

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) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public  
9 record that contains information that is exempt from disclosure  
10 under this Section, but also contains information that is not  
11 exempt from disclosure, the public body may elect to redact the  
12 information that is exempt. The public body shall make the  
13 remaining information available for inspection and copying.  
14 Subject to this requirement, the following shall be exempt from  
15 inspection and copying:

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

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

22 (b-5) Files, documents, and other data or databases  
23 maintained by one or more law enforcement agencies and

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

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

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

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

25 (ii) interfere with active administrative  
26 enforcement proceedings conducted by the public body

1           that is the recipient of the request;

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

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

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

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

26           (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

2 (d-5) A law enforcement record created for law  
3 enforcement purposes and contained in a shared electronic  
4 record management system if the law enforcement agency that  
5 is the recipient of the request did not create the record,  
6 did not participate in or have a role in any of the events  
7 which are the subject of the record, and only has access to  
8 the record through the shared electronic record management  
9 system.

10 (d-6) A law enforcement record that is: (i) created by  
11 a law enforcement agency other than the law enforcement  
12 agency that is the recipient of the request; and (ii)  
13 attached as an exhibit to a law enforcement record created  
14 by the law enforcement agency that is the recipient of the  
15 request, if the law enforcement agency notifies the  
16 requester of the additional law enforcement records  
17 available from different law enforcement agencies and the  
18 law enforcement agencies the requester may contact to  
19 obtain records not produced by the law enforcement agency  
20 that is the recipient of the request.

21 (e) Records that relate to or affect the security of  
22 correctional institutions and detention facilities.

23 (e-5) Records requested by persons committed to the  
24 Department of Corrections, Department of Human Services  
25 Division of Mental Health, or a county jail if those  
26 materials are available in the library of the correctional

1 institution or facility or jail where the inmate is  
2 confined.

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

9 (e-7) Records requested by persons committed to the  
10 Department of Corrections or Department of Human Services  
11 Division of Mental Health if those materials are available  
12 through an administrative request to the Department of  
13 Corrections or Department of Human Services Division of  
14 Mental Health.

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

21 (e-9) Records requested by a person in a county jail or  
22 committed to the Department of Corrections or Department of  
23 Human Services Division of Mental Health, containing  
24 personal information pertaining to the person's victim or  
25 the victim's family, including, but not limited to, a  
26 victim's home address, home telephone number, work or

1 school address, work telephone number, social security  
2 number, or any other identifying information, except as may  
3 be relevant to a requester's current or potential case or  
4 claim.

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

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

21 (g) Trade secrets and commercial or financial  
22 information obtained from a person or business where the  
23 trade secrets or commercial or financial information are  
24 furnished under a claim that they are proprietary,  
25 privileged or confidential, and that disclosure of the  
26 trade secrets or commercial or financial information would

1 cause competitive harm to the person or business, and only  
2 insofar as the claim directly applies to the records  
3 requested.

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

19 Nothing contained in this paragraph (g) shall be  
20 construed to prevent a person or business from consenting  
21 to disclosure.

22 (h) Proposals and bids for any contract, grant, or  
23 agreement, including information which if it were  
24 disclosed would frustrate procurement or give an advantage  
25 to any person proposing to enter into a contractor  
26 agreement with the body, until an award or final selection

1 is made. Information prepared by or for the body in  
2 preparation of a bid solicitation shall be exempt until an  
3 award or final selection is made.

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

15 (j) The following information pertaining to  
16 educational matters:

17 (i) test questions, scoring keys and other  
18 examination data used to administer an academic  
19 examination;

20 (ii) information received by a primary or  
21 secondary school, college, or university under its  
22 procedures for the evaluation of faculty members by  
23 their academic peers;

24 (iii) information concerning a school or  
25 university's adjudication of student disciplinary  
26 cases, but only to the extent that disclosure would



1           unavoidably reveal the identity of the student; and  
2           (iv) course materials or research materials used  
3           by faculty members.

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

16          (l) Minutes of meetings of public bodies closed to the  
17          public as provided in the Open Meetings Act until the  
18          public body makes the minutes available to the public under  
19          Section 2.06 of the Open Meetings Act.

20          (m) Communications between a public body and an  
21          attorney or auditor representing the public body that would  
22          not be subject to discovery in litigation, and materials  
23          prepared or compiled by or for a public body in  
24          anticipation of a criminal, civil or administrative  
25          proceeding upon the request of an attorney advising the  
26          public body, and materials prepared or compiled with

1           respect to internal audits of public bodies.

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

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

16          (p) Records relating to collective negotiating matters  
17          between public bodies and their employees or  
18          representatives, except that any final contract or  
19          agreement shall be subject to inspection and copying.

20          (q) Test questions, scoring keys, and other  
21          examination data used to determine the qualifications of an  
22          applicant for a license or employment.

