



Rep. Sharon Chung

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10400HB5168ham001

LRB104 17691 BAB 36568 a

1 AMENDMENT TO HOUSE BILL 5168

2 AMENDMENT NO. _____. Amend House Bill 5168 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7)

7 (Text of Section before amendment by P.A. 104-300)

8 Sec. 7. Exemptions.

9 (1) When a request is made to inspect or copy a public
10 record that contains information that is exempt from
11 disclosure under this Section, but also contains information
12 that is not exempt from disclosure, the public body may elect
13 to redact the information that is exempt. The public body
14 shall make the remaining information available for inspection
15 and copying. Subject to this requirement, the following shall
16 be exempt from inspection and copying:

1 (a) Information specifically prohibited from
2 disclosure by federal or State law or rules and
3 regulations implementing federal or State law.

4 (b) Private information, unless disclosure is required
5 by another provision of this Act, a State or federal law,
6 or a court order.

7 (b-5) Files, documents, and other data or databases
8 maintained by one or more law enforcement agencies and
9 specifically designed to provide information to one or
10 more law enforcement agencies regarding the physical or
11 mental status of one or more individual subjects.

12 (c) Personal information contained within public
13 records, the disclosure of which would constitute a
14 clearly unwarranted invasion of personal privacy, unless
15 the disclosure is consented to in writing by the
16 individual subjects of the information. "Unwarranted
17 invasion of personal privacy" means the disclosure of
18 information that is highly personal or objectionable to a
19 reasonable person and in which the subject's right to
20 privacy outweighs any legitimate public interest in
21 obtaining the information. The disclosure of information
22 that bears on the public duties of public employees and
23 officials shall not be considered an invasion of personal
24 privacy.

25 (d) Records in the possession of any public body
26 created in the course of administrative enforcement

1 proceedings, and any law enforcement or correctional
2 agency for law enforcement purposes, but only to the
3 extent that disclosure would:

4 (i) interfere with pending or actually and
5 reasonably contemplated law enforcement proceedings
6 conducted by any law enforcement or correctional
7 agency that is the recipient of the request;

8 (ii) interfere with active administrative
9 enforcement proceedings conducted by the public body
10 that is the recipient of the request;

11 (iii) create a substantial likelihood that a
12 person will be deprived of a fair trial or an impartial
13 hearing;

14 (iv) unavoidably disclose the identity of a
15 confidential source, confidential information
16 furnished only by the confidential source, or persons
17 who file complaints with or provide information to
18 administrative, investigative, law enforcement, or
19 penal agencies; except that the identities of
20 witnesses to traffic crashes, traffic crash reports,
21 and rescue reports shall be provided by agencies of
22 local government, except when disclosure would
23 interfere with an active criminal investigation
24 conducted by the agency that is the recipient of the
25 request;

26 (v) disclose unique or specialized investigative

1 techniques other than those generally used and known
2 or disclose internal documents of correctional
3 agencies related to detection, observation, or
4 investigation of incidents of crime or misconduct, and
5 disclosure would result in demonstrable harm to the
6 agency or public body that is the recipient of the
7 request;

8 (vi) endanger the life or physical safety of law
9 enforcement personnel or any other person; or

10 (vii) obstruct an ongoing criminal investigation
11 by the agency that is the recipient of the request.

12 (d-5) A law enforcement record created for law
13 enforcement purposes and contained in a shared electronic
14 record management system if the law enforcement agency or
15 criminal justice agency that is the recipient of the
16 request did not create the record, did not participate in
17 or have a role in any of the events which are the subject
18 of the record, and only has access to the record through
19 the shared electronic record management system. As used in
20 this subsection (d-5), "criminal justice agency" means the
21 Illinois Criminal Justice Information Authority or the
22 Illinois Sentencing Policy Advisory Council.

23 (d-6) Records contained in the Officer Professional
24 Conduct Database under Section 9.2 of the Illinois Police
25 Training Act, except to the extent authorized under that
26 Section. This includes the documents supplied to the

1 Illinois Law Enforcement Training Standards Board from the
2 Illinois State Police and Illinois State Police Merit
3 Board.

4 (d-7) Information gathered or records created from the
5 use of automatic license plate readers in connection with
6 Section 2-130 of the Illinois Vehicle Code.

7 (e) Records that relate to or affect the security of
8 correctional institutions and detention facilities.

9 (e-5) Records requested by persons committed to the
10 Department of Corrections, Department of Human Services
11 Division of Mental Health, or a county jail if those
12 materials are available in the library of the correctional
13 institution or facility or jail where the inmate is
14 confined.

15 (e-6) Records requested by persons committed to the
16 Department of Corrections, Department of Human Services
17 Division of Mental Health, or a county jail if those
18 materials include records from staff members' personnel
19 files, staff rosters, or other staffing assignment
20 information.

21 (e-7) Records requested by persons committed to the
22 Department of Corrections or Department of Human Services
23 Division of Mental Health if those materials are available
24 through an administrative request to the Department of
25 Corrections or Department of Human Services Division of
26 Mental Health.

1 (e-8) Records requested by a person committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail, the
4 disclosure of which would result in the risk of harm to any
5 person or the risk of an escape from a jail or correctional
6 institution or facility.

7 (e-9) Records requested by a person in a county jail
8 or committed to the Department of Corrections or
9 Department of Human Services Division of Mental Health,
10 containing personal information pertaining to the person's
11 victim or the victim's family, including, but not limited
12 to, a victim's home address, home telephone number, work
13 or school address, work telephone number, social security
14 number, or any other identifying information, except as
15 may be relevant to a requester's current or potential case
16 or claim.

17 (e-10) Law enforcement records of other persons
18 requested by a person committed to the Department of
19 Corrections, Department of Human Services Division of
20 Mental Health, or a county jail, including, but not
21 limited to, arrest and booking records, mug shots, and
22 crime scene photographs, except as these records may be
23 relevant to the requester's current or potential case or
24 claim.

