



Rep. Lou Lang

Filed: 5/27/2009

09600SB1265ham001

LRB096 08879 RLC 27467 a

1 AMENDMENT TO SENATE BILL 1265

2 AMENDMENT NO. _____. Amend Senate Bill 1265 by replacing
3 everything after the enacting clause with the following:

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

1 subjects of the information. The disclosure of information
2 that bears on the public duties of public employees and
3 officials shall not be considered an invasion of personal
4 privacy. Information exempted under this subsection (b)
5 shall include but is not limited to:

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

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

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

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

25 (v) information revealing the identity of persons
26 who file complaints with or provide information to

1 administrative, investigative, law enforcement or
2 penal agencies; provided, however, that identification
3 of witnesses to traffic accidents, traffic accident
4 reports, and rescue reports may be provided by agencies
5 of local government, except in a case for which a
6 criminal investigation is ongoing, without
7 constituting a clearly unwarranted per se invasion of
8 personal privacy under this subsection; ~~and~~

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

13 (viii) information obtained from any recording of
14 a 911 emergency call regarding a known or suspected (A)
15 sexual assault or abuse or (B) death by homicide, where
16 such information is the reason for the recorded 911
17 emergency call, with the exception of any portion of
18 the recording which includes only the public official
19 or public employee who receives the recorded 911
20 emergency call. The exempted information shall include
21 any portion of the recording of the person making the
22 call, any information identifying the known or
23 suspected victim, and any other information that is
24 part of the recording not identified to be the public
25 official or employee. Exempted information may be
26 disclosed on a limited basis by a law enforcement

1 agency as provided under clause (c) (vi).

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

7 (i) interfere with pending or actually and
8 reasonably contemplated law enforcement proceedings
9 conducted by any law enforcement or correctional
10 agency;

11 (ii) interfere with pending administrative
12 enforcement proceedings conducted by any public body;

13 (iii) deprive a person of a fair trial or an
14 impartial hearing;

15 (iv) unavoidably disclose the identity of a
16 confidential source or confidential information
17 furnished only by the confidential source;

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

23 (vi) constitute an invasion of personal privacy
24 under subsection (b) of this Section, including any
25 recording of a 911 emergency call regarding a known or
26 suspected sexual assault or abuse, or death by

1 homicide, unless the law enforcement agency reasonably
2 believes the disclosure of such information (A) may
3 assist in a pending or actually and reasonably
4 contemplated law enforcement proceeding, conducted by
5 any law enforcement agency, or (B) may assist in a
6 criminal proceeding before any court, which is
7 directly related to the known or suspected sexual
8 assault or abuse, or death by homicide;

9 (vii) endanger the life or physical safety of law
10 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 such as traditional arrest logs or blotters;

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 (iii) court records that are public;

22 (iv) records that are otherwise available under
23 State or local law; or

24 (v) records in which the requesting party is the
25 individual identified, except as provided under part
26 (vii) of paragraph (c) of subsection (1) of this

1 Section.

2 "Criminal history record information" means data
3 identifiable to an individual and consisting of
4 descriptions or notations of arrests, detentions,
5 indictments, informations, pre-trial proceedings, trials,
6 or other formal events in the criminal justice system or
7 descriptions or notations of criminal charges (including
8 criminal violations of local municipal ordinances) and the
9 nature of any disposition arising therefrom, including
10 sentencing, court or correctional supervision,
11 rehabilitation and release. The term does not apply to
12 statistical records and reports in which individuals are
13 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) 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 information are proprietary, privileged
4 or confidential, or where disclosure of the trade secrets
5 or information may cause competitive harm, including:

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

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

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

26 (h) Proposals and bids for any contract, grant, or

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

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

19 (j) Test questions, scoring keys and other examination
20 data used to administer an academic examination or
21 determined the qualifications of an applicant for a license
22 or employment.

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

1 projects constructed or developed with public funds, 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 (m) Minutes of meetings of public bodies closed to the
10 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 (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 (o) Information received by a primary or secondary
22 school, college or university under its procedures for the
23 evaluation of faculty members by their academic peers.

24 (p) Administrative or technical information associated
25 with automated data processing operations, including but
26 not limited to software, operating protocols, computer

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

8 (q) Documents or materials relating to collective
9 negotiating matters between public bodies and their
10 employees or representatives, except that any final
11 contract or agreement shall be subject to inspection and
12 copying.

13 (r) Drafts, notes, recommendations and memoranda
14 pertaining to the financing and marketing transactions of
15 the public body. The records of ownership, registration,
16 transfer, and exchange of municipal debt obligations, and
17 of persons to whom payment with respect to these
18 obligations is made.

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

1 records, documents and information relating to a real
2 estate sale shall be exempt until a sale is consummated.

3 (t) Any and all proprietary information and records
4 related to the operation of an intergovernmental risk
5 management association or self-insurance pool or jointly
6 self-administered health and accident cooperative or pool.