23          (r) The records, documents, and information relating  
24          to real estate purchase negotiations until those  
25          negotiations have been completed or otherwise terminated.  
26          With regard to a parcel involved in a pending or actually

1 and reasonably contemplated eminent domain proceeding  
2 under the Eminent Domain Act, records, documents and  
3 information relating to that parcel shall be exempt except  
4 as may be allowed under discovery rules adopted by the  
5 Illinois Supreme Court. The records, documents and  
6 information relating to a real estate sale shall be exempt  
7 until a sale is consummated.

8 (s) Any and all proprietary information and records  
9 related to the operation of an intergovernmental risk  
10 management association or self-insurance pool or jointly  
11 self-administered health and accident cooperative or pool.  
12 Insurance or self insurance (including any  
13 intergovernmental risk management association or self  
14 insurance pool) claims, loss or risk management  
15 information, records, data, advice or communications.

16 (t) Information contained in or related to  
17 examination, operating, or condition reports prepared by,  
18 on behalf of, or for the use of a public body responsible  
19 for the regulation or supervision of financial  
20 institutions or insurance companies, unless disclosure is  
21 otherwise required by State law.

22 (u) Information that would disclose or might lead to  
23 the disclosure of secret or confidential information,  
24 codes, algorithms, programs, or private keys intended to be  
25 used to create electronic or digital signatures under the  
26 Electronic Commerce Security Act.

1           (v) Vulnerability assessments, security measures, and  
2           response policies or plans that are designed to identify,  
3           prevent, or respond to potential attacks upon a community's  
4           population or systems, facilities, or installations, the  
5           destruction or contamination of which would constitute a  
6           clear and present danger to the health or safety of the  
7           community, but only to the extent that disclosure could  
8           reasonably be expected to jeopardize the effectiveness of  
9           the measures or the safety of the personnel who implement  
10          them or the public. Information exempt under this item may  
11          include such things as details pertaining to the  
12          mobilization or deployment of personnel or equipment, to  
13          the operation of communication systems or protocols, or to  
14          tactical operations.

15          (w) (Blank).

16          (x) Maps and other records regarding the location or  
17          security of generation, transmission, distribution,  
18          storage, gathering, treatment, or switching facilities  
19          owned by a utility, by a power generator, or by the  
20          Illinois Power Agency.

21          (y) Information contained in or related to proposals,  
22          bids, or negotiations related to electric power  
23          procurement under Section 1-75 of the Illinois Power Agency  
24          Act and Section 16-111.5 of the Public Utilities Act that  
25          is determined to be confidential and proprietary by the  
26          Illinois Power Agency or by the Illinois Commerce

1 Commission.

2 (z) Information about students exempted from  
3 disclosure under Sections 10-20.38 or 34-18.29 of the  
4 School Code, and information about undergraduate students  
5 enrolled at an institution of higher education exempted  
6 from disclosure under Section 25 of the Illinois Credit  
7 Card Marketing Act of 2009.

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

10 (bb) Records and information provided to a mortality  
11 review team and records maintained by a mortality review  
12 team appointed under the Department of Juvenile Justice  
13 Mortality Review Team Act.

14 (cc) Information regarding interments, entombments, or  
15 inurnments of human remains that are submitted to the  
16 Cemetery Oversight Database under the Cemetery Care Act or  
17 the Cemetery Oversight Act, whichever is applicable.

18 (dd) Correspondence and records (i) that may not be  
19 disclosed under Section 11-9 of the Illinois Public Aid  
20 Code or (ii) that pertain to appeals under Section 11-8 of  
21 the Illinois Public Aid Code.

22 (ee) The names, addresses, or other personal  
23 information of persons who are minors and are also  
24 participants and registrants in programs of park  
25 districts, forest preserve districts, conservation  
26 districts, recreation agencies, and special recreation

1 associations.

2 (ff) The names, addresses, or other personal  
3 information of participants and registrants in programs of  
4 park districts, forest preserve districts, conservation  
5 districts, recreation agencies, and special recreation  
6 associations where such programs are targeted primarily to  
7 minors.

8 (gg) Confidential information described in Section  
9 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

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

14 (ii) Records requested by persons committed to or  
15 detained by the Department of Human Services under the  
16 Sexually Violent Persons Commitment Act or committed to the  
17 Department of Corrections under the Sexually Dangerous  
18 Persons Act if those materials: (i) are available in the  
19 library of the facility where the individual is confined;  
20 (ii) include records from staff members' personnel files,  
21 staff rosters, or other staffing assignment information;  
22 or (iii) are available through an administrative request to  
23 the Department of Human Services or the Department of  
24 Corrections.

25 (jj) Confidential information described in Section  
26 5-535 of the Civil Administrative Code of Illinois.

1           (1.5) Any information exempt from disclosure under the  
2 Judicial Privacy Act shall be redacted from public records  
3 prior to disclosure under this Act.

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

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

15           (Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642,  
16 eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;  
17 100-732, eff. 8-3-18.)