

HB1716



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1716

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

5 ILCS 140/6

from Ch. 116, par. 206

Amends the Freedom of Information Act. Authorizes a public body to charge a records requester for the actual cost of retrieving and transporting public records from an off-site storage facility when the those records are maintained by a third-party storage company that is under contract with that public body. Effective immediately.

LRB097 08394 JDS 48521 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 6 as follows:

6 (5 ILCS 140/6) (from Ch. 116, par. 206)

7 Sec. 6. Authority to charge fees.

8 (a) When a person requests a copy of a record maintained in
9 an electronic format, the public body shall furnish it in the
10 electronic format specified by the requester, if feasible. If
11 it is not feasible to furnish the public records in the
12 specified electronic format, then the public body shall furnish
13 it in the format in which it is maintained by the public body,
14 or in paper format at the option of the requester. A public
15 body may charge the requester for the actual cost of purchasing
16 the recording medium, whether disc, diskette, tape, or other
17 medium. In addition, a public body may charge the actual cost
18 of retrieving and transporting public records from an off-site
19 storage facility when the public records are maintained by a
20 third-party storage company under contract with the public
21 body. A public body may not charge the requester for the costs
22 of any search for and review of the records or other personnel
23 costs associated with reproducing the records. Except to the

1 extent that the General Assembly expressly provides, statutory
2 fees applicable to copies of public records when furnished in a
3 paper format shall not be applicable to those records when
4 furnished in an electronic format.

5 (b) Except when a fee is otherwise fixed by statute, each
6 public body may charge fees reasonably calculated to reimburse
7 its actual cost for reproducing and certifying public records
8 and for the use, by any person, of the equipment of the public
9 body to copy records. No fees shall be charged for the first 50
10 pages of black and white, letter or legal sized copies
11 requested by a requester. The fee for black and white, letter
12 or legal sized copies shall not exceed 15 cents per page. If a
13 public body provides copies in color or in a size other than
14 letter or legal, the public body may not charge more than its
15 actual cost for reproducing the records. In calculating its
16 actual cost for reproducing records or for the use of the
17 equipment of the public body to reproduce records, a public
18 body shall not include the costs of any search for and review
19 of the records or other personnel costs associated with
20 reproducing the records. Such fees shall be imposed according
21 to a standard scale of fees, established and made public by the
22 body imposing them. The cost for certifying a record shall not
23 exceed \$1.

24 (c) Documents shall be furnished without charge or at a
25 reduced charge, as determined by the public body, if the person
26 requesting the documents states the specific purpose for the

1 request and indicates that a waiver or reduction of the fee is
2 in the public interest. Waiver or reduction of the fee is in
3 the public interest if the principal purpose of the request is
4 to access and disseminate information regarding the health,
5 safety and welfare or the legal rights of the general public
6 and is not for the principal purpose of personal or commercial
7 benefit. For purposes of this subsection, "commercial benefit"
8 shall not apply to requests made by news media when the
9 principal purpose of the request is to access and disseminate
10 information regarding the health, safety, and welfare or the
11 legal rights of the general public. In setting the amount of
12 the waiver or reduction, the public body may take into
13 consideration the amount of materials requested and the cost of
14 copying them.

15 (d) The imposition of a fee not consistent with subsections
16 (6) (a) and (b) of this Act constitutes a denial of access to
17 public records for the purposes of judicial review.

18 (e) The fee for each abstract of a driver's record shall be
19 as provided in Section 6-118 of "The Illinois Vehicle Code",
20 approved September 29, 1969, as amended, whether furnished as a
21 paper copy or as an electronic copy.

22 (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.