25 (f) Preliminary drafts, notes, recommendations,
26 memoranda, and other records in which opinions are

1 expressed, or policies or actions are formulated, except
2 that a specific record or relevant portion of a record
3 shall not be exempt when the record is publicly cited and
4 identified by the head of the public body. The exemption
5 provided in this paragraph (f) extends to all those
6 records of officers and agencies of the General Assembly
7 that pertain to the preparation of legislative documents.

8 (g) Trade secrets and commercial or financial
9 information obtained from a person or business where the
10 trade secrets or commercial or financial information are
11 furnished under a claim that they are proprietary,
12 privileged, or confidential, and that disclosure of the
13 trade secrets or commercial or financial information would
14 cause competitive harm to the person or business, and only
15 insofar as the claim directly applies to the records
16 requested.

17 The information included under this exemption includes
18 all trade secrets and commercial or financial information
19 obtained by a public body, including a public pension
20 fund, from a private equity fund or a privately held
21 company within the investment portfolio of a private
22 equity fund as a result of either investing or evaluating
23 a potential investment of public funds in a private equity
24 fund. The exemption contained in this item does not apply
25 to the aggregate financial performance information of a
26 private equity fund, nor to the identity of the fund's

1 managers or general partners. The exemption contained in
2 this item does not apply to the identity of a privately
3 held company within the investment portfolio of a private
4 equity fund, unless the disclosure of the identity of a
5 privately held company may cause competitive harm.

6 Nothing contained in this paragraph (g) shall be
7 construed to prevent a person or business from consenting
8 to disclosure.

9 (h) Proposals and bids for any contract, grant, or
10 agreement, including information which if it were
11 disclosed would frustrate procurement or give an advantage
12 to any person proposing to enter into a contractor
13 agreement with the body, until an award or final selection
14 is made. Information prepared by or for the body in
15 preparation of a bid solicitation shall be exempt until an
16 award or final selection is made.

17 (i) Valuable formulae, computer geographic systems,
18 designs, drawings, and research data obtained or produced
19 by any public body when disclosure could reasonably be
20 expected to produce private gain or public loss. The
21 exemption for "computer geographic systems" provided in
22 this paragraph (i) does not extend to requests made by
23 news media as defined in Section 2 of this Act when the
24 requested information is not otherwise exempt and the only
25 purpose of the request is to access and disseminate
26 information regarding the health, safety, welfare, or

1 legal rights of the general public.

2 (j) The following information pertaining to
3 educational matters:

4 (i) test questions, scoring keys, and other
5 examination data used to administer an academic
6 examination;

7 (ii) information received by a primary or
8 secondary school, college, or university under its
9 procedures for the evaluation of faculty members by
10 their academic peers;

11 (iii) information concerning a school or
12 university's adjudication of student disciplinary
13 cases, but only to the extent that disclosure would
14 unavoidably reveal the identity of the student; and

15 (iv) course materials or research materials used
16 by faculty members.

17 (k) Architects' plans, engineers' technical
18 submissions, and other construction related technical
19 documents for projects not constructed or developed in
20 whole or in part with public funds and the same for
21 projects constructed or developed with public funds,
22 including, but not limited to, power generating and
23 distribution stations and other transmission and
24 distribution facilities, water treatment facilities,
25 airport facilities, sport stadiums, convention centers,
26 and all government owned, operated, or occupied buildings,

1 but only to the extent that disclosure would compromise
2 security.

3 (l) Minutes of meetings of public bodies closed to the
4 public as provided in the Open Meetings Act until the
5 public body makes the minutes available to the public
6 under Section 2.06 of the Open Meetings Act.

7 (m) Communications between a public body and an
8 attorney or auditor representing the public body that
9 would not be subject to discovery in litigation, and
10 materials prepared or compiled by or for a public body in
11 anticipation of a criminal, civil, or administrative
12 proceeding upon the request of an attorney advising the
13 public body, and materials prepared or compiled with
14 respect to internal audits of public bodies.

15 (n) Records relating to a public body's adjudication
16 of employee grievances or disciplinary cases; however,
17 this exemption shall not extend to the final outcome of
18 cases in which discipline is imposed.

19 (o) Administrative or technical information associated
20 with automated data processing operations, including, but
21 not limited to, software, operating protocols, computer
22 program abstracts, file layouts, source listings, object
23 modules, load modules, user guides, documentation
24 pertaining to all logical and physical design of
25 computerized systems, employee manuals, and any other
26 information that, if disclosed, would jeopardize the

1 security of the system or its data or the security of
2 materials exempt under this Section.

3 (p) Records relating to collective negotiating matters
4 between public bodies and their employees or
5 representatives, except that any final contract or
6 agreement shall be subject to inspection and copying.

7 (q) Test questions, scoring keys, and other
8 examination data used to determine the qualifications of
9 an applicant for a license or employment.

10 (r) The records, documents, and information relating
11 to real estate purchase negotiations until those
12 negotiations have been completed or otherwise terminated.
13 With regard to a parcel involved in a pending or actually
14 and reasonably contemplated eminent domain proceeding
15 under the Eminent Domain Act, records, documents, and
16 information relating to that parcel shall be exempt except
17 as may be allowed under discovery rules adopted by the
18 Illinois Supreme Court. The records, documents, and
19 information relating to a real estate sale shall be exempt
20 until a sale is consummated.

21 (s) Any and all proprietary information and records
22 related to the operation of an intergovernmental risk
23 management association or self-insurance pool or jointly
24 self-administered health and accident cooperative or pool.
25 Insurance or self-insurance (including any
26 intergovernmental risk management association or

1 self-insurance pool) claims, loss or risk management
2 information, records, data, advice, or communications.

3 (t) Information contained in or related to
4 examination, operating, or condition reports prepared by,
5 on behalf of, or for the use of a public body responsible
6 for the regulation or supervision of financial
7 institutions, insurance companies, or pharmacy benefit
8 managers, unless disclosure is otherwise required by State
9 law.

10 (u) Information that would disclose or might lead to
11 the disclosure of secret or confidential information,
12 codes, algorithms, programs, or private keys intended to
13 be used to create electronic signatures under the Uniform
14 Electronic Transactions Act.

