



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4822**

by Rep. Brad Halbrook

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7.5

Creates the Local Government Electronic Notification Act. Allows a unit of local government to establish a process to allow people to select electronic notifications through an electronic notification delivery system for governmental mailings that are being sent by United States mail. Sets forth requirements for the process. Allows a unit of local government to utilize the electronic notification delivery system to notify people of information that is not statutorily required upon request of an electronic notification recipient. Provides that electronic notifications sent by a unit of local government through an electronic notification delivery system and email addresses provided to receive the electronic notifications regarding one's property or residence are not subject to the Freedom of Information Act. Provides that a unit of local government may enter into an intergovernmental agreement with another unit of local government to provide the electronic notifications and to share data for that purpose.

LRB100 16401 AMC 35884 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the Local  
5 Government Electronic Notification Act.

6 Section 5. Purpose and construction.

7 (a) This Act is intended to facilitate communication from  
8 units of local government to residents and taxpayers.

9 (b) The General Assembly finds the following:

10 (1) Illinois law requires notification by United  
11 States mail to interested parties in many circumstances.

12 (2) Many Illinois residents and taxpayers desire to  
13 receive notifications electronically for ease, speed,  
14 efficiency, security, and accountability.

15 (3) Electronic communications can be less expensive  
16 while providing a greater service to taxpayers and  
17 residents.

18 (4) No resident or taxpayer should ever be required to  
19 receive electronically any notifications that are  
20 currently required to be sent out by United States mail.

21 Section 10. Definitions.

22 (a) As used in this Act:

1 "Electronic notification delivery system" means a computer  
2 program that notifies interested parties of a unit of local  
3 government's action and that may have features that confirm  
4 physical addresses and email addresses, confirm ownership, and  
5 confirm receipt of an electronic notification.

6 "Electronic notification recipient" means a person who  
7 affirmatively informs a unit of local government that he or she  
8 would like to receive electronically a notification that would  
9 have been sent by the unit of local government via United  
10 States mail.

11 (b) For the purposes of this Act, an identity is confirmed  
12 if:

13 (1) the electronic notification recipient provides a  
14 birthdate and Social Security number that can be matched  
15 with the records of the Secretary of State or the county  
16 clerk;

17 (2) a mailing sent by United States mail to the  
18 electronic notification recipient is responded to  
19 digitally with a unique code;

20 (3) the electronic notification recipient uses a  
21 digital signature as defined in the Electronic Commerce  
22 Security Act; or

23 (4) the electronic notification recipient signs up in  
24 person with the unit of local government and provides a  
25 government-issued identification.

26 (c) For the purposes of this Act, a physical address of an

1 electronic notification recipient is confirmed if the  
2 electronic notification recipient's address is matched with  
3 the records of the Secretary of State and an email address of  
4 an electronic notification recipient is confirmed when an email  
5 to that email address has been delivered and affirmatively  
6 responded to in a way that can be tracked by the electronic  
7 notification delivery system.

8 (d) For the purposes of this Act, an electronic  
9 notification recipient's ownership is confirmed if his or her  
10 name is matched with the records of the county recorder of  
11 deeds.

12 (e) For the purposes of this Act, the receipt of an  
13 electronic notification is confirmed if an electronic  
14 notification recipient:

- 15 (1) responds to the electronic notification; or  
16 (2) reads the electronic notification in an electronic  
17 notification delivery system that is able to track that an  
18 email has been opened.

19 Section 15. Electronic notification system. A unit of local  
20 government may establish a process to allow people to select  
21 electronic notifications through an electronic notification  
22 delivery system for governmental mailings that are being sent  
23 by United States mail. Any process established for this  
24 purpose:

- 25 (1) must not require all notifications from the unit of

1 local government be electronic and must allow people to opt  
2 in or opt out for specific types of mailings;

3 (2) must include a mechanism for confirming the  
4 identity of individuals opting in for statutorily required  
5 notifications;

6 (3) must include a mechanism to confirm ownership of  
7 property where the statutory notification requirement is  
8 based on ownership;

9 (4) must present to the submitter, prior to completion  
10 of the application to receive electronic notifications, a  
11 message in substantially the following form:

12 "By completing this form, I understand that I have  
13 agreed to be notified via email or other electronic  
14 means regarding those governmental notifications that  
15 I have selected. I understand that, regarding those  
16 issues for which I have selected electronic  
17 notification, I will possibly not receive  
18 notifications through the United States mail. I  
19 understand that any unit of local government may  
20 rescind this agreement by electronic notification and  
21 that any unit of local government may also notify me  
22 regarding any issue through the United States mail if  
23 it desires in addition to the electronic notification I  
24 have selected."; and

25 (5) must allow an electronic notification recipient to  
26 rescind his or her electronic notification request either

1 through the mail or electronically.

