

1 AN ACT concerning public health.

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 Sec. 7. Exemptions.

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

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

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

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or more
2 law enforcement agencies regarding the physical or mental
3 status of one or more individual subjects.

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

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

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

25 (ii) interfere with active administrative
26 enforcement proceedings conducted by the public body

1 that is the recipient of the request;

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

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

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

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

26 (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

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

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

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

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

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

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

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

22 (i) Valuable formulae, computer geographic systems,
23 designs, drawings and research data obtained or produced by
24 any public body when disclosure could reasonably be
25 expected to produce private gain or public loss. The
26 exemption for "computer geographic systems" provided in

1 this paragraph (i) does not extend to requests made by news
2 media as defined in Section 2 of this Act when the
3 requested information is not otherwise exempt and the only
4 purpose of the request is to access and disseminate
5 information regarding the health, safety, welfare, or
6 legal rights of the general public.

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

9 (i) test questions, scoring keys and other
10 examination data used to administer an academic
11 examination;

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

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

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

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

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

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

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

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

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

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

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

26 (s) Any and all proprietary information and records

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

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

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

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

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

7 (w) (Blank).

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

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

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

26 (aa) Information the disclosure of which is exempted

1 under the Viatical Settlements Act of 2009.

2 (bb) Records and information provided to a mortality
3 review team and records maintained by a mortality review
4 team appointed under the Department of Juvenile Justice
5 Mortality Review Team Act.

6 (cc) ~~(bb)~~ Information regarding interments,
7 entombments, or inurnments of human remains that are
8 submitted to the Cemetery Oversight Database under the
9 Cemetery Care Act or the Cemetery Oversight Act, whichever
10 is applicable.

11 (dd) Information concerning the rosters of recorded
12 deaths pursuant to subsections (b) and (c) of Section 18.5
13 of the Vital Records Act.

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

21 (3) 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. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
26 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; 96-261, eff. 1-1-10;

1 96-328, eff. 8-11-09; 96-542, eff. 1-1-10; 96-558, eff. 1-1-10;
2 96-736, eff. 7-1-10; 96-863, eff. 3-1-10; 96-1378, eff.
3 7-29-10; revised 9-2-10.)

4 Section 10. The Property Tax Code is amended by adding
5 Section 15-173 as follows:

6 (35 ILCS 200/15-173 new)

7 Sec. 15-173. Electronic sharing of data with the Department
8 of Public Health. An assessor that administers an exemption
9 program shall enter into an intergovernmental agreement with
10 the Department of Public Health, on a form prepared by the
11 Department, for the electronic sharing of the rosters of such
12 programs with the Department for the sole purpose of the
13 Department comparing the persons on the rosters with persons
14 whose deaths have been recorded in the electronic reporting
15 system to identify apparent matches. The information shall be
16 shared at least annually and the list of apparent matches shall
17 be provided promptly to the county assessor in electronic form.
18 The intergovernmental agreement shall specify adequate
19 technical and procedural safeguards to protect the
20 confidentiality of the information shared, which shall be
21 exempt from requests under the Illinois Freedom of Information
22 Act.

23 Section 15. The Metropolitan Transit Authority Act is

1 amended by adding Section 54 as follows:

2 (70 ILCS 3605/54 new)

3 Sec. 54. Electronic sharing of data with the Department of
4 Public Health. The Board shall enter into an intergovernmental
5 agreement with the Department of Public Health, on a form
6 prepared by the Department, for the electronic sharing of data
7 for the sole purpose of comparing persons receiving reduced or
8 free services with persons whose deaths have been recorded in
9 the electronic reporting system to identify apparent matches.
10 The information shall be shared monthly or as requested by the
11 Board, and the list of apparent matches shall be provided
12 promptly in electronic form. The intergovernmental agreement
13 shall specify adequate technical and procedural safeguards to
14 protect the confidentiality of the information shared, which
15 shall be exempt from requests under the Illinois Freedom of
16 Information Act.

17 Section 20. The Local Mass Transit District Act is amended
18 by adding Section 11 as follows:

19 (70 ILCS 3610/11 new)

20 Sec. 11. Electronic sharing of data with the Department of
21 Public Health. The Board of Trustees of any District shall
22 enter into an intergovernmental agreement with the Department
23 of Public Health, on a form prepared by the Department, for the

1 electronic sharing of data for the sole purpose of comparing
2 persons receiving reduced or free services with persons whose
3 deaths have been recorded in the electronic reporting system to
4 identify apparent matches. The information shall be shared as
5 requested by the Board, and the list of apparent matches shall
6 be provided promptly in electronic form. The intergovernmental
7 agreement shall specify adequate technical and procedural
8 safeguards to protect the confidentiality of the information
9 shared, which shall be exempt from requests under the Illinois
10 Freedom of Information Act.