15 (v) Vulnerability assessments, security measures, and
16 response policies or plans that are designed to identify,
17 prevent, or respond to potential attacks upon a
18 community's population or systems, facilities, or
19 installations, but only to the extent that disclosure
20 could reasonably be expected to expose the vulnerability
21 or jeopardize the effectiveness of the measures, policies,
22 or plans, or the safety of the personnel who implement
23 them or the public. Information exempt under this item may
24 include such things as details pertaining to the
25 mobilization or deployment of personnel or equipment, to
26 the operation of communication systems or protocols, to

1 cybersecurity vulnerabilities, or to tactical operations.

2 (w) (Blank).

3 (x) Maps and other records regarding the location or
4 security of generation, transmission, distribution,
5 storage, gathering, treatment, or switching facilities
6 owned by a utility, by a power generator, or by the
7 Illinois Power Agency.

8 (y) Information contained in or related to proposals,
9 bids, or negotiations related to electric power
10 procurement under Section 1-75 of the Illinois Power
11 Agency Act and Section 16-111.5 of the Public Utilities
12 Act that is determined to be confidential and proprietary
13 by the Illinois Power Agency or by the Illinois Commerce
14 Commission.

15 (z) Information about students exempted from
16 disclosure under Section 10-20.38 or 34-18.29 of the
17 School Code, and information about undergraduate students
18 enrolled at an institution of higher education exempted
19 from disclosure under Section 25 of the Illinois Credit
20 Card Marketing Act of 2009.

21 (aa) Information the disclosure of which is exempted
22 under the Viatical Settlements Act of 2009.

23 (bb) Records and information provided to a mortality
24 review team and records maintained by a mortality review
25 team appointed under the Department of Juvenile Justice
26 Mortality Review Team Act.

1 (cc) Information regarding interments, entombments, or
2 inurnments of human remains that are submitted to the
3 Cemetery Oversight Database under the Cemetery Care Act or
4 the Cemetery Oversight Act, whichever is applicable.

5 (dd) Correspondence and records (i) that may not be
6 disclosed under Section 11-9 of the Illinois Public Aid
7 Code or (ii) that pertain to appeals under Section 11-8 of
8 the Illinois Public Aid Code.

9 (ee) The names, addresses, or other personal
10 information of persons who are minors and are also
11 participants and registrants in programs of park
12 districts, forest preserve districts, conservation
13 districts, recreation agencies, and special recreation
14 associations.

15 (ff) The names, addresses, or other personal
16 information of participants and registrants in programs of
17 park districts, forest preserve districts, conservation
18 districts, recreation agencies, and special recreation
19 associations where such programs are targeted primarily to
20 minors.

21 (gg) Confidential information described in Section
22 1-100 of the Illinois Independent Tax Tribunal Act of
23 2012.

24 (hh) The report submitted to the State Board of
25 Education by the School Security and Standards Task Force
26 under item (8) of subsection (d) of Section 2-3.160 of the

1 School Code and any information contained in that report.

2 (ii) Records requested by persons committed to or
3 detained by the Department of Human Services under the
4 Sexually Violent Persons Commitment Act or committed to
5 the Department of Corrections under the Sexually Dangerous
6 Persons Act if those materials: (i) are available in the
7 library of the facility where the individual is confined;
8 (ii) include records from staff members' personnel files,
9 staff rosters, or other staffing assignment information;
10 or (iii) are available through an administrative request
11 to the Department of Human Services or the Department of
12 Corrections.

13 (jj) Confidential information described in Section
14 5-535 of the Civil Administrative Code of Illinois.

15 (kk) The public body's credit card numbers, debit card
16 numbers, bank account numbers, Federal Employer
17 Identification Number, security code numbers, passwords,
18 and similar account information, the disclosure of which
19 could result in identity theft or impersonation or defrauding
20 of a governmental entity or a person.

21 (ll) Records concerning the work of the threat
22 assessment team of a school district, including, but not
23 limited to, any threat assessment procedure under the
24 School Safety Drill Act and any information contained in
25 the procedure.

26 (mm) Information prohibited from being disclosed under

1 subsections (a) and (b) of Section 15 of the Student
2 Confidential Reporting Act.

3 (nn) Proprietary information submitted to the
4 Environmental Protection Agency under the Drug Take-Back
5 Act.

6 (oo) Records described in subsection (f) of Section
7 3-5-1 of the Unified Code of Corrections.

8 (pp) Any and all information regarding burials,
9 interments, or entombments of human remains as required to
10 be reported to the Department of Natural Resources
11 pursuant either to the Archaeological and Paleontological
12 Resources Protection Act or the Human Remains Protection
13 Act.

14 (qq) Reports described in subsection (e) of Section
15 16-15 of the Abortion Care Clinical Training Program Act.

16 (rr) Information obtained by a certified local health
17 department under the Access to Public Health Data Act.

18 (ss) For a request directed to a public body that is
19 also a HIPAA-covered entity, all information that is
20 protected health information, including demographic
21 information, that may be contained within or extracted
22 from any record held by the public body in compliance with
23 State and federal medical privacy laws and regulations,
24 including, but not limited to, the Health Insurance
25 Portability and Accountability Act and its regulations, 45
26 CFR Parts 160 and 164. As used in this paragraph,

1 "HIPAA-covered entity" has the meaning given to the term
2 "covered entity" in 45 CFR 160.103 and "protected health
3 information" has the meaning given to that term in 45 CFR
4 160.103.

5 (tt) Proposals or bids submitted by engineering
6 consultants in response to requests for proposal or other
7 competitive bidding requests by the Department of
8 Transportation or the Illinois Toll Highway Authority.

9 (uu) Documents that, pursuant to the State of
10 Illinois' 1987 Agreement with the U.S. Nuclear Regulatory
11 Commission and the corresponding requirement to maintain
12 compatibility with the National Materials Program, have
13 been determined to be security sensitive. These documents
14 include information classified as safeguards,
15 safeguards-modified, and sensitive unclassified
16 nonsafeguards information, as identified in U.S. Nuclear
17 Regulatory Commission regulatory information summaries,
18 security advisories, and other applicable communications
19 or regulations related to the control and distribution of
20 security sensitive information.

21 (vv) Records described in Section 25.1 of the Health
22 Care Violence Prevention Act.