7 (u) Information concerning a university's adjudication
8 of student or employee grievance or disciplinary cases, to
9 the extent that disclosure would reveal the identity of the
10 student or employee and information concerning any public
11 body's adjudication of student or employee grievances or
12 disciplinary cases, except for the final outcome of the
13 cases.

14 (v) Course materials or research materials used by
15 faculty members.

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

18 (x) Information contained in or related to
19 examination, operating, or condition reports prepared by,
20 on behalf of, or for the use of a public body responsible
21 for the regulation or supervision of financial
22 institutions or insurance companies, unless disclosure is
23 otherwise required by State law.

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

26 (z) Manuals or instruction to staff that relate to

1 establishment or collection of liability for any State tax
2 or that relate to investigations by a public body to
3 determine violation of any criminal law.

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

10 (bb) Insurance or self insurance (including any
11 intergovernmental risk management association or self
12 insurance pool) claims, loss or risk management
13 information, records, data, advice or communications.

14 (cc) Information and records held by the Department of
15 Public Health and its authorized representatives relating
16 to known or suspected cases of sexually transmissible
17 disease or any information the disclosure of which is
18 restricted under the Illinois Sexually Transmissible
19 Disease Control Act.

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

22 (ee) Firm performance evaluations under Section 55 of
23 the Architectural, Engineering, and Land Surveying
24 Qualifications Based Selection Act.

25 (ff) Security portions of system safety program plans,
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Regional Transportation Authority under Section 2.11 of
3 the Regional Transportation Authority Act or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

6 (gg) Information the disclosure of which is restricted
7 and exempted under Section 50 of the Illinois Prepaid
8 Tuition Act.

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

11 (ii) Beginning July 1, 1999, information that would
12 disclose or might lead to the disclosure of secret or
13 confidential information, codes, algorithms, programs, or
14 private keys intended to be used to create electronic or
15 digital signatures under the Electronic Commerce Security
16 Act.

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

21 (kk) Information and data concerning the distribution
22 of surcharge moneys collected and remitted by wireless
23 carriers under the Wireless Emergency Telephone Safety
24 Act.

25 (ll) Vulnerability assessments, security measures, and
26 response policies or plans that are designed to identify,

1 prevent, or respond to potential attacks upon a community's
2 population or systems, facilities, or installations, the
3 destruction or contamination of which would constitute a
4 clear and present danger to the health or safety of the
5 community, but only to the extent that disclosure could
6 reasonably be expected to jeopardize the effectiveness of
7 the measures or the safety of the personnel who implement
8 them or the public. Information exempt under this item may
9 include such things as details pertaining to the
10 mobilization or deployment of personnel or equipment, to
11 the operation of communication systems or protocols, or to
12 tactical operations.

13 (mm) Maps and other records regarding the location or
14 security of generation, transmission, distribution,
15 storage, gathering, treatment, or switching facilities
16 owned by a utility or by the Illinois Power Agency.

17 (nn) Law enforcement officer identification
18 information or driver identification information compiled
19 by a law enforcement agency or the Department of
20 Transportation under Section 11-212 of the Illinois
21 Vehicle Code.

22 (oo) Records and information provided to a residential
23 health care facility resident sexual assault and death
24 review team or the Executive Council under the Abuse
25 Prevention Review Team Act.

26 (pp) Information provided to the predatory lending

1 database created pursuant to Article 3 of the Residential
2 Real Property Disclosure Act, except to the extent
3 authorized under that Article.

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

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

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

21 (2) This Section does not authorize withholding of
22 information or limit the availability of records to the public,
23 except as stated in this Section or otherwise provided in this
24 Act.

25 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,
26 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;

1 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.
2 8-28-07; 95-941, eff. 8-29-08.)

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

4 Sec. 7. Exemptions.

5 (1) The following shall be exempt from inspection and
6 copying:

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

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

18 (i) files and personal information maintained with
19 respect to clients, patients, residents, students or
20 other individuals receiving social, medical,
21 educational, vocational, financial, supervisory or
22 custodial care or services directly or indirectly from
23 federal agencies or public bodies;

24 (ii) personnel files and personal information
25 maintained with respect to employees, appointees or

1 elected officials of any public body or applicants for
2 those positions;

3 (iii) files and personal information maintained
4 with respect to any applicant, registrant or licensee
5 by any public body cooperating with or engaged in
6 professional or occupational registration, licensure
7 or discipline;

8 (iv) information required of any taxpayer in
9 connection with the assessment or collection of any tax
10 unless disclosure is otherwise required by State
11 statute;

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

22 (vi) the names, addresses, or other personal
23 information of participants and registrants in park
24 district, forest preserve district, and conservation
25 district programs; ~~and~~

26 (vii) the Notarial Record or other medium

1 containing the thumbprint or fingerprint required by
2 Section 3-102(c)(6) of the Illinois Notary Public Act;
3 and -

4 (viii) information obtained from any recording of
5 a 911 emergency call regarding a known or suspected (A)
6 sexual assault or abuse or (B) death by homicide, where
7 such information is the reason for the recorded 911
8 emergency call, with the exception of any portion of
9 the recording which includes only the public official
10 or public employee who receives the recorded 911
11 emergency call. The exempted information shall include
12 any portion of the recording of the person making the
13 call, any information identifying the known or
14 suspected victim, and any other information that is
15 part of the recording not identified to be the public
16 official or employee. Exempted information may be
17 disclosed on a limited basis by a law enforcement
18 agency as provided under clause (c)(vi).

