

SB3138



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3138

Introduced 2/15/2018, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
110 ILCS 947/70

Amends the Higher Education Student Assistance Act. Provides that the identity and address of a scholarship, grant, or financial assistance applicant or recipient under the Act is private information and is exempt from inspection and copying under the Freedom of Information Act. Makes conforming changes in the Freedom of Information Act. Effective immediately.

LRB100 19604 AXK 34876 b

A BILL FOR

1 AN ACT concerning education.

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 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 100-512 and
8 100-517)

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

12 (a) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (b) Library circulation and order records identifying
16 library users with specific materials under the Library
17 Records Confidentiality Act.

18 (c) Applications, related documents, and medical
19 records received by the Experimental Organ Transplantation
20 Procedures Board and any and all documents or other records
21 prepared by the Experimental Organ Transplantation
22 Procedures Board or its staff relating to applications it
23 has received.

1 (d) Information and records held by the Department of
2 Public Health and its authorized representatives relating
3 to known or suspected cases of sexually transmissible
4 disease or any information the disclosure of which is
5 restricted under the Illinois Sexually Transmissible
6 Disease Control Act.

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

9 (f) Firm performance evaluations under Section 55 of
10 the Architectural, Engineering, and Land Surveying
11 Qualifications Based Selection Act.

12 (g) Information the disclosure of which is restricted
13 and exempted under Section 50 of the Illinois Prepaid
14 Tuition Act.

15 (h) Information the disclosure of which is exempted
16 under the State Officials and Employees Ethics Act, and
17 records of any lawfully created State or local inspector
18 general's office that would be exempt if created or
19 obtained by an Executive Inspector General's office under
20 that Act.

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

25 (j) Information and data concerning the distribution
26 of surcharge moneys collected and remitted by carriers

1 under the Emergency Telephone System Act.

2 (k) Law enforcement officer identification information
3 or driver identification information compiled by a law
4 enforcement agency or the Department of Transportation
5 under Section 11-212 of the Illinois Vehicle Code.

6 (l) Records and information provided to a residential
7 health care facility resident sexual assault and death
8 review team or the Executive Council under the Abuse
9 Prevention Review Team Act.

10 (m) Information provided to the predatory lending
11 database created pursuant to Article 3 of the Residential
12 Real Property Disclosure Act, except to the extent
13 authorized under that Article.

14 (n) Defense budgets and petitions for certification of
15 compensation and expenses for court appointed trial
16 counsel as provided under Sections 10 and 15 of the Capital
17 Crimes Litigation Act. This subsection (n) shall apply
18 until the conclusion of the trial of the case, even if the
19 prosecution chooses not to pursue the death penalty prior
20 to trial or sentencing.

21 (o) Information that is prohibited from being
22 disclosed under Section 4 of the Illinois Health and
23 Hazardous Substances Registry Act.

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of
2 the Regional Transportation Authority Act or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act.

5 (q) Information prohibited from being disclosed by the
6 Personnel Records Review Act.

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

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

11 (t) All identified or deidentified health information
12 in the form of health data or medical records contained in,
13 stored in, submitted to, transferred by, or released from
14 the Illinois Health Information Exchange, and identified
15 or deidentified health information in the form of health
16 data and medical records of the Illinois Health Information
17 Exchange in the possession of the Illinois Health
18 Information Exchange Authority due to its administration
19 of the Illinois Health Information Exchange. The terms
20 "identified" and "deidentified" shall be given the same
21 meaning as in the Health Insurance Portability and
22 Accountability Act of 1996, Public Law 104-191, or any
23 subsequent amendments thereto, and any regulations
24 promulgated thereunder.

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

1 (v) Names and information of people who have applied
2 for or received Firearm Owner's Identification Cards under
3 the Firearm Owners Identification Card Act or applied for
4 or received a concealed carry license under the Firearm
5 Concealed Carry Act, unless otherwise authorized by the
6 Firearm Concealed Carry Act; and databases under the
7 Firearm Concealed Carry Act, records of the Concealed Carry
8 Licensing Review Board under the Firearm Concealed Carry
9 Act, and law enforcement agency objections under the
10 Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of an
23 eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

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

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

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

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

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

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

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

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

25 (ll) Information that is exempt from disclosure under
26 Section 70 of the Higher Education Student Assistance Act.