23 (1.5) Any information exempt from disclosure under the
24 Judicial Privacy Act shall be redacted from public records
25 prior to disclosure under this Act.

26 (1.6) Any information exempt from disclosure under the

1 Public Official Safety and Privacy Act shall be redacted from
2 public records prior to disclosure under this Act.

3 (1.7) Any information exempt from disclosure under
4 paragraph (3.5) of Section 9-15 of the Election Code shall be
5 redacted from public records prior to disclosure under this
6 Act.

7 (2) A public record that is not in the possession of a
8 public body but is in the possession of a party with whom the
9 agency has contracted to perform a governmental function on
10 behalf of the public body, and that directly relates to the
11 governmental function and is not otherwise exempt under this
12 Act, shall be considered a public record of the public body,
13 for purposes of this Act.

14 (3) This Section does not authorize withholding of
15 information or limit the availability of records to the
16 public, except as stated in this Section or otherwise provided
17 in this Act.

18 (Source: P.A. 103-154, eff. 6-30-23; 103-423, eff. 1-1-24;
19 103-446, eff. 8-4-23; 103-462, eff. 8-4-23; 103-540, eff.
20 1-1-24; 103-554, eff. 1-1-24; 103-605, eff. 7-1-24; 103-865,
21 eff. 1-1-25; 104-438, eff. 1-1-26; 104-443, eff. 1-1-26;
22 revised 1-7-26.)

23 (Text of Section after amendment by P.A. 104-300)

24 Sec. 7. Exemptions.

25 (1) When a request is made to inspect or copy a public

1 record that contains information that is exempt from
2 disclosure under this Section, but also contains information
3 that is not exempt from disclosure, the public body may elect
4 to redact the information that is exempt. The public body
5 shall make the remaining information available for inspection
6 and copying. Subject to this requirement, the following shall
7 be exempt from inspection and copying:

8 (a) Records created or compiled by a State public
9 defender agency or commission subject to the State Public
10 Defender Act that contain: individual client identity;
11 individual case file information; individual investigation
12 records and other records that are otherwise subject to
13 attorney-client privilege; records that would not be
14 discoverable in litigation; records under Section 2.15;
15 training materials; records related to attorney
16 consultation and representation strategy; or any of the
17 above concerning clients of county public defenders or
18 other defender agencies and firms. This exclusion does not
19 apply to deidentified, aggregated, administrative records,
20 such as general case processing and workload information.

21 (a-5) Information specifically prohibited from
22 disclosure by federal or State law or rules and
23 regulations implementing federal or State law.

24 (b) Private information, unless disclosure is required
25 by another provision of this Act, a State or federal law,
26 or a court order.

1 (b-5) Files, documents, and other data or databases
2 maintained by one or more law enforcement agencies and
3 specifically designed to provide information to one or
4 more law enforcement agencies regarding the physical or
5 mental status of one or more individual subjects.

6 (c) Personal information contained within public
7 records, the disclosure of which would constitute a
8 clearly unwarranted invasion of personal privacy, unless
9 the disclosure is consented to in writing by the
10 individual subjects of the information. "Unwarranted
11 invasion of personal privacy" means the disclosure of
12 information that is highly personal or objectionable to a
13 reasonable person and in which the subject's right to
14 privacy outweighs any legitimate public interest in
15 obtaining the information. The disclosure of information
16 that bears on the public duties of public employees and
17 officials shall not be considered an invasion of personal
18 privacy.

19 (d) Records in the possession of any public body
20 created in the course of administrative enforcement
21 proceedings, and any law enforcement or correctional
22 agency for law enforcement purposes, but only to the
23 extent that disclosure would:

24 (i) interfere with pending or actually and
25 reasonably contemplated law enforcement proceedings
26 conducted by any law enforcement or correctional

1 agency that is the recipient of the request;

2 (ii) interfere with active administrative
3 enforcement proceedings conducted by the public body
4 that is the recipient of the request;

5 (iii) create a substantial likelihood that a
6 person will be deprived of a fair trial or an impartial
7 hearing;

8 (iv) unavoidably disclose the identity of a
9 confidential source, confidential information
10 furnished only by the confidential source, or persons
11 who file complaints with or provide information to
12 administrative, investigative, law enforcement, or
13 penal agencies; except that the identities of
14 witnesses to traffic crashes, traffic crash reports,
15 and rescue reports shall be provided by agencies of
16 local government, except when disclosure would
17 interfere with an active criminal investigation
18 conducted by the agency that is the recipient of the
19 request;

20 (v) disclose unique or specialized investigative
21 techniques other than those generally used and known
22 or disclose internal documents of correctional
23 agencies related to detection, observation, or
24 investigation of incidents of crime or misconduct, and
25 disclosure would result in demonstrable harm to the
26 agency or public body that is the recipient of the

1 request;

2 (vi) endanger the life or physical safety of law
3 enforcement personnel or any other person; or

4 (vii) obstruct an ongoing criminal investigation
5 by the agency that is the recipient of the request.

6 (d-5) A law enforcement record created for law
7 enforcement purposes and contained in a shared electronic
8 record management system if the law enforcement agency or
9 criminal justice agency that is the recipient of the
10 request did not create the record, did not participate in
11 or have a role in any of the events which are the subject
12 of the record, and only has access to the record through
13 the shared electronic record management system. As used in
14 this subsection (d-5), "criminal justice agency" means the
15 Illinois Criminal Justice Information Authority or the
16 Illinois Sentencing Policy Advisory Council.

17 (d-6) Records contained in the Officer Professional
18 Conduct Database under Section 9.2 of the Illinois Police
19 Training Act, except to the extent authorized under that
20 Section. This includes the documents supplied to the
21 Illinois Law Enforcement Training Standards Board from the
22 Illinois State Police and Illinois State Police Merit
23 Board.

24 (d-7) Information gathered or records created from the
25 use of automatic license plate readers in connection with
26 Section 2-130 of the Illinois Vehicle Code.

1 (e) Records that relate to or affect the security of
2 correctional institutions and detention facilities.

