

SB3773



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3773

Introduced 2/10/2012, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Expands the definition of "public body" to include not-for-profit organizations that receive State funding. Effective immediately.

LRB097 20435 JWD 65926 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 2 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" also means
17 any not-for-profit organization that receives moneys from any
18 fund of the State Treasury, grant program, or other funding
19 source administered by the State of Illinois. "Public body"
20 does not include a child death review team or the Illinois
21 Child Death Review Teams Executive Council established under
22 the Child Death Review Team Act.

23 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, electronic communications, recorded
7 information and all other documentary materials pertaining to
8 the transaction of public business, regardless of physical form
9 or characteristics, having been prepared by or for, or having
10 been or being used by, received by, in the possession of, or
11 under the control of any public body.

12 (c-5) "Private information" means unique identifiers,
13 including a person's social security number, driver's license
14 number, employee identification number, biometric identifiers,
15 personal financial information, passwords or other access
16 codes, medical records, home or personal telephone numbers, and
17 personal email addresses. Private information also includes
18 home address and personal license plates, except as otherwise
19 provided by law or when compiled without possibility of
20 attribution to any person.

21 (c-10) "Commercial purpose" means the use of any part of a
22 public record or records, or information derived from public
23 records, in any form for sale, resale, or solicitation or
24 advertisement for sales or services. For purposes of this
25 definition, requests made by news media and non-profit,
26 scientific, or academic organizations shall not be considered

1 to be made for a "commercial purpose" when the principal
2 purpose of the request is (i) to access and disseminate
3 information concerning news and current or passing events, (ii)
4 for articles of opinion or features of interest to the public,
5 or (iii) for the purpose of academic, scientific, or public
6 research or education.

7 (d) "Copying" means the reproduction of any public record
8 by means of any photographic, electronic, mechanical or other
9 process, device or means now known or hereafter developed and
10 available to the public body.

11 (e) "Head of the public body" means the president, mayor,
12 chairman, presiding officer, director, superintendent,
13 manager, supervisor or individual otherwise holding primary
14 executive and administrative authority for the public body, or
15 such person's duly authorized designee.

16 (f) "News media" means a newspaper or other periodical
17 issued at regular intervals whether in print or electronic
18 format, a news service whether in print or electronic format, a
19 radio station, a television station, a television network, a
20 community antenna television service, or a person or
21 corporation engaged in making news reels or other motion
22 picture news for public showing.

23 (g) "Recurrent requester", as used in Section 3.2 of this
24 Act, means a person that, in the 12 months immediately
25 preceding the request, has submitted to the same public body
26 (i) a minimum of 50 requests for records, (ii) a minimum of 15

1 requests for records within a 30-day period, or (iii) a minimum
2 of 7 requests for records within a 7-day period. For purposes
3 of this definition, requests made by news media and non-profit,
4 scientific, or academic organizations shall not be considered
5 in calculating the number of requests made in the time periods
6 in this definition when the principal purpose of the requests
7 is (i) to access and disseminate information concerning news
8 and current or passing events, (ii) for articles of opinion or
9 features of interest to the public, or (iii) for the purpose of
10 academic, scientific, or public research or education.

11 For the purposes of this subsection (g), "request" means a
12 written document (or oral request, if the public body chooses
13 to honor oral requests) that is submitted to a public body via
14 personal delivery, mail, telefax, electronic mail, or other
15 means available to the public body and that identifies the
16 particular public record the requester seeks. One request may
17 identify multiple records to be inspected or copied.

18 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
19 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.