



Rep. Renée Kosel

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LRB098 13032 HEP 56504 a

1 AMENDMENT TO HOUSE BILL 3664

2 AMENDMENT NO. _____. Amend House Bill 3664 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Sections 2 and 2.20 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" does not

1 include a child death review team or the Illinois Child Death
2 Review Teams Executive Council established under the Child
3 Death Review Team Act.

4 (b) "Person" means any individual, corporation,
5 partnership, firm, organization or association, acting
6 individually or as a group.

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

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

25 (c-10) "Commercial purpose" means the use of any part of a
26 public record or records, or information derived from public

1 records, in any form for sale, resale, or solicitation or
2 advertisement for sales or services. For purposes of this
3 definition, requests made by news media and non-profit,
4 scientific, or academic organizations shall not be considered
5 to be made for a "commercial purpose" when the principal
6 purpose of the request is (i) to access and disseminate
7 information concerning news and current or passing events, (ii)
8 for articles of opinion or features of interest to the public,
9 or (iii) for the purpose of academic, scientific, or public
10 research or education.

11 (d) "Copying" means the reproduction of any public record
12 by means of any photographic, electronic, mechanical or other
13 process, device or means now known or hereafter developed and
14 available to the public body.

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

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

1 (g) "Recurrent requester", as used in Section 3.2 of this
2 Act, means a person that, in the 12 months immediately
3 preceding the request, has submitted to the same public body
4 (i) a minimum of 50 requests for records, (ii) a minimum of 15
5 requests for records within a 30-day period, or (iii) a minimum
6 of 7 requests for records within a 7-day period. For purposes
7 of this definition, requests made by news media and non-profit,
8 scientific, or academic organizations shall not be considered
9 in calculating the number of requests made in the time periods
10 in this definition when the principal purpose of the requests
11 is (i) to access and disseminate information concerning news
12 and current or passing events, (ii) for articles of opinion or
13 features of interest to the public, or (iii) for the purpose of
14 academic, scientific, or public research or education.

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

22 (h) "Settlement agreement" means any arrangement for
23 payment in exchange for the adjudication or release of a civil
24 claim established by an agreement between some or all of the
25 parties to the claim.

26 (i) "Severance agreement" means a mutual agreement between

1 any public body and its employee for the employee's resignation
2 in exchange for payment by the public body.

3 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
4 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

5 (5 ILCS 140/2.20)

6 Sec. 2.20. Settlement and severance agreements.

7 (a) All settlement agreements entered into by or on behalf
8 of a public body are public records subject to inspection and
9 copying by the public, provided that information exempt from
10 disclosure under Section 7 of this Act may be redacted.

11 (b) A settlement agreement that is funded in whole or part
12 by public moneys or that releases a claim against a public body
13 shall not require or impose any condition on any party to keep
14 allegations, evidence, settlement amounts, or any other
15 information confidential, except that which is necessary to
16 protect a trade secret, proprietary information, or
17 information otherwise exempt from disclosure under Section 7 of
18 this Act.

19 (c) A severance agreement that is funded in whole or part
20 by public moneys or that releases a claim against a public body
21 shall not require or impose any condition on any party to keep
22 allegations, evidence, settlement amounts, or any other
23 information confidential, except that which is necessary to
24 protect a trade secret, proprietary information, or
25 information otherwise exempt from disclosure under Section 7 of

1 this Act.

2 (d) The changes made by this amendatory Act of the 98th
3 General Assembly do not apply to settlement agreements and
4 severance agreements signed before the effective date of this
5 amendatory Act of the 98th General Assembly.

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