3 (e-5) Records requested by persons committed to the
4 Department of Corrections, Department of Human Services
5 Division of Mental Health, or a county jail if those
6 materials are available in the library of the correctional
7 institution or facility or jail where the inmate is
8 confined.

9 (e-6) Records requested by persons committed to the
10 Department of Corrections, Department of Human Services
11 Division of Mental Health, or a county jail if those
12 materials include records from staff members' personnel
13 files, staff rosters, or other staffing assignment
14 information.

15 (e-7) Records requested by persons committed to the
16 Department of Corrections or Department of Human Services
17 Division of Mental Health if those materials are available
18 through an administrative request to the Department of
19 Corrections or Department of Human Services Division of
20 Mental Health.

21 (e-8) Records requested by a person committed to the
22 Department of Corrections, Department of Human Services
23 Division of Mental Health, or a county jail, the
24 disclosure of which would result in the risk of harm to any
25 person or the risk of an escape from a jail or correctional
26 institution or facility.

1 (e-9) Records requested by a person in a county jail
2 or committed to the Department of Corrections or
3 Department of Human Services Division of Mental Health,
4 containing personal information pertaining to the person's
5 victim or the victim's family, including, but not limited
6 to, a victim's home address, home telephone number, work
7 or school address, work telephone number, social security
8 number, or any other identifying information, except as
9 may be relevant to a requester's current or potential case
10 or claim.

11 (e-10) Law enforcement records of other persons
12 requested by a person committed to the Department of
13 Corrections, Department of Human Services Division of
14 Mental Health, or a county jail, including, but not
15 limited to, arrest and booking records, mug shots, and
16 crime scene photographs, except as these records may be
17 relevant to the requester's current or potential case or
18 claim.

19 (f) Preliminary drafts, notes, recommendations,
20 memoranda, and other records in which opinions are
21 expressed, or policies or actions are formulated, except
22 that a specific record or relevant portion of a record
23 shall not be exempt when the record is publicly cited and
24 identified by the head of the public body. The exemption
25 provided in this paragraph (f) extends to all those
26 records of officers and agencies of the General Assembly

1 that pertain to the preparation of legislative documents.

2 (g) Trade secrets and commercial or financial
3 information obtained from a person or business where the
4 trade secrets or commercial or financial information are
5 furnished under a claim that they are proprietary,
6 privileged, or confidential, and that disclosure of the
7 trade secrets or commercial or financial information would
8 cause competitive harm to the person or business, and only
9 insofar as the claim directly applies to the records
10 requested.

11 The information included under this exemption includes
12 all trade secrets and commercial or financial information
13 obtained by a public body, including a public pension
14 fund, from a private equity fund or a privately held
15 company within the investment portfolio of a private
16 equity fund as a result of either investing or evaluating
17 a potential investment of public funds in a private equity
18 fund. The exemption contained in this item does not apply
19 to the aggregate financial performance information of a
20 private equity fund, nor to the identity of the fund's
21 managers or general partners. The exemption contained in
22 this item does not apply to the identity of a privately
23 held company within the investment portfolio of a private
24 equity fund, unless the disclosure of the identity of a
25 privately held company may cause competitive harm.

26 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting
2 to disclosure.

3 (h) Proposals and bids for any contract, grant, or
4 agreement, including information which if it were
5 disclosed would frustrate procurement or give an advantage
6 to any person proposing to enter into a contractor
7 agreement with the body, until an award or final selection
8 is made. Information prepared by or for the body in
9 preparation of a bid solicitation shall be exempt until an
10 award or final selection is made.

11 (i) Valuable formulae, computer geographic systems,
12 designs, drawings, and research data obtained or produced
13 by any public body when disclosure could reasonably be
14 expected to produce private gain or public loss. The
15 exemption for "computer geographic systems" provided in
16 this paragraph (i) does not extend to requests made by
17 news media as defined in Section 2 of this Act when the
18 requested information is not otherwise exempt and the only
19 purpose of the request is to access and disseminate
20 information regarding the health, safety, welfare, or
21 legal rights of the general public.

22 (j) The following information pertaining to
23 educational matters:

24 (i) test questions, scoring keys, and other
25 examination data used to administer an academic
26 examination;

1 (ii) information received by a primary or
2 secondary school, college, or university under its
3 procedures for the evaluation of faculty members by
4 their academic peers;

5 (iii) information concerning a school or
6 university's adjudication of student disciplinary
7 cases, but only to the extent that disclosure would
8 unavoidably reveal the identity of the student; and

9 (iv) course materials or research materials used
10 by faculty members.

11 (k) Architects' plans, engineers' technical
12 submissions, and other construction related technical
13 documents for projects not constructed or developed in
14 whole or in part with public funds and the same for
15 projects constructed or developed with public funds,
16 including, but not limited to, power generating and
17 distribution stations and other transmission and
18 distribution facilities, water treatment facilities,
19 airport facilities, sport stadiums, convention centers,
20 and all government owned, operated, or occupied buildings,
21 but only to the extent that disclosure would compromise
22 security.

23 (1) Minutes of meetings of public bodies closed to the
24 public as provided in the Open Meetings Act until the
25 public body makes the minutes available to the public
26 under Section 2.06 of the Open Meetings Act.

1 (m) Communications between a public body and an
2 attorney or auditor representing the public body that
3 would not be subject to discovery in litigation, and
4 materials prepared or compiled by or for a public body in
5 anticipation of a criminal, civil, or administrative
6 proceeding upon the request of an attorney advising the
7 public body, and materials prepared or compiled with
8 respect to internal audits of public bodies.

9 (n) Records relating to a public body's adjudication
10 of employee grievances or disciplinary cases; however,
11 this exemption shall not extend to the final outcome of
12 cases in which discipline is imposed.

13 (o) Administrative or technical information associated
14 with automated data processing operations, including, but
15 not limited to, software, operating protocols, computer
16 program abstracts, file layouts, source listings, object
17 modules, load modules, user guides, documentation
18 pertaining to all logical and physical design of
19 computerized systems, employee manuals, and any other
20 information that, if disclosed, would jeopardize the
21 security of the system or its data or the security of
22 materials exempt under this Section.