11 Section 25. The Regional Transportation Authority Act is
12 amended by adding Sections 2.35, 3A.20, and 3B.20 as follows:

13 (70 ILCS 3615/2.35 new)

14 Sec. 2.35. Electronic sharing of data with the Department
15 of Public Health. The Authority may enter into an
16 intergovernmental agreement with the Department of Public
17 Health, on a form prepared by the Department, for the
18 electronic sharing of data for the sole purpose of comparing
19 persons eligible for programs administered by the Authority or
20 a Service Board with persons whose deaths have been recorded in
21 the electronic reporting system to identify apparent matches.
22 The information shall be shared as requested by the Authority,
23 and the list of apparent matches shall be provided promptly in
24 electronic form. The intergovernmental agreement shall specify

1 adequate technical and procedural safeguards to protect the
2 confidentiality of the information shared, which shall be
3 exempt from requests under the Illinois Freedom of Information
4 Act.

5 (70 ILCS 3615/3A.20 new)

6 Sec. 3A.20. Electronic sharing of data with the Department
7 of Public Health. The Board shall enter into an
8 intergovernmental agreement with the Department of Public
9 Health, on a form prepared by the Department, for the
10 electronic sharing of data for the sole purpose of comparing
11 persons receiving reduced or free services with persons whose
12 deaths have been recorded in the electronic reporting system to
13 identify apparent matches. The information shall be shared
14 monthly or as requested by the Board, and the list of apparent
15 matches shall be provided promptly in electronic form. The
16 intergovernmental agreement shall specify adequate technical
17 and procedural safeguards to protect the confidentiality of the
18 information shared, which shall be exempt from requests under
19 the Illinois Freedom of Information Act.

20 (70 ILCS 3615/3B.20 new)

21 Sec. 3B.20. Electronic sharing of data with the Department
22 of Public Health. The Board shall enter into an
23 intergovernmental agreement with the Department of Public
24 Health, on a form prepared by the Department, for the

1 electronic sharing of data for the sole purpose of comparing
2 persons receiving reduced or free services with persons whose
3 deaths have been recorded in the electronic reporting system to
4 identify apparent matches. The information shall be shared
5 monthly or as requested by the Board, and the list of apparent
6 matches shall be provided promptly in electronic form. The
7 intergovernmental agreement shall specify adequate technical
8 and procedural safeguards to protect the confidentiality of the
9 information shared, which shall be exempt from requests under
10 the Illinois Freedom of Information Act.

11 Section 30. The Vital Records Act is amended by changing
12 Section 18.5 as follows:

13 (410 ILCS 535/18.5)

14 Sec. 18.5. Electronic reporting system for death
15 registrations.

16 (a) The State Registrar shall facilitate death
17 registration by implementing an electronic reporting system.
18 The system may be used to transfer information to individuals
19 and institutions responsible for completing and filing
20 certificates and related reports for deaths that occur in the
21 State. The system shall be capable of storing and retrieving
22 accurate and timely data and statistics for those persons and
23 agencies responsible for vital records registration and
24 administration. Upon establishment of such an electronic

1 reporting system, but not later than January 1, 2011, the
2 county clerk in the county in which a death occurred or the
3 county clerk of the county where a decedent last resided, as
4 indicated on the decedent's death certificate, shall be
5 authorized to issue certifications of death records from such
6 system, and the State Registrar shall cause the electronic
7 reporting system to provide for such capability. The Department
8 of Financial and Professional Regulation shall have access to
9 the system to enhance its enforcement of the Cemetery Oversight
10 Act.

11 (b) Commencing on or before January 1, 2012, upon the
12 request of a governmental mass transit organization that
13 administers a reduced transit fare, no fare, or paratransit
14 program, the Department shall enter into an intergovernmental
15 agreement on a form prepared by the Department for the
16 electronic sharing of the rosters of such programs with the
17 Department for the sole purpose of the Department comparing the
18 persons on the rosters with persons whose deaths have been
19 recorded in the electronic reporting system to identify
20 apparent matches. The information shall be shared monthly or as
21 requested by a mass transit organization, and the list of
22 apparent matches shall be provided promptly to the mass transit
23 organization in electronic form. The intergovernmental
24 agreement shall specify adequate technical and procedural
25 safeguards to protect the confidentiality of the information
26 shared, which shall be exempt from requests under the Illinois

1 Freedom of Information Act.

2 (c) Commencing on or before January 1, 2012, upon the
3 request of a county assessor that administers an exemption
4 program, the Department shall enter into an intergovernmental
5 agreement on a form prepared by the Department for the
6 electronic sharing of the rosters of such programs with the
7 Department for the sole purpose of the Department comparing the
8 persons on the rosters with persons whose deaths have been
9 recorded in the electronic reporting system to identify
10 apparent matches. The information shall be shared at least
11 annually and the list of apparent matches shall be provided
12 promptly to the county assessor in electronic form. The
13 intergovernmental agreement shall specify adequate technical
14 and procedural safeguards to protect the confidentiality of the
15 information shared, which shall be exempt from requests under
16 the Illinois Freedom of Information Act.

17 (Source: P.A. 96-327, eff. 8-11-09; 96-863, eff. 3-1-10.)