disclosure Act, except to the extent
22 authorized under that Article.

23 (qq) Defense budgets and petitions for certification
24 of compensation and expenses for court appointed trial
25 counsel as provided under Sections 10 and 15 of the Capital
26 Crimes Litigation Act. This subsection (qq) shall apply

1 until the conclusion of the trial of the case, even if the
2 prosecution chooses not to pursue the death penalty prior
3 to trial or sentencing.

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

11 (ss) Information that is prohibited from being
12 disclosed under Section 4 of the Illinois Health and
13 Hazardous Substances Registry Act.

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

18 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,
19 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;
20 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.
21 8-28-07; 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; revised
22 10-20-08.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.