



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4445

Introduced 1/20/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

5 ILCS 140/10.5 new

Amends the Freedom of Information Act. Provides that, if a public body determines that a request for a body-worn camera recording is reasonably likely to be used for a commercial purpose, then the public body's response to the requester shall inform the requester: (1) if the recording contains one or more identifiable subjects; (2) that use of the recording for any commercial purpose triggers obligations under the provisions if the recording contains an identifiable subject; and (3) that failure to comply with the provisions may result in civil liability. Provides that prior to disclosing a body-worn camera recording to a requester, the public body shall provide written notice to each identifiable subject in the recording that is known to the public body. Provides that prior to any publication, posting, dissemination, or distribution, a person intending to use a body-worn camera recording for a commercial purpose must provide written notice to each identifiable subject. Provides that, if a person engages in a profit-derived use of a body-worn camera recording, then the person shall remit not less than 50% of the gross revenues derived from the use of the body-worn camera recording to the identifiable subjects depicted in the recording. Provides that an identifiable subject who is aggrieved by a violation of the provisions may bring a civil action against any person who violates the provisions or who knowingly directs, assists, or benefits from a violation of the provisions. Provides that a person who is aggrieved by a violation of the provisions may recover damages and any other appropriate relief, including reasonable attorney's fees. Provides that nothing in the provisions shall be construed to limit, diminish, or adversely affect any rights, remedies, causes of actions, or protections under any other State or federal law. Provides that a public body, its officers, and its employees are immune from liability for any failure by a person other than the public body to comply with the provisions. Defines "body-worn camera recording", "identifiable subject", "profit-derived use", "duration of appearance", and "officer-worn body camera".

LRB104 16540 BDA 29938 b

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 and by adding Section 10.5 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
17 include a child death review team or the Illinois Child Death
18 Review Teams Executive Council established under the Child
19 Death Review Team Act, or a regional youth advisory board or
20 the Statewide Youth Advisory Board established under the
21 Department of Children and Family Services Statewide Youth
22 Advisory Board Act.

23 (b) "Person" means any individual or any individual acting

1 as an agent of a corporation, partnership, firm, organization
2 or association, acting 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
9 form or characteristics, having been prepared by or for, or
10 having been or being used by, received by, in the possession
11 of, or under the control of any public body. "Public records"
12 does not include junk mail.

13 (c-5) "Private information" means unique identifiers,
14 including a person's social security number, driver's license
15 number, employee identification number, biometric identifiers,
16 personal financial information, passwords or other access
17 codes, medical records, home or personal telephone numbers,
18 and personal email addresses. Private information also
19 includes home address and personal license plates, except as
20 otherwise provided by law or when compiled without possibility
21 of attribution to any person. For a public body that is a
22 HIPAA-covered entity, "private information" includes
23 electronic medical records and all information, including
24 demographic information, contained within or extracted from an
25 electronic medical records system operated or maintained by
26 the public body in compliance with State and federal medical

1 privacy laws and regulations, including, but not limited to,
2 the Health Insurance Portability and Accountability Act and
3 its regulations, 45 CFR Parts 160 and 164. As used in this
4 subsection, "HIPAA-covered entity" has the meaning given to
5 the term "covered entity" in 45 CFR 160.103.

6 (c-10) "Commercial purpose" means the use of any part of a
7 public record or records, or information derived from public
8 records, in any form for sale, resale, or solicitation or
9 advertisement for sales or services. For purposes of this
10 definition, requests made by news media and non-profit,
11 scientific, or academic organizations shall not be considered
12 to be made for a "commercial purpose" when the principal
13 purpose of the request is (i) to access and disseminate
14 information concerning news and current or passing events,
15 (ii) for articles of opinion or features of interest to the
16 public, or (iii) for the purpose of academic, scientific, or
17 public research or education.

18 (d) "Copying" means the reproduction of any public record
19 by means of any photographic, electronic, mechanical or other
20 process, device or means now known or hereafter developed and
21 available to the public body.

22 (e) "Head of the public body" means the president, mayor,
23 chairman, presiding officer, director, superintendent,
24 manager, supervisor or individual otherwise holding primary
25 executive and administrative authority for the public body, or
26 such person's duly authorized designee.

1 (f) "News media" means a newspaper or other periodical
2 issued at regular intervals whether in print or electronic
3 format, a news service whether in print or electronic format,
4 a radio station, a television station, a television network, a
5 community antenna television service, or a person or
6 corporation engaged in making news reels or other motion
7 picture news for public showing.

