



Rep. Daniel Didech

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10400HB5406ham001

LRB104 16541 BDA 36001 a

1 AMENDMENT TO HOUSE BILL 5406

2 AMENDMENT NO. _____. Amend House Bill 5406 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 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

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, or a regional youth advisory board or
4 the Statewide Youth Advisory Board established under the
5 Department of Children and Family Services Statewide Youth
6 Advisory Board Act.

7 (b) "Person" means any individual or any individual acting
8 as an agent of a corporation, partnership, firm, organization
9 or association, acting individually or as a group.

10 (c) "Public records" means all records, reports, forms,
11 writings, letters, memoranda, books, papers, maps,
12 photographs, microfilms, cards, tapes, recordings, electronic
13 data processing records, electronic communications, recorded
14 information and all other documentary materials pertaining to
15 the transaction of public business, regardless of physical
16 form or characteristics, having been prepared by or for, or
17 having been or being used by, received by, in the possession
18 of, or under the control of any public body. "Public records"
19 does not include junk mail.

20 (c-5) "Private information" means unique identifiers,
21 including a person's social security number, driver's license
22 number, employee identification number, biometric identifiers,
23 personal financial information, passwords or other access
24 codes, medical records, home or personal telephone numbers,
25 and personal email addresses. Private information also
26 includes home address and personal license plates, except as

1 otherwise provided by law or when compiled without possibility
2 of attribution to any person. For a public body that is a
3 HIPAA-covered entity, "private information" includes
4 electronic medical records and all information, including
5 demographic information, contained within or extracted from an
6 electronic medical records system operated or maintained by
7 the public body in compliance with State and federal medical
8 privacy laws and regulations, including, but not limited to,
9 the Health Insurance Portability and Accountability Act and
10 its regulations, 45 CFR Parts 160 and 164. As used in this
11 subsection, "HIPAA-covered entity" has the meaning given to
12 the term "covered entity" in 45 CFR 160.103.

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

25 (d) "Copying" means the reproduction of any public record
26 by means of any photographic, electronic, mechanical or other

1 process, device or means now known or hereafter developed and
2 available to the public body.

3 (e) "Head of the public body" means the president, mayor,
4 chairman, presiding officer, director, superintendent,
5 manager, supervisor or individual otherwise holding primary
6 executive and administrative authority for the public body, or
7 such person's duly authorized designee.

8 (f) "News media" means a newspaper or other periodical
9 issued at regular intervals whether in print or electronic
10 format, a news service whether in print or electronic format,
11 a radio station, a television station, a television network, a
12 community antenna television service, or a person or
13 corporation engaged in making news reels or other motion
14 picture news for public showing.

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

1 articles of opinion or features of interest to the public, or
2 (iii) for the purpose of academic, scientific, or public
3 research or education.

4 For the purposes of this subsection (g), "request" means a
5 written document (or oral request, if the public body chooses
6 to honor oral requests) that is submitted to a public body via
7 personal delivery, mail, telefax, electronic mail, or other
8 means available to the public body and that identifies the
9 particular public record the requester seeks. One request may
10 identify multiple records to be inspected or copied.

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

21 "Voluminous request" does not include a request made by
22 news media and non-profit, scientific, or academic
23 organizations if the principal purpose of the request is: (1)
24 to access and disseminate information concerning news and
25 current or passing events; (2) for articles of opinion or
26 features of interest to the public; or (3) for the purpose of

1 academic, scientific, or public research or education.

2 For the purposes of this subsection (h), "request" means a
3 written document, or oral request, if the public body chooses
4 to honor oral requests, that is submitted to a public body via
5 personal delivery, mail, telefax, electronic mail, or other
6 means available to the public body and that identifies the
7 particular public record or records the requester seeks. One
8 request may identify multiple individual records to be
9 inspected or copied.

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

13 (j) "Junk mail" means (i) any unsolicited commercial mail
14 sent to a public body and not responded to by an official,
15 employee, or agent of the public body or (ii) any unsolicited
16 commercial electronic communication sent to a public body and
17 not responded to by an official, employee, or agent of the
18 public body.

19 (k) "Business day" means Monday through Friday. "Business
20 day" does not include Saturday and Sunday. "Business day" does
21 not include the holidays listed in Section 17 of the
22 Promissory Note and Bank Holiday Act or the day after
23 Thanksgiving. For school districts, "business day" does not
24 include days during the institution's winter break or spring
25 break, as established by the institution's academic calendar.

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

1 (5 ILCS 140/3.1)

2 Sec. 3.1. Requests for commercial purposes.

3 (a) A public body shall respond to a request for records to
4 be used for a commercial purpose within 21 business ~~working~~
5 days after receipt. The response shall (i) provide to the
6 requester an estimate of the time required by the public body
7 to provide the records requested and an estimate of the fees to
8 be charged, which the public body may require the person to pay
9 in full before copying the requested documents, (ii) deny the
10 request pursuant to one or more of the exemptions set out in
11 this Act, (iii) notify the requester that the request is
12 unduly burdensome and extend an opportunity to the requester
13 to attempt to reduce the request to manageable proportions, or
14 (iv) provide the records requested.

15 (b) Unless the records are exempt from disclosure, a
16 public body shall comply with a request within a reasonable
17 period considering the size and complexity of the request, and
18 giving priority to records requested for non-commercial
19 purposes.

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

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