23 (p) Records relating to collective negotiating matters
24 between public bodies and their employees or
25 representatives, except that any final contract or
26 agreement shall be subject to inspection and copying.

1 (q) Test questions, scoring keys, and other
2 examination data used to determine the qualifications of
3 an applicant for a license or employment.

4 (r) The records, documents, and information relating
5 to real estate purchase negotiations until those
6 negotiations have been completed or otherwise terminated.
7 With regard to a parcel involved in a pending or actually
8 and reasonably contemplated eminent domain proceeding
9 under the Eminent Domain Act, records, documents, and
10 information relating to that parcel shall be exempt except
11 as may be allowed under discovery rules adopted by the
12 Illinois Supreme Court. The records, documents, and
13 information relating to a real estate sale shall be exempt
14 until a sale is consummated.

15 (s) Any and all proprietary information and records
16 related to the operation of an intergovernmental risk
17 management association or self-insurance pool or jointly
18 self-administered health and accident cooperative or pool.
19 Insurance or self-insurance (including any
20 intergovernmental risk management association or
21 self-insurance pool) claims, loss or risk management
22 information, records, data, advice, or communications.

23 (t) Information contained in or related to
24 examination, operating, or condition reports prepared by,
25 on behalf of, or for the use of a public body responsible
26 for the regulation or supervision of financial

1 institutions, insurance companies, or pharmacy benefit
2 managers, unless disclosure is otherwise required by State
3 law.

4 (u) Information that would disclose or might lead to
5 the disclosure of secret or confidential information,
6 codes, algorithms, programs, or private keys intended to
7 be used to create electronic signatures under the Uniform
8 Electronic Transactions Act.

9 (v) Vulnerability assessments, security measures, and
10 response policies or plans that are designed to identify,
11 prevent, or respond to potential attacks upon a
12 community's population or systems, facilities, or
13 installations, but only to the extent that disclosure
14 could reasonably be expected to expose the vulnerability
15 or jeopardize the effectiveness of the measures, policies,
16 or plans, or the safety of the personnel who implement
17 them or the public. Information exempt under this item may
18 include such things as details pertaining to the
19 mobilization or deployment of personnel or equipment, to
20 the operation of communication systems or protocols, to
21 cybersecurity vulnerabilities, or to tactical operations.

22 (w) (Blank).

23 (x) Maps and other records regarding the location or
24 security of generation, transmission, distribution,
25 storage, gathering, treatment, or switching facilities
26 owned by a utility, by a power generator, or by the

1 Illinois Power Agency.

2 (y) Information contained in or related to proposals,
3 bids, or negotiations related to electric power
4 procurement under Section 1-75 of the Illinois Power
5 Agency Act and Section 16-111.5 of the Public Utilities
6 Act that is determined to be confidential and proprietary
7 by the Illinois Power Agency or by the Illinois Commerce
8 Commission.

9 (z) Information about students exempted from
10 disclosure under Section 10-20.38 or 34-18.29 of the
11 School Code, and information about undergraduate students
12 enrolled at an institution of higher education exempted
13 from disclosure under Section 25 of the Illinois Credit
14 Card Marketing Act of 2009.

15 (aa) Information the disclosure of which is exempted
16 under the Viatical Settlements Act of 2009.

17 (bb) Records and information provided to a mortality
18 review team and records maintained by a mortality review
19 team appointed under the Department of Juvenile Justice
20 Mortality Review Team Act.

21 (cc) Information regarding interments, entombments, or
22 inurnments of human remains that are submitted to the
23 Cemetery Oversight Database under the Cemetery Care Act or
24 the Cemetery Oversight Act, whichever is applicable.

25 (dd) Correspondence and records (i) that may not be
26 disclosed under Section 11-9 of the Illinois Public Aid

1 Code or (ii) that pertain to appeals under Section 11-8 of
2 the Illinois Public Aid Code.

3 (ee) The names, addresses, or other personal
4 information of persons who are minors and are also
5 participants and registrants in programs of park
6 districts, forest preserve districts, conservation
7 districts, recreation agencies, and special recreation
8 associations.

9 (ff) The names, addresses, or other personal
10 information of participants and registrants in programs of
11 park districts, forest preserve districts, conservation
12 districts, recreation agencies, and special recreation
13 associations where such programs are targeted primarily to
14 minors.

15 (gg) Confidential information described in Section
16 1-100 of the Illinois Independent Tax Tribunal Act of
17 2012.

18 (hh) The report submitted to the State Board of
19 Education by the School Security and Standards Task Force
20 under item (8) of subsection (d) of Section 2-3.160 of the
21 School Code and any information contained in that report.

22 (ii) Records requested by persons committed to or
23 detained by the Department of Human Services under the
24 Sexually Violent Persons Commitment Act or committed to
25 the Department of Corrections under the Sexually Dangerous
26 Persons Act if those materials: (i) are available in the

1 library of the facility where the individual is confined;
2 (ii) include records from staff members' personnel files,
3 staff rosters, or other staffing assignment information;
4 or (iii) are available through an administrative request
5 to the Department of Human Services or the Department of
6 Corrections.

7 (jj) Confidential information described in Section
8 5-535 of the Civil Administrative Code of Illinois.

9 (kk) The public body's credit card numbers, debit card
10 numbers, bank account numbers, Federal Employer
11 Identification Number, security code numbers, passwords,
12 and similar account information, the disclosure of which
13 could result in identity theft or impression or defrauding
14 of a governmental entity or a person.

15 (ll) Records concerning the work of the threat
16 assessment team of a school district, including, but not
17 limited to, any threat assessment procedure under the
18 School Safety Drill Act and any information contained in
19 the procedure.

20 (mm) Information prohibited from being disclosed under
21 subsections (a) and (b) of Section 15 of the Student
22 Confidential Reporting Act.

23 (nn) Proprietary information submitted to the
24 Environmental Protection Agency under the Drug Take-Back
25 Act.

26 (oo) Records described in subsection (f) of Section

1 3-5-1 of the Unified Code of Corrections.