2 Section 20. Freedom of Information Act. Electronic  
3 notifications sent by a unit of local government through an  
4 electronic notification delivery system under this Act and  
5 email addresses provided to receive the electronic  
6 notifications regarding one's property or residence are not  
7 subject to disclosure under the Freedom of Information Act.

8 Section 25. Ancillary uses. Upon request of an electronic  
9 notification recipient, a unit of local government may utilize  
10 the electronic notification delivery system to notify people of  
11 information that is not statutorily required.

12 Section 30. Intergovernmental cooperation. A unit of local  
13 government may enter into an intergovernmental agreement with  
14 another unit of local government to provide electronic  
15 notifications as provided in this Act and to share data for  
16 that purpose.

17 Section 90. The Freedom of Information Act is amended by  
18 changing Section 7.5 as follows:

19 (5 ILCS 140/7.5)

20 (Text of Section before amendment by P.A. 100-512 and  
21 100-517)

1           Sec. 7.5. Statutory exemptions. To the extent provided for  
2 by the statutes referenced below, the following shall be exempt  
3 from inspection and copying:

4           (a) All information determined to be confidential  
5 under Section 4002 of the Technology Advancement and  
6 Development Act.

7           (b) Library circulation and order records identifying  
8 library users with specific materials under the Library  
9 Records Confidentiality Act.

10          (c) Applications, related documents, and medical  
11 records received by the Experimental Organ Transplantation  
12 Procedures Board and any and all documents or other records  
13 prepared by the Experimental Organ Transplantation  
14 Procedures Board or its staff relating to applications it  
15 has received.

16          (d) Information and records held by the Department of  
17 Public Health and its authorized representatives relating  
18 to known or suspected cases of sexually transmissible  
19 disease or any information the disclosure of which is  
20 restricted under the Illinois Sexually Transmissible  
21 Disease Control Act.

22          (e) Information the disclosure of which is exempted  
23 under Section 30 of the Radon Industry Licensing Act.

24          (f) Firm performance evaluations under Section 55 of  
25 the Architectural, Engineering, and Land Surveying  
26 Qualifications Based Selection Act.

1 (g) Information the disclosure of which is restricted  
2 and exempted under Section 50 of the Illinois Prepaid  
3 Tuition Act.

4 (h) Information the disclosure of which is exempted  
5 under the State Officials and Employees Ethics Act, and  
6 records of any lawfully created State or local inspector  
7 general's office that would be exempt if created or  
8 obtained by an Executive Inspector General's office under  
9 that Act.

10 (i) Information contained in a local emergency energy  
11 plan submitted to a municipality in accordance with a local  
12 emergency energy plan ordinance that is adopted under  
13 Section 11-21.5-5 of the Illinois Municipal Code.

14 (j) Information and data concerning the distribution  
15 of surcharge moneys collected and remitted by carriers  
16 under the Emergency Telephone System Act.

17 (k) Law enforcement officer identification information  
18 or driver identification information compiled by a law  
19 enforcement agency or the Department of Transportation  
20 under Section 11-212 of the Illinois Vehicle Code.

21 (l) Records and information provided to a residential  
22 health care facility resident sexual assault and death  
23 review team or the Executive Council under the Abuse  
24 Prevention Review Team Act.

25 (m) Information provided to the predatory lending  
26 database created pursuant to Article 3 of the Residential



1 Real Property Disclosure Act, except to the extent  
2 authorized under that Article.

3 (n) Defense budgets and petitions for certification of  
4 compensation and expenses for court appointed trial  
5 counsel as provided under Sections 10 and 15 of the Capital  
6 Crimes Litigation Act. This subsection (n) shall apply  
7 until the conclusion of the trial of the case, even if the  
8 prosecution chooses not to pursue the death penalty prior  
9 to trial or sentencing.