8 (g) "Recurrent requester", as used in Section 3.2 of this
9 Act, means a person that, in the 12 months immediately
10 preceding the request, has submitted to the same public body

11 (i) a minimum of 50 requests for records, (ii) a minimum of 15
12 requests for records within a 30-day period, or (iii) a
13 minimum of 7 requests for records within a 7-day period. For
14 purposes of this definition, requests made by news media and
15 non-profit, scientific, or academic organizations shall not be
16 considered in calculating the number of requests made in the
17 time periods in this definition when the principal purpose of
18 the requests is (i) to access and disseminate information
19 concerning news and current or passing events, (ii) for
20 articles of opinion or features of interest to the public, or
21 (iii) for the purpose of academic, scientific, or public
22 research or education.

23 For the purposes of this subsection (g), "request" means a
24 written document (or oral request, if the public body chooses
25 to honor oral requests) that is submitted to a public body via
26 personal delivery, mail, telefax, electronic mail, or other

1 means available to the public body and that identifies the
2 particular public record the requester seeks. One request may
3 identify multiple records to be inspected or copied.

4 (h) "Voluminous request" means a request that: (i)
5 includes more than 5 individual requests for more than 5
6 different categories of records or a combination of individual
7 requests that total requests for more than 5 different
8 categories of records in a period of 20 business days; or (ii)
9 requires the compilation of more than 500 letter or
10 legal-sized pages of public records unless a single requested
11 record exceeds 500 pages. "Single requested record" may
12 include, but is not limited to, one report, form, e-mail,
13 letter, memorandum, book, map, microfilm, tape, or recording.

14 "Voluminous request" does not include a request made by
15 news media and non-profit, scientific, or academic
16 organizations if the principal purpose of the request is: (1)
17 to access and disseminate information concerning news and
18 current or passing events; (2) for articles of opinion or
19 features of interest to the public; or (3) for the purpose of
20 academic, scientific, or public research or education.

21 For the purposes of this subsection (h), "request" means a
22 written document, or oral request, if the public body chooses
23 to honor oral requests, that is submitted to a public body via
24 personal delivery, mail, telefax, electronic mail, or other
25 means available to the public body and that identifies the
26 particular public record or records the requester seeks. One

1 request may identify multiple individual records to be
2 inspected or copied.

3 (i) "Severance agreement" means a mutual agreement between
4 any public body and its employee for the employee's
5 resignation in exchange for payment by the public body.

6 (j) "Junk mail" means (i) any unsolicited commercial mail
7 sent to a public body and not responded to by an official,
8 employee, or agent of the public body or (ii) any unsolicited
9 commercial electronic communication sent to a public body and
10 not responded to by an official, employee, or agent of the
11 public body.

12 (k) "Body-worn camera recording" means a recording
13 captured by an officer-worn body camera.

14 (l) "Identifiable subject" means any individual whose
15 identity is discernible, directly or indirectly, from a
16 body-worn camera recording disclosed under this Act, including
17 through facial features, voice, vehicle information, or other
18 identifying characteristics.

19 (m) "Profit-derived use" means any commercial purpose from
20 which the requester receives advertising revenue, revenue
21 sharing, subscription income, donations linked to the
22 recording, or any other pecuniary benefit attributable to
23 publication or dissemination of a body-worn camera recording.

24 (n) "Duration of appearance" means the total amount of
25 time during which the identifiable subject's image, voice, or
26 other identifying characteristics are perceptible in a

1 body-worn camera recording.

2 (o) "Officer-worn body camera" has the meaning provided in
3 Section 10-10 of the Law Enforcement Officer-Worn Body Camera
4 Act.

5 (Source: P.A. 103-554, eff. 1-1-24; 104-438, eff. 1-1-26.)

6 (5 ILCS 140/10.5 new)

7 Sec. 10.5. Commercial use of body-worn camera recordings;
8 notice and revenue-sharing requirements.

9 (a) If a public body determines that a request for a
10 body-worn camera recording is reasonably likely to be used for
11 a commercial purpose, then the public body's response to the
12 requester shall inform the requester:

13 (1) if the recording contains one or more identifiable
14 subjects;

15 (2) that use of the recording for any commercial
16 purpose triggers obligations under this Section if the
17 recording contains an identifiable subject; and

18 (3) that failure to comply with this Section may
19 result in civil liability.