2 (pp) Any and all information regarding burials,
3 interments, or entombments of human remains as required to
4 be reported to the Department of Natural Resources
5 pursuant either to the Archaeological and Paleontological
6 Resources Protection Act or the Human Remains Protection
7 Act.

8 (qq) Reports described in subsection (e) of Section
9 16-15 of the Abortion Care Clinical Training Program Act.

10 (rr) Information obtained by a certified local health
11 department under the Access to Public Health Data Act.

12 (ss) For a request directed to a public body that is
13 also a HIPAA-covered entity, all information that is
14 protected health information, including demographic
15 information, that may be contained within or extracted
16 from any record held by the public body in compliance with
17 State and federal medical privacy laws and regulations,
18 including, but not limited to, the Health Insurance
19 Portability and Accountability Act and its regulations, 45
20 CFR Parts 160 and 164. As used in this paragraph,
21 "HIPAA-covered entity" has the meaning given to the term
22 "covered entity" in 45 CFR 160.103 and "protected health
23 information" has the meaning given to that term in 45 CFR
24 160.103.

25 (tt) Proposals or bids submitted by engineering
26 consultants in response to requests for proposal or other

1 competitive bidding requests by the Department of
2 Transportation or the Illinois Toll Highway Authority.

3 (uu) Documents that, pursuant to the State of
4 Illinois' 1987 Agreement with the U.S. Nuclear Regulatory
5 Commission and the corresponding requirement to maintain
6 compatibility with the National Materials Program, have
7 been determined to be security sensitive. These documents
8 include information classified as safeguards,
9 safeguards-modified, and sensitive unclassified
10 nonsafeguards information, as identified in U.S. Nuclear
11 Regulatory Commission regulatory information summaries,
12 security advisories, and other applicable communications
13 or regulations related to the control and distribution of
14 security sensitive information.

15 (vv) Records described in Section 25.1 of the Health
16 Care Violence Prevention Act.

17 (1.5) Any information exempt from disclosure under the
18 Judicial Privacy Act shall be redacted from public records
19 prior to disclosure under this Act.

20 (1.6) Any information exempt from disclosure under the
21 Public Official Safety and Privacy Act shall be redacted from
22 public records prior to disclosure under this Act.

23 (1.7) Any information exempt from disclosure under
24 paragraph (3.5) of Section 9-15 of the Election Code shall be
25 redacted from public records prior to disclosure under this
26 Act.

1 (2) A public record that is not in the possession of a
2 public body but is in the possession of a party with whom the
3 agency has contracted to perform a governmental function on
4 behalf of the public body, and that directly relates to the
5 governmental function and is not otherwise exempt under this
6 Act, shall be considered a public record of the public body,
7 for purposes of this Act.

8 (3) This Section does not authorize withholding of
9 information or limit the availability of records to the
10 public, except as stated in this Section or otherwise provided
11 in this Act.

12 (Source: P.A. 103-154, eff. 6-30-23; 103-423, eff. 1-1-24;
13 103-446, eff. 8-4-23; 103-462, eff. 8-4-23; 103-540, eff.
14 1-1-24; 103-554, eff. 1-1-24; 103-605, eff. 7-1-24; 103-865,
15 eff. 1-1-25; 104-300, eff. 1-1-27; 104-438, eff. 1-1-26;
16 104-443, eff. 1-1-26; revised 1-7-26.)

17 Section 5. The Health Care Violence Prevention Act is
18 amended by changing Sections 5, 15, and 20 and by adding
19 Sections 25.1 and 25.2 as follows:

20 (210 ILCS 160/5)

21 Sec. 5. Definitions. As used in this Act:

22 "Committed person" means a person who is in the custody of
23 or under the control of a custodial agency, including, but not
24 limited to, a person who is incarcerated, under arrest,

1 detained, or otherwise under the physical control of a
2 custodial agency.

3 "Custodial agency" means the Illinois Department of
4 Corrections, the Illinois State Police, the sheriff of a
5 county, a county jail, a correctional institution, or any
6 other State agency, municipality, or unit of local government
7 that employs personnel designated as police, peace officers,
8 wardens, corrections officers, or guards or that employs
9 personnel vested by law with the power to place or maintain a
10 person in custody.

11 "Department" means the Department of Public Health.

12 "Emergency department" means the physical section of a
13 health care provider in which emergency medical care is
14 provided pursuant to the Hospital Emergency Services Act.

15 "Health care provider" means a retail health care
16 facility, a hospital subject to the Hospital Licensing Act or
17 the University of Illinois Hospital Act, or a veterans home as
18 defined in the Department of Veterans Affairs Act.

19 "Health care worker" means nursing assistants and other
20 support personnel, any individual licensed under the laws of
21 this State to provide health services, including but not
22 limited to: dentists licensed under the Illinois Dental
23 Practice Act; dental hygienists licensed under the Illinois
24 Dental Practice Act; nurses and advanced practice registered
25 nurses licensed under the Nurse Practice Act; occupational
26 therapists licensed under the Illinois Occupational Therapy

1 Practice Act; optometrists licensed under the Illinois
2 Optometric Practice Act of 1987; pharmacists licensed under
3 the Pharmacy Practice Act; physical therapists licensed under
4 the Illinois Physical Therapy Act; physicians licensed under
5 the Medical Practice Act of 1987; physician assistants
6 licensed under the Physician Assistant Practice Act of 1987;
7 podiatric physicians licensed under the Podiatric Medical
8 Practice Act of 1987; clinical psychologists licensed under
9 the Clinical Psychologist Licensing Act; clinical social
10 workers licensed under the Clinical Social Work and Social
11 Work Practice Act; speech-language pathologists and
12 audiologists licensed under the Illinois Speech-Language
13 Pathology and Audiology Practice Act; or hearing instrument
14 dispensers licensed under the Hearing Instrument Consumer
15 Protection Act, or any of their successor Acts.

16 "Nurse" means a person who is licensed to practice nursing
17 under the Nurse Practice Act.