10 (o) Information that is prohibited from being  
11 disclosed under Section 4 of the Illinois Health and  
12 Hazardous Substances Registry Act.

13 (p) Security portions of system safety program plans,  
14 investigation reports, surveys, schedules, lists, data, or  
15 information compiled, collected, or prepared by or for the  
16 Regional Transportation Authority under Section 2.11 of  
17 the Regional Transportation Authority Act or the St. Clair  
18 County Transit District under the Bi-State Transit Safety  
19 Act.

20 (q) Information prohibited from being disclosed by the  
21 Personnel Records Review Act.

22 (r) Information prohibited from being disclosed by the  
23 Illinois School Student Records Act.

24 (s) Information the disclosure of which is restricted  
25 under Section 5-108 of the Public Utilities Act.

26 (t) All identified or deidentified health information

1 in the form of health data or medical records contained in,  
2 stored in, submitted to, transferred by, or released from  
3 the Illinois Health Information Exchange, and identified  
4 or deidentified health information in the form of health  
5 data and medical records of the Illinois Health Information  
6 Exchange in the possession of the Illinois Health  
7 Information Exchange Authority due to its administration  
8 of the Illinois Health Information Exchange. The terms  
9 "identified" and "deidentified" shall be given the same  
10 meaning as in the Health Insurance Portability and  
11 Accountability Act of 1996, Public Law 104-191, or any  
12 subsequent amendments thereto, and any regulations  
13 promulgated thereunder.

14 (u) Records and information provided to an independent  
15 team of experts under Brian's Law.

16 (v) Names and information of people who have applied  
17 for or received Firearm Owner's Identification Cards under  
18 the Firearm Owners Identification Card Act or applied for  
19 or received a concealed carry license under the Firearm  
20 Concealed Carry Act, unless otherwise authorized by the  
21 Firearm Concealed Carry Act; and databases under the  
22 Firearm Concealed Carry Act, records of the Concealed Carry  
23 Licensing Review Board under the Firearm Concealed Carry  
24 Act, and law enforcement agency objections under the  
25 Firearm Concealed Carry Act.

26 (w) Personally identifiable information which is

1           exempted from disclosure under subsection (g) of Section  
2           19.1 of the Toll Highway Act.

3           (x) Information which is exempted from disclosure  
4           under Section 5-1014.3 of the Counties Code or Section  
5           8-11-21 of the Illinois Municipal Code.

6           (y) Confidential information under the Adult  
7           Protective Services Act and its predecessor enabling  
8           statute, the Elder Abuse and Neglect Act, including  
9           information about the identity and administrative finding  
10          against any caregiver of a verified and substantiated  
11          decision of abuse, neglect, or financial exploitation of an  
12          eligible adult maintained in the Registry established  
13          under Section 7.5 of the Adult Protective Services Act.

14          (z) Records and information provided to a fatality  
15          review team or the Illinois Fatality Review Team Advisory  
16          Council under Section 15 of the Adult Protective Services  
17          Act.

18          (aa) Information which is exempted from disclosure  
19          under Section 2.37 of the Wildlife Code.

20          (bb) Information which is or was prohibited from  
21          disclosure by the Juvenile Court Act of 1987.

22          (cc) Recordings made under the Law Enforcement  
23          Officer-Worn Body Camera Act, except to the extent  
24          authorized under that Act.

25          (dd) Information that is prohibited from being  
26          disclosed under Section 45 of the Condominium and Common

1 Interest Community Ombudsperson Act.

2 (ee) Information that is exempted from disclosure  
3 under Section 30.1 of the Pharmacy Practice Act.

4 (ff) Information that is exempted from disclosure  
5 under the Revised Uniform Unclaimed Property Act.

6 (gg) ~~(ff)~~ Information that is prohibited from being  
7 disclosed under Section 7-603.5 of the Illinois Vehicle  
8 Code.

9 (hh) ~~(ff)~~ Records that are exempt from disclosure under  
10 Section 1A-16.7 of the Election Code.

11 (ii) ~~(ff)~~ Information which is exempted from  
12 disclosure under Section 2505-800 of the Department of  
13 Revenue Law of the Civil Administrative Code of Illinois.

