

HB5778



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5778

by Rep. Justin Cochran

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7

Amends the Freedom of Information Act. Exempts from inspection and copying under the Act written communication and attachments that pertain to a current or former student and that were sent between an educational institution and the student or between an educational institution and the student's parent or guardian, except if the Illinois School Student Records Act or the federal Family Educational Rights and Privacy Act applies.

LRB104 21943 BDA 37867 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 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:

17 (a) Information specifically prohibited from
18 disclosure by federal or State law or rules and
19 regulations implementing federal or State law.

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

23 (b-5) Files, documents, and other data or databases

1 maintained by one or more law enforcement agencies and
2 specifically designed to provide information to one or
3 more law enforcement agencies regarding the physical or
4 mental status of one or more individual subjects.

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

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

23 (i) interfere with pending or actually and
24 reasonably contemplated law enforcement proceedings
25 conducted by any law enforcement or correctional
26 agency that is the recipient of the request;

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

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

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

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

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

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

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

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

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

26 (e) Records that relate to or affect the security of

1 correctional institutions and detention facilities.

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

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

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

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

26 (e-9) Records requested by a person in a county jail

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

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

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

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

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

25 Nothing contained in this paragraph (g) shall be
26 construed to prevent a person or business from consenting

1 to disclosure.

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

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

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

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

26 (ii) information received by a primary or

1 secondary school, college, or university under its
2 procedures for the evaluation of faculty members by
3 their academic peers;

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

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

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

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

26 (m) Communications between a public body and an

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

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

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

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

26 (q) Test questions, scoring keys, and other

1 examination data used to determine the qualifications of
2 an applicant for a license or employment.

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

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

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

1 managers, unless disclosure is otherwise required by State
2 law.

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

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

21 (w) (Blank).

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

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

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

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

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

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

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

1 the Illinois Public Aid Code.

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

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

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

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

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

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

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

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

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

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

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

25 (oo) Records described in subsection (f) of Section
26 3-5-1 of the Unified Code of Corrections.

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

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

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

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

24 (tt) Proposals or bids submitted by engineering
25 consultants in response to requests for proposal or other
26 competitive bidding requests by the Department of

1 Transportation or the Illinois Toll Highway Authority.

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

14 (vv) Written communications and attachments in their
15 entirety pertaining to a current or former student that
16 were sent between an educational institution and the
17 student or between an educational institution and the
18 student's parent or guardian. This paragraph does not
19 apply when the requester is entitled to access the record
20 under the Illinois School Student Records Act or the
21 federal Family Educational Rights and Privacy Act.

22 (1.5) Any information exempt from disclosure under the
23 Judicial Privacy Act shall be redacted from public records
24 prior to disclosure under this Act.

25 (1.6) Any information exempt from disclosure under the
26 Public Official Safety and Privacy Act shall be redacted from

1 public records prior to disclosure under this Act.

2 (1.7) Any information exempt from disclosure under
3 paragraph (3.5) of Section 9-15 of the Election Code shall be
4 redacted from public records prior to disclosure under this
5 Act.

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

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

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

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

23 Sec. 7. Exemptions.

24 (1) When a request is made to inspect or copy a public
25 record that contains information that is exempt from

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

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

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

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

26 (b-5) Files, documents, and other data or databases

1 maintained by one or more law enforcement agencies and
2 specifically designed to provide information to one or
3 more law enforcement agencies regarding the physical or
4 mental status of one or more individual subjects.

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

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

23 (i) interfere with pending or actually and
24 reasonably contemplated law enforcement proceedings
25 conducted by any law enforcement or correctional
26 agency that is the recipient of the request;

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

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

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

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

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

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

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

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

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

26 (e) Records that relate to or affect the security of

1 correctional institutions and detention facilities.

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

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

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

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

26 (e-9) Records requested by a person in a county jail

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

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

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

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

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

25 Nothing contained in this paragraph (g) shall be
26 construed to prevent a person or business from consenting

1 to disclosure.

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

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

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

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

26 (ii) information received by a primary or

1 secondary school, college, or university under its
2 procedures for the evaluation of faculty members by
3 their academic peers;

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

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

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

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

26 (m) Communications between a public body and an

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

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

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

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

26 (q) Test questions, scoring keys, and other

1 examination data used to determine the qualifications of
2 an applicant for a license or employment.

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

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

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

1 managers, unless disclosure is otherwise required by State
2 law.

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

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

21 (w) (Blank).

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

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

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

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

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

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

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

1 the Illinois Public Aid Code.

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

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

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

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

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

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

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

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

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

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

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

25 (oo) Records described in subsection (f) of Section
26 3-5-1 of the Unified Code of Corrections.

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

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

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

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

24 (tt) Proposals or bids submitted by engineering
25 consultants in response to requests for proposal or other
26 competitive bidding requests by the Department of

1 Transportation or the Illinois Toll Highway Authority.

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

14 (vv) Written communications and attachments in their
15 entirety pertaining to a current or former student that
16 were sent between an educational institution and the
17 student or between an educational institution and the
18 student's parent or guardian. This paragraph does not
19 apply when the requester is entitled to access the record
20 under the Illinois School Student Records Act or the
21 federal Family Educational Rights and Privacy Act.

22 (1.5) Any information exempt from disclosure under the
23 Judicial Privacy Act shall be redacted from public records
24 prior to disclosure under this Act.

25 (1.6) Any information exempt from disclosure under the
26 Public Official Safety and Privacy Act shall be redacted from

1 public records prior to disclosure under this Act.

2 (1.7) Any information exempt from disclosure under
3 paragraph (3.5) of Section 9-15 of the Election Code shall be
4 redacted from public records prior to disclosure under this
5 Act.

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

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

17 (Source: P.A. 103-154, eff. 6-30-23; 103-423, eff. 1-1-24;
18 103-446, eff. 8-4-23; 103-462, eff. 8-4-23; 103-540, eff.
19 1-1-24; 103-554, eff. 1-1-24; 103-605, eff. 7-1-24; 103-865,
20 eff. 1-1-25; 104-300, eff. 1-1-27; 104-438, eff. 1-1-26;
21 104-443, eff. 1-1-26; revised 1-7-26.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.