18 "Retail health care facility" means an institution, place,
19 or building, or any portion thereof, that:

20 (1) is devoted to the maintenance and operation of a
21 facility for the performance of health care services and
22 is located within a retail store at a specific location;

23 (2) does not provide surgical services or any form of
24 general anesthesia;

25 (3) does not provide beds or other accommodations for
26 either the long-term or overnight stay of patients; and

1 (4) discharges individual patients in an ambulatory
2 condition without danger to the continued well-being of
3 the patients and transfers non-ambulatory patients to
4 hospitals.

5 "Retail health care facility" does not include hospitals,
6 long-term care facilities, ambulatory treatment centers, blood
7 banks, clinical laboratories, offices of physicians, advanced
8 practice registered nurses, podiatrists, and physician
9 assistants, and pharmacies that provide limited health care
10 services.

11 (Source: P.A. 104-234, eff. 8-15-25.)

12 (210 ILCS 160/15)

13 Sec. 15. Workplace safety.

14 (a) A health care worker who contacts law enforcement or
15 files a report with law enforcement against a patient or
16 individual because of workplace violence shall provide notice
17 to management of the health care provider by which he or she is
18 employed within 3 days after contacting law enforcement or
19 filing the report.

20 (b) No management of a health care provider may discourage
21 a health care worker from exercising his or her right to
22 contact law enforcement or file a report with law enforcement
23 or the Department because of workplace violence.

24 (c) A health care provider that employs a health care
25 worker shall display a notice, either by physical or

1 electronic means, stating that verbal aggression will not be
2 tolerated and physical assault will be reported to law
3 enforcement.

4 (d) The health care provider shall offer immediate
5 post-incident services for a health care worker directly
6 involved in a workplace violence incident caused by patients
7 or their visitors, including acute treatment and access to
8 psychological evaluation.

9 (e) No health care provider may maintain a policy that
10 limits the type of workplace violence about which a health
11 care worker may contact law enforcement or file a report with
12 law enforcement or the Department.

13 (Source: P.A. 102-4, eff. 4-27-21.)

14 (210 ILCS 160/20)

15 Sec. 20. Workplace violence prevention program.

16 (a) A health care provider shall create a workplace
17 violence prevention program that complies with the
18 Occupational Safety and Health Administration guidelines for
19 preventing workplace violence for health care and social
20 service workers as amended or updated by the Occupational
21 Safety and Health Administration.

22 (a-5) In addition, the workplace violence prevention
23 program shall include:

24 (1) the following classifications of workplace
25 violence as one of 4 possible types:

1 (A) "Type 1 violence" means workplace violence
2 committed by a person who has no legitimate business
3 at the work site and includes violent acts by anyone
4 who enters the workplace with the intent to commit a
5 crime.

6 (B) "Type 2 violence" means workplace violence
7 directed at employees by customers, clients, patients,
8 students, inmates, visitors, or other individuals
9 accompanying a patient.

10 (C) "Type 3 violence" means workplace violence
11 against an employee by a present or former employee,
12 supervisor, or manager.

13 (D) "Type 4 violence" means workplace violence
14 committed in the workplace by someone who does not
15 work there, but has or is known to have had a personal
16 relationship with an employee;

17 (2) management commitment and worker participation,
18 including, but not limited to, nurses;

19 (3) worksite analysis and identification of potential
20 hazards;

21 (4) hazard prevention and control;

22 (5) safety and health training with required hours
23 determined by rule; ~~and~~

24 (6) a system for employees to report incidents of type
25 2 violence to the health care provider; and

26 (7) ~~(6)~~ recordkeeping and evaluation of the violence

1 prevention program.

2 (b) The Department of Public Health may by rule adopt
3 additional criteria for workplace violence prevention
4 programs.

5 (Source: P.A. 100-1051, eff. 1-1-19; 101-81, eff. 7-12-19.)

6 (210 ILCS 160/25.1 new)

7 Sec. 25.1. Recordkeeping.

8 (a) On or before November 30, 2027, the Department shall,
9 by rule, develop and publish in a publicly accessible format a
10 template or form for health care providers to use to log type 2
11 violent incidents occurring in the emergency department. No
12 later than 3 months after the Department publishes the
13 template or form, health care providers shall log type 2
14 violent incidents using the template or form. The template or
15 form shall include, at a minimum:

16 (1) the violent incident, including environmental risk
17 factors present at the time of the incident;

18 (2) the date and time of the incident and the job
19 titles of involved employees;

20 (3) the names and addresses of the perpetrators of
21 such violent incidents, if known;

22 (4) the nature and extent of injuries to employees and
23 patients who were impacted; and

24 (5) how the incident was abated or addressed in
25 addition to those actions required by Sections 15 and 20.

1 (b) Records maintained in accordance with this Section are
2 confidential and not subject to disclosure under the Freedom
3 of Information Act.

4 (210 ILCS 160/25.2 new)

5 Sec. 25.2. Reporting.

6 (a) On or before May 31, 2028, and on or before May 31 of
7 each year thereafter, each health care provider shall prepare
8 and submit to the Department an aggregate deidentified summary
9 of the type 2 violent incidents logged as specified in
10 subsection (a) of Section 25.1 for the preceding calendar
11 year. The report shall be completed on a form provided by the
12 Department and, at a minimum, include:

13 (1) the total number of type 2 violent incidents;

14 (2) the total number of recordable injuries related to
15 the type 2 incidents; and

16 (3) a summary of how the health care provider has,
17 during the past year, engaged in violence prevention
18 activities as set forth in this Act and, if applicable,
19 any additional actions taken to address the type 2 violent
20 incidents summarized in the report.

21 (b) The Department shall provide an annual aggregated and
22 deidentified report to the General Assembly summarizing the
23 reports received. When deidentifying data, the Department
24 shall remove all identifying data related to the patients
25 impacted, the health care provider employees involved, and the

1 health care provider. Such deidentification shall be done in
2 accordance with 45 CFR 164.514.

3 (c) On or before July 15, 2028, and on or before July 15 of
4 each year thereafter, the Department shall notify any health
5 care provider that has failed to submit a summary report as
6 required by subsection (a). A health care provider receiving
7 such a notice shall have 30 calendar days to submit the summary
8 report. The Department may impose a fine of up to \$500 per day
9 until the health care provider submits the summary report.

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 99. Effective date. This Act takes effect January
18 1, 2027."