1 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
2 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
3 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
4 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
5 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

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

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

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other records
20 prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of
24 Public Health and its authorized representatives relating
25 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmissible
3 Disease Control Act.

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

6 (f) Firm performance evaluations under Section 55 of
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted
10 and exempted under Section 50 of the Illinois Prepaid
11 Tuition Act.

12 (h) Information the disclosure of which is exempted
13 under the State Officials and Employees Ethics Act, and
14 records of any lawfully created State or local inspector
15 general's office that would be exempt if created or
16 obtained by an Executive Inspector General's office under
17 that Act.

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

22 (j) Information and data concerning the distribution
23 of surcharge moneys collected and remitted by carriers
24 under the Emergency Telephone System Act.

25 (k) Law enforcement officer identification information
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation
2 under Section 11-212 of the Illinois Vehicle Code.

3 (l) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Executive Council under the Abuse
6 Prevention Review Team Act.

7 (m) Information provided to the predatory lending
8 database created pursuant to Article 3 of the Residential
9 Real Property Disclosure Act, except to the extent
10 authorized under that Article.

11 (n) Defense budgets and petitions for certification of
12 compensation and expenses for court appointed trial
13 counsel as provided under Sections 10 and 15 of the Capital
14 Crimes Litigation Act. This subsection (n) shall apply
15 until the conclusion of the trial of the case, even if the
16 prosecution chooses not to pursue the death penalty prior
17 to trial or sentencing.

18 (o) Information that is prohibited from being
19 disclosed under Section 4 of the Illinois Health and
20 Hazardous Substances Registry Act.

21 (p) Security portions of system safety program plans,
22 investigation reports, surveys, schedules, lists, data, or
23 information compiled, collected, or prepared by or for the
24 Regional Transportation Authority under Section 2.11 of
25 the Regional Transportation Authority Act or the St. Clair
26 County Transit District under the Bi-State Transit Safety

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2 (q) Information prohibited from being disclosed by the
3 Personnel Records Review Act.

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

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

8 (t) All identified or deidentified health information
9 in the form of health data or medical records contained in,
10 stored in, submitted to, transferred by, or released from
11 the Illinois Health Information Exchange, and identified
12 or deidentified health information in the form of health
13 data and medical records of the Illinois Health Information
14 Exchange in the possession of the Illinois Health
15 Information Exchange Authority due to its administration
16 of the Illinois Health Information Exchange. The terms
17 "identified" and "deidentified" shall be given the same
18 meaning as in the Health Insurance Portability and
19 Accountability Act of 1996, Public Law 104-191, or any
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25 for or received Firearm Owner's Identification Cards under
26 the Firearm Owners Identification Card Act or applied for

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3 Firearm Concealed Carry Act; and databases under the
4 Firearm Concealed Carry Act, records of the Concealed Carry
5 Licensing Review Board under the Firearm Concealed Carry
6 Act, and law enforcement agency objections under the
7 Firearm Concealed Carry Act.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure
12 under Section 5-1014.3 of the Counties Code or Section
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16 statute, the Elder Abuse and Neglect Act, including
17 information about the identity and administrative finding
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4 (cc) Recordings made under the Law Enforcement
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7 (dd) Information that is prohibited from being
8 disclosed under Section 45 of the Condominium and Common
9 Interest Community Ombudsperson Act.

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

12 (ff) Information that is exempted from disclosure
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14 (gg) ~~(ff)~~ Information that is prohibited from being
15 disclosed under Section 7-603.5 of the Illinois Vehicle
16 Code.

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

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

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

1 (11) Information that is exempt from disclosure under
2 Section 70 of the Higher Education Student Assistance Act.
3 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
4 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
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23 Revenue Law of the Civil Administrative Code of Illinois.

24 (jj) ~~(ff)~~ Information and reports that are required to
25 be submitted to the Department of Labor by registering day
26 and temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

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

5 (ll) Information that is exempt from disclosure under
6 Section 70 of the Higher Education Student Assistance Act.

7 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
8 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
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10 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
11 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
12 eff. 6-1-18; revised 11-2-17.)