20 (b) Prior to disclosing a body-worn camera recording to a
21 requester, the public body shall provide written notice to
22 each identifiable subject in the recording that is known to
23 the public body. The written notice must:

24 (1) inform the identifiable subject that a request has
25 been made for a body-worn camera recording depicting the

1 identifiable subject;

2 (2) include the identity of the requester;

3 (3) inform the identifiable subject that the requester
4 may use the recording for a commercial purpose;

5 (4) inform the identifiable subject that State law
6 requires the requester to provide prepublication notice
7 and to share gross revenues derived from any commercial
8 use to any identifiable subjects depicted in the
9 recording; and

10 (5) inform the identifiable subject that the
11 identifiable subject has rights under this Section.

12 (c) In making its determination under subsection (a), the
13 public body may consider the request itself, prior requests by
14 the requester, the requester's publicly accessible publishing
15 activities, and other articulable facts.

16 (d) Prior to any publication, posting, dissemination, or
17 distribution, a person intending to use a body-worn camera
18 recording for a commercial purpose must provide written notice
19 to each identifiable subject. The written notice must:

20 (1) inform the identifiable subject that the person
21 intends to publish, post, disseminate, or distribute the
22 recording;

23 (2) include the platforms or mediums on which
24 publication, posting, dissemination, or distribution is
25 intended;

26 (3) inform the identifiable subject that the person

1 intends or expects to receive monetary compensation or
2 other pecuniary benefit from the publication, posting,
3 dissemination, or distribution; and

4 (4) inform the identifiable subject that the
5 identifiable subject has a right to receive a share of
6 gross revenues derived from any profit-derived use.

7 (e) If a person engages in a profit-derived use of a
8 body-worn camera recording, then the person shall remit not
9 less than 50% of the gross revenues derived from the use of the
10 body-worn camera recording to the identifiable subjects
11 depicted in the recording. The revenues distributed under this
12 subsection shall be allocated among the identifiable subjects
13 in proportion to each identifiable subject's duration of
14 appearance in the body-worn camera recording.

15 (1) Each identifiable subject's duration of appearance
16 must be calculated with reasonable specificity. To
17 determine each identifiable subject's duration of
18 appearance, a person may rely on:

19 (A) timestamps;

20 (B) segment breakdowns;

21 (C) time-coded transcripts or scene logs; or

22 (D) any other documentation that reasonably
23 establishes the duration of appearance of each
24 identifiable subject's presence in the recording.

25 (2) Revenue sharing shall occur quarterly, accompanied
26 by a written accounting that includes:

1 (A) total gross revenues received during the
2 period;

3 (B) the total length of the body-worn camera
4 recording;

5 (C) the duration of appearance for each
6 identifiable subject;

7 (D) the formula used to determine each
8 identifiable subject's proportional share; and

9 (E) payment of the amount owed to each
10 identifiable subject.

11 (f) An identifiable subject who is aggrieved by a
12 violation of this Section may bring a civil action against any
13 person who violates this Section or who knowingly directs,
14 assists, or benefits from a violation of this Section. A
15 person who is aggrieved by a violation of this Section may
16 recover damages and any other appropriate relief, including
17 reasonable attorney's fees. A person who is found liable under
18 this Section shall be jointly and severally liable with each
19 other person, if any, who is also found liable under this
20 Section for damages arising from the same violation of this
21 Section. If a judgment is entered in favor of a person alleged
22 to have violated this Section, then the court may award
23 reasonable costs and attorney's fees to the person for the
24 alleged violation. Under this subsection, the court may only
25 award reasonable costs and attorney's fees to a person alleged
26 to have violated this Section if the court finds that the

1 plaintiff's claim is frivolous, baseless, or brought in bad
2 faith.

3 (g) Any purported waiver of rights under this Section is
4 void and unenforceable unless the waiver is:

5 (1) in writing;

6 (2) made knowingly and voluntarily; and

7 (3) supported by separate consideration.

8 (h) Nothing in this Section shall be construed to limit,
9 diminish, or adversely affect any rights, remedies, causes of
10 actions, or protections under any other State or federal law.

11 (i) Nothing in this Section restricts publication of a
12 body-worn camera recording for non-commercial, news reporting,
13 public interest, academic, or other expressive purposes
14 protected by the First Amendment, except where a person
15 engages in a profit-derived use from the recording.

16 (j) A public body, its officers, and its employees are
17 immune from liability for any failure by a person other than
18 the public body to comply with this Section.

19 (k) For the purposes of this Section, "person" includes
20 any individual, corporation, partnership, firm, organization
21 or association, acting individually or as a group.