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

24 (i) interfere with pending or actually and
25 reasonably contemplated law enforcement proceedings
26 conducted by any law enforcement or correctional

1 agency;

2 (ii) interfere with pending administrative
3 enforcement proceedings conducted by any public body;

4 (iii) deprive a person of a fair trial or an
5 impartial hearing;

6 (iv) unavoidably disclose the identity of a
7 confidential source or confidential information
8 furnished only by the confidential source;

9 (v) disclose unique or specialized investigative
10 techniques other than those generally used and known or
11 disclose internal documents of correctional agencies
12 related to detection, observation or investigation of
13 incidents of crime or misconduct;

14 (vi) constitute an invasion of personal privacy
15 under subsection (b) of this Section, including any
16 recording of a 911 emergency call regarding a known or
17 suspected sexual assault or abuse, or death by
18 homicide, unless the law enforcement agency reasonably
19 believes the disclosure of such information (A) may
20 assist in a pending or actually and reasonably
21 contemplated law enforcement proceeding, conducted by
22 any law enforcement agency, or (B) may assist in a
23 criminal proceeding before any court, which is
24 directly related to the known or suspected sexual
25 assault or abuse, or death by homicide;

26 (vii) endanger the life or physical safety of law

1 enforcement personnel or any other person; or

2 (viii) obstruct an ongoing criminal investigation.

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

7 (i) chronologically maintained arrest information,
8 such as traditional arrest logs or blotters;

9 (ii) the name of a person in the custody of a law
10 enforcement agency and the charges for which that
11 person is being held;

12 (iii) court records that are public;

13 (iv) records that are otherwise available under
14 State or local law; or

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

19 "Criminal history record information" means data
20 identifiable to an individual and consisting of
21 descriptions or notations of arrests, detentions,
22 indictments, informations, pre-trial proceedings, trials,
23 or other formal events in the criminal justice system or
24 descriptions or notations of criminal charges (including
25 criminal violations of local municipal ordinances) and the
26 nature of any disposition arising therefrom, including

1 sentencing, court or correctional supervision,
2 rehabilitation and release. The term does not apply to
3 statistical records and reports in which individuals are
4 not identified and from which their identities are not
5 ascertainable, or to information that is for criminal
6 investigative or intelligence purposes.

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

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

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

23 (i) All information determined to be confidential
24 under Section 4002 of the Technology Advancement and
25 Development Act.

26 (ii) All trade secrets and commercial or financial

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

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

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

25 (i) Valuable formulae, computer geographic systems,
26 designs, drawings and research data obtained or produced by

1 any public body when disclosure could reasonably be
2 expected to produce private gain or public loss. The
3 exemption for "computer geographic systems" provided in
4 this paragraph (i) does not extend to requests made by news
5 media as defined in Section 2 of this Act when the
6 requested information is not otherwise exempt and the only
7 purpose of the request is to access and disseminate
8 information regarding the health, safety, welfare, or
9 legal rights of the general public.

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

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

24 (l) Library circulation and order records identifying
25 library users with specific materials.

26 (m) Minutes of meetings of public bodies closed to the

1 public as provided in the Open Meetings Act until the
2 public body makes the minutes available to the public under
3 Section 2.06 of the Open Meetings Act.

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

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

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

25 (q) Documents or materials relating to collective
26 negotiating matters between public bodies and their

1 employees or representatives, except that any final
2 contract or agreement shall be subject to inspection and
3 copying.

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

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

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

24 (u) Information concerning a university's adjudication
25 of student or employee grievance or disciplinary cases, to
26 the extent that disclosure would reveal the identity of the

1 student or employee and information concerning any public
2 body's adjudication of student or employee grievances or
3 disciplinary cases, except for the final outcome of the
4 cases.

5 (v) Course materials or research materials used by
6 faculty members.

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

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

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

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

21 (aa) Applications, related documents, and medical
22 records received by the Experimental Organ Transplantation
23 Procedures Board and any and all documents or other records
24 prepared by the Experimental Organ Transplantation
25 Procedures Board or its staff relating to applications it
26 has received.

1 (bb) Insurance or self insurance (including any
2 intergovernmental risk management association or self
3 insurance pool) claims, loss or risk management
4 information, records, data, advice or communications.

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

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

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

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

23 (gg) Information the disclosure of which is restricted
24 and exempted under Section 50 of the Illinois Prepaid
25 Tuition Act.

26 (hh) Information the disclosure of which is exempted

1 under the State Officials and Employees Ethics Act.

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

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

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

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

1 mobilization or deployment of personnel or equipment, to
2 the operation of communication systems or protocols, or to
3 tactical operations.

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

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

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

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

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

1 to trial or sentencing.

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

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

12 (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 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".