13 Section 10. The Higher Education Student Assistance Act is
14 amended by changing Section 70 as follows:

15 (110 ILCS 947/70)

16 Sec. 70. Administration of scholarship and grant programs.

17 (a) An applicant to whom the Commission has awarded a
18 scholarship or grant under this Act may apply for enrollment as
19 a student in any qualified institution of higher learning. The
20 institution is not required to accept the applicant for
21 enrollment, but is free to exact compliance with its own
22 admissions requirements, standards, and policies. The
23 institution may receive the payments of tuition and other
24 necessary fees provided by the scholarship or grant, for credit

1 against the student's obligation for such tuition and fees, and
2 for no other purpose, and shall be contractually obligated:

3 (1) to provide facilities and instruction to the
4 student on the same terms as to other students generally;

5 (2) to provide the notices and information described in
6 this Act; and to maintain records and documents which
7 demonstrate the eligibility of the students for whom
8 scholarships and grants are claimed.

9 (b) If, in the course of any academic period, any student
10 enrolled in any institution pursuant to a scholarship or grant
11 awarded under this Act for any reason ceases to be a student in
12 good standing, the institution shall promptly give written
13 notice to the Commission concerning that change of status and
14 the reason therefor. For purposes of this Section, a student
15 does not cease to be a student in good standing merely because
16 he or she is not classified as a full-time student.

17 (c) A student to whom a renewal scholarship or grant has
18 been awarded may either re-enroll in the institution which he
19 or she attended during the preceding year, or enroll in any
20 other qualified institution of higher learning; and in either
21 event, the institution accepting the student for enrollment or
22 re-enrollment shall notify the Commission of that acceptance
23 and may receive payments and shall be contractually obligated
24 as provided with respect to a first-year scholarship or grant.

25 (d) The Commission shall administer the scholarship and
26 grant accounts and related records of each student who is

1 attending an institution of higher learning under financial
2 assistance awarded pursuant to this Act, and at each proper
3 time shall certify to the State Comptroller, in the manner
4 prescribed by law, the current payment to be made to the
5 institution on account of such financial assistance, in
6 accordance with an appropriate certificate from the
7 institution. The Commission may require the participating
8 institution of higher learning to perform specific eligibility
9 evaluation procedures as a condition of participation.

10 (e) The Commission shall conduct on-site audits of
11 educational institutions participating in Commission
12 administered programs. When institutions have claimed and
13 received funds on behalf of ineligible recipients, the
14 Commission may adjust subsequent institutional payments to
15 recover those funds.

16 (f) The Commission may, upon the request of any institution
17 which received payment for scholarship and grant awards for
18 each of the last 5 years, certify to the Comptroller an advance
19 payment for the current term to be made to the institution on
20 account of such financial assistance in an amount not to exceed
21 75% of announced awards for the institution for such financial
22 assistance for the current term, adjusted for attrition over
23 the last 5 years. For the purposes of this Section, "attrition"
24 is the number of announced award winners enrolled on the 10th
25 class day as a percentage of the total announced awards. The
26 request for an advance payment for the current term shall not

1 be submitted until 10 class days after the last day for
2 registration for that term. Upon appropriate certification
3 from the institution presented for each payment period, after
4 the standard tuition and mandatory fees have been established
5 for all students for the term of payment and the award
6 recipient has enrolled, the Commission shall certify to the
7 State Comptroller the balance of the current payment to be made
8 to the institution on account of such financial assistance. If
9 an advance payment received by an institution exceeds the
10 payment to which that institution is entitled, the Commission
11 shall reduce subsequent payments to that institution for later
12 terms within the same academic year as the overpayment by an
13 amount equal to the overpayment; if the reduction cannot be
14 made, the institution shall refund the overpayment to the
15 Commission. The Commission may deny or reduce the advance
16 payment provided to any institution under this Section if it
17 has reason to believe that the advance payment for the current
18 term may exceed the full payment the institution is entitled to
19 receive for such assistance for that term.

20 (g) The identity and address of a scholarship, grant, or
21 financial assistance applicant or recipient under the Act is
22 private information and is exempt from inspection and copying
23 under the Freedom of Information Act.

24 (Source: P.A. 92-713, eff. 7-23-02.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.