

HB5406



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5406

Introduced 2/13/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2
5 ILCS 140/3.1

from Ch. 116, par. 202

Amends the Freedom of Information Act. Defines "business day" as Monday through Friday, not including Saturday, Sunday, and specified holidays. In provisions regarding requests for commercial purposes, changes a reference to 21 working days to a reference to 21 business days.

LRB104 16541 BDA 29939 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Sections 2 and 3.1 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, corporation,

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

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, electronic communications, recorded
7 information and all other documentary materials pertaining to
8 the transaction of public business, regardless of physical
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.

12 (c-5) "Private information" means unique identifiers,
13 including a person's social security number, driver's license
14 number, employee identification number, biometric identifiers,
15 personal financial information, passwords or other access
16 codes, medical records, home or personal telephone numbers,
17 and personal email addresses. Private information also
18 includes home address and personal license plates, except as
19 otherwise provided by law or when compiled without possibility
20 of attribution to any person. For a public body that is a
21 HIPAA-covered entity, "private information" includes
22 electronic medical records and all information, including
23 demographic information, contained within or extracted from an
24 electronic medical records system operated or maintained by
25 the public body in compliance with State and federal medical
26 privacy laws and regulations, including, but not limited to,

1 the Health Insurance Portability and Accountability Act and
2 its regulations, 45 CFR Parts 160 and 164. As used in this
3 subsection, "HIPAA-covered entity" has the meaning given to
4 the term "covered entity" in 45 CFR 160.103.

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

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

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

26 (f) "News media" means a newspaper or other periodical

1 issued at regular intervals whether in print or electronic
2 format, a news service whether in print or electronic format,
3 a radio station, a television station, a television network, a
4 community antenna television service, or a person or
5 corporation engaged in making news reels or other motion
6 picture news for public showing.

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

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

1 particular public record the requester seeks. One request may
2 identify multiple records to be inspected or copied.

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

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

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

1 inspected or copied.

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

5 (j) "Business day" means Monday through Friday. "Business
6 day" does not include Saturday and Sunday. "Business day" does
7 not include the holidays listed in Section 17 of the
8 Promissory Note and Bank Holiday Act. For school districts,
9 community colleges, and universities, "business day" does not
10 include (i) days during the institution's winter break or
11 spring break, as established by the institution's academic
12 calendar, or (ii) the day after Thanksgiving.

13 (Source: P.A. 103-554, eff. 1-1-24.)

14 (5 ILCS 140/3.1)

15 Sec. 3.1. Requests for commercial purposes.

16 (a) A public body shall respond to a request for records to
17 be used for a commercial purpose within 21 business ~~working~~
18 days after receipt. The response shall (i) provide to the
19 requester an estimate of the time required by the public body
20 to provide the records requested and an estimate of the fees to
21 be charged, which the public body may require the person to pay
22 in full before copying the requested documents, (ii) deny the
23 request pursuant to one or more of the exemptions set out in
24 this Act, (iii) notify the requester that the request is
25 unduly burdensome and extend an opportunity to the requester

1 to attempt to reduce the request to manageable proportions, or
2 (iv) provide the records requested.

3 (b) Unless the records are exempt from disclosure, a
4 public body shall comply with a request within a reasonable
5 period considering the size and complexity of the request, and
6 giving priority to records requested for non-commercial
7 purposes.

8 (c) It is a violation of this Act for a person to knowingly
9 obtain a public record for a commercial purpose without
10 disclosing that it is for a commercial purpose, if requested
11 to do so by the public body.

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