14 (ll) Information prohibited from disclosure under  
15 Section 20 of the Local Government Electronic Notification  
16 Act.

17 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
18 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
19 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
20 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
21 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

22 (Text of Section after amendment by P.A. 100-517 but before  
23 amendment by P.A. 100-512)

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23 (m) Information provided to the predatory lending  
24 database created pursuant to Article 3 of the Residential  
25 Real Property Disclosure Act, except to the extent  
26 authorized under that Article.

1           (n) Defense budgets and petitions for certification of  
2           compensation and expenses for court appointed trial  
3           counsel as provided under Sections 10 and 15 of the Capital  
4           Crimes Litigation Act. This subsection (n) shall apply  
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14          Regional Transportation Authority under Section 2.11 of  
15          the Regional Transportation Authority Act or the St. Clair  
16          County Transit District under the Bi-State Transit Safety  
17          Act.

18          (q) Information prohibited from being disclosed by the  
19          Personnel Records Review Act.

20          (r) Information prohibited from being disclosed by the  
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12 (u) Records and information provided to an independent  
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14 (v) Names and information of people who have applied  
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16 the Firearm Owners Identification Card Act or applied for  
17 or received a concealed carry license under the Firearm  
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19 Firearm Concealed Carry Act; and databases under the  
20 Firearm Concealed Carry Act, records of the Concealed Carry  
21 Licensing Review Board under the Firearm Concealed Carry  
22 Act, and law enforcement agency objections under the  
23 Firearm Concealed Carry Act.

24 (w) Personally identifiable information which is  
25 exempted from disclosure under subsection (g) of Section  
26 19.1 of the Toll Highway Act.



1           (x) Information which is exempted from disclosure  
2           under Section 5-1014.3 of the Counties Code or Section  
3           8-11-21 of the Illinois Municipal Code.

4           (y) Confidential information under the Adult  
5           Protective Services Act and its predecessor enabling  
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9 (ii) ~~(ff)~~ Information which is exempted from  
10 disclosure under Section 2505-800 of the Department of  
11 Revenue Law of the Civil Administrative Code of Illinois.

12 (jj) ~~(ff)~~ Information and reports that are required to  
13 be submitted to the Department of Labor by registering day  
14 and temporary labor service agencies but are exempt from  
15 disclosure under subsection (a-1) of Section 45 of the Day  
16 and Temporary Labor Services Act.

17 (ll) Information prohibited from disclosure under  
18 Section 20 of the Local Government Electronic Notification  
19 Act.

20 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
21 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
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21          (bb) Information which is or was prohibited from  
22          disclosure by the Juvenile Court Act of 1987.

23          (cc) Recordings made under the Law Enforcement  
24          Officer-Worn Body Camera Act, except to the extent  
25          authorized under that Act.

26          (dd) Information that is prohibited from being

1 disclosed under Section 45 of the Condominium and Common  
2 Interest Community Ombudsperson Act.

3 (ee) Information that is exempted from disclosure  
4 under Section 30.1 of the Pharmacy Practice Act.

5 (ff) Information that is exempted from disclosure  
6 under the Revised Uniform Unclaimed Property Act.

7 (gg) ~~(ff)~~ Information that is prohibited from being  
8 disclosed under Section 7-603.5 of the Illinois Vehicle  
9 Code.

10 (hh) ~~(ff)~~ Records that are exempt from disclosure under  
11 Section 1A-16.7 of the Election Code.

12 (ii) ~~(ff)~~ Information which is exempted from  
13 disclosure under Section 2505-800 of the Department of  
14 Revenue Law of the Civil Administrative Code of Illinois.

15 (jj) ~~(ff)~~ Information and reports that are required to  
16 be submitted to the Department of Labor by registering day  
17 and temporary labor service agencies but are exempt from  
18 disclosure under subsection (a-1) of Section 45 of the Day  
19 and Temporary Labor Services Act.

20 (kk) ~~(ff)~~ Information prohibited from disclosure under  
21 the Seizure and Forfeiture Reporting Act.

22 (ll) Information prohibited from disclosure under  
23 Section 20 of the Local Government Electronic Notification  
24 Act.

25 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
26 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;



1 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
2 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
3 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
4 eff. 6-1-18; revised 11-2-17.)

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