

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 Sections 3 and 4 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

7 Sec. 3. Inspection and copying of public records.

8 (a) Each public body shall make available to any person for
9 inspection or copying all public records, except as otherwise
10 provided in Section 7 of this Act. Notwithstanding any other
11 law, a public body may not grant to any person or entity,
12 whether by contract, license, or otherwise, the exclusive right
13 to access and disseminate any public record as defined in this
14 Act.

15 (b) Subject to the fee provisions of Section 6 of this Act,
16 each public body shall promptly provide, to any person who
17 submits a request, a copy of any public record required to be
18 disclosed by subsection (a) of this Section and shall certify
19 such copy if so requested.

20 (c) Requests for inspection or copies shall be made in
21 writing and directed to the public body. Written requests may
22 be submitted to a public body via personal delivery, mail,
23 telefax, electronic mail, or any other means available to the

1 public body. A public body may honor oral requests for
2 inspection or copying. A public body may not require that a
3 request be submitted on a standard form or require the
4 requester to specify the purpose for a request, except to
5 determine whether the records are requested for a commercial
6 purpose or whether to grant a request for a fee waiver. All
7 requests for inspection and copying received by a public body
8 shall immediately be forwarded to its Freedom of Information
9 officer or designee.

10 (d) Each public body shall, promptly, either comply with or
11 deny a request for public records within 5 business days after
12 its receipt of the request, unless the time for response is
13 properly extended under subsection (e) of this Section. Denial
14 shall be in writing as provided in Section 9 of this Act.
15 Failure to comply with a written request, extend the time for
16 response, or deny a request within 5 business days after its
17 receipt shall be considered a denial of the request. A public
18 body that fails to respond to a request within the requisite
19 periods in this Section but thereafter provides the requester
20 with copies of the requested public records may not impose a
21 fee for such copies. A public body that fails to respond to a
22 request received may not treat the request as unduly burdensome
23 under subsection (g).

24 (e) The time for response under this Section may be
25 extended by the public body for not more than 5 business days
26 from the original due date for any of the following reasons:

1 (i) the requested records are stored in whole or in
2 part at other locations than the office having charge of
3 the requested records;

4 (ii) the request requires the collection of a
5 substantial number of specified records;

6 (iii) the request is couched in categorical terms and
7 requires an extensive search for the records responsive to
8 it;

9 (iv) the requested records have not been located in the
10 course of routine search and additional efforts are being
11 made to locate them;

12 (v) the requested records require examination and
13 evaluation by personnel having the necessary competence
14 and discretion to determine if they are exempt from
15 disclosure under Section 7 of this Act or should be
16 revealed only with appropriate deletions;

17 (vi) the request for records cannot be complied with by
18 the public body within the time limits prescribed by
19 paragraph (c) of this Section without unduly burdening or
20 interfering with the operations of the public body;

21 (vii) there is a need for consultation, which shall be
22 conducted with all practicable speed, with another public
23 body or among two or more components of a public body
24 having a substantial interest in the determination or in
25 the subject matter of the request.

26 The person making a request and the public body may agree

1 in writing to extend the time for compliance for a period to be
2 determined by the parties. If the requester and the public body
3 agree to extend the period for compliance, a failure by the
4 public body to comply with any previous deadlines shall not be
5 treated as a denial of the request for the records.

6 (f) When additional time is required for any of the above
7 reasons, the public body shall, within 5 business days after
8 receipt of the request, notify the person making the request of
9 the reasons for the extension and the date by which the
10 response will be forthcoming. Failure to respond within the
11 time permitted for extension shall be considered a denial of
12 the request. A public body that fails to respond to a request
13 within the time permitted for extension but thereafter provides
14 the requester with copies of the requested public records may
15 not impose a fee for those copies. A public body that requests
16 an extension and subsequently fails to respond to the request
17 may not treat the request as unduly burdensome under subsection
18 (g).

19 (g) Requests calling for all records falling within a
20 category shall be complied with unless compliance with the
21 request would be unduly burdensome for the complying public
22 body and there is no way to narrow the request and the burden
23 on the public body outweighs the public interest in the
24 information. Before invoking this exemption, the public body
25 shall extend to the person making the request an opportunity to
26 confer with it in an attempt to reduce the request to

1 manageable proportions. If any body responds to a categorical
2 request by stating that compliance would unduly burden its
3 operation and the conditions described above are met, it shall
4 do so in writing, specifying the reasons why it would be unduly
5 burdensome and the extent to which compliance will so burden
6 the operations of the public body. Such a response shall be
7 treated as a denial of the request for information.

8 Repeated requests from the same person for the same records
9 that are unchanged or identical to records previously provided
10 or properly denied under this Act shall be deemed unduly
11 burdensome under this provision.

12 (h) Each public body may promulgate rules and regulations
13 in conformity with the provisions of this Section pertaining to
14 the availability of records and procedures to be followed,
15 including:

16 (i) the times and places where such records will be
17 made available, and

18 (ii) the persons from whom such records may be
19 obtained.

20 (i) The time periods for compliance or denial of a request
21 to inspect or copy records set out in this Section shall not
22 apply to requests for records made for a commercial purpose.
23 Such requests shall be subject to the provisions of Section 3.1
24 of this Act.

25 (Source: P.A. 96-542, eff. 1-1-10.)

1 (5 ILCS 140/4) (from Ch. 116, par. 204)

2 Sec. 4. Information concerning public body. Each public
3 body shall prominently display at each of its administrative or
4 regional offices, make available for inspection and copying,
5 and send through the mail if requested, each of the following:

6 (a) A brief description of itself, which will include,
7 but not be limited to, a short summary of its purpose, a
8 block diagram giving its functional subdivisions, the
9 total amount of its operating budget, the number and
10 location of all of its separate offices, the approximate
11 number of full and part-time employees, and the
12 identification and membership of any board, commission,
13 committee, or council which operates in an advisory
14 capacity relative to the operation of the public body, or
15 which exercises control over its policies or procedures, or
16 to which the public body is required to report and be
17 answerable for its operations; and

18 (b) A brief description of the methods whereby the
19 public may request information and public records, a
20 directory designating the Freedom of Information officer
21 or officers, the mailing address and an electronic mail
22 address where requests for public records should be
23 directed, and any fees allowable under Section 6 of this
24 Act.

25 A public body that maintains a website shall also post this
26 information on its website.

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