

1 AN ACT concerning human rights.

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

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

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

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

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

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

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

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

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

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

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

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law  
2 enforcement agency or the Department of Transportation  
3 under Section 11-212 of the Illinois Vehicle Code.

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

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

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

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

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

1 County Transit District under the Bi-State Transit Safety  
2 Act.

3 (q) Information prohibited from being disclosed by the  
4 Personnel Record Review Act.

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

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

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

23 (u) Records and information provided to an independent  
24 team of experts under the Developmental Disability and  
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

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

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

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

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

24 (z) Records and information provided to a fatality  
25 review team or the Illinois Fatality Review Team Advisory  
26 Council under Section 15 of the Adult Protective Services

1 Act.

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

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

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

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

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

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

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

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

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

24 (jj) Information and reports that are required to be  
25 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) Information prohibited from disclosure under the  
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted  
6 and exempted under Section 5-30.8 of the Illinois Public  
7 Aid Code.

8 (mm) Records that are exempt from disclosure under  
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) Information that is exempt from disclosure under  
11 Section 70 of the Higher Education Student Assistance Act.

12 (oo) Communications, notes, records, and reports  
13 arising out of a peer support counseling session  
14 prohibited from disclosure under the First Responders  
15 Suicide Prevention Act.

16 (pp) Names and all identifying information relating to  
17 an employee of an emergency services provider or law  
18 enforcement agency under the First Responders Suicide  
19 Prevention Act.

20 (qq) Information and records held by the Department of  
21 Public Health and its authorized representatives collected  
22 under the Reproductive Health Act.

23 (rr) Information that is exempt from disclosure under  
24 the Cannabis Regulation and Tax Act.

25 (ss) Data reported by an employer to the Department of  
26 Human Rights pursuant to Section 2-108 of the Illinois

1 Human Rights Act.

2 (tt) Recordings made under the Children's Advocacy  
3 Center Act, except to the extent authorized under that  
4 Act.

5 (uu) Information that is exempt from disclosure under  
6 Section 50 of the Sexual Assault Evidence Submission Act.

7 (vv) Information that is exempt from disclosure under  
8 subsections (f) and (j) of Section 5-36 of the Illinois  
9 Public Aid Code.

10 (ww) Information that is exempt from disclosure under  
11 Section 16.8 of the State Treasurer Act.

12 (xx) Information that is exempt from disclosure or  
13 information that shall not be made public under the  
14 Illinois Insurance Code.

15 (yy) Information prohibited from being disclosed under  
16 the Illinois Educational Labor Relations Act.

17 (zz) Information prohibited from being disclosed under  
18 the Illinois Public Labor Relations Act.

19 (aaa) Information prohibited from being disclosed  
20 under Section 1-167 of the Illinois Pension Code.

21 (bbb) Information that is exempt from disclosure under  
22 Section 40 of the Reproductive Health Act.

23 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
24 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
25 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
26 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;

1 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
2 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
3 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
4 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
5 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,  
6 eff. 7-7-20.)

7 Section 10. The Reproductive Health Act is amended by  
8 adding Section 40 as follows:

9 (775 ILCS 55/40 new)

10 Sec. 40. Health care professional privacy.

11 (a) A health care professional who provides  
12 abortion-related care may submit, to any governmental agency,  
13 person, business, or association, a written request that the  
14 governmental agency, person, business, or association refrain  
15 from disclosing any personal information about the health care  
16 professional.

17 A representative from the health care professional's  
18 employer may submit a written request on behalf of the health  
19 care professional, if: (i) the health care professional gives  
20 written consent to the representative; and (ii) the  
21 representative agrees to furnish a copy of that consent when a  
22 written request is made. The representative shall submit the  
23 written request directly to a governmental agency, person,  
24 business or association.

1       A written request is valid if the health care  
2 professional, or representative of the health care  
3 professional's employer, sends a written request directly to a  
4 governmental agency, person, business, or association.

5       (b) The written request shall specify:

6           (1) what personal information of the health care  
7 professional shall be maintained private;

8           (2) if a health care professional wishes to identify a  
9 secondary residence as a home address, the designation of  
10 such; and

11           (3) the identity of any immediate family, and any  
12 personal information of those persons that shall be  
13 excluded to the extent that it could reasonably be  
14 expected to reveal the personal information of the health  
15 care professional.

16       (c) A written request is valid until the health care  
17 professional provides the governmental agency, person,  
18 business, or association with written permission to release  
19 the personal information. Otherwise, a written request from a  
20 health care professional expires on death.

21       (d) If a governmental agency receives a written request  
22 from a health care professional in accordance with subsections  
23 (a) and (b), the governmental agency shall not publicly post  
24 or display publicly available content that includes any  
25 personal information of the health care professional. After  
26 receipt of the request, the governmental agency shall remove

1 any personal information of the health care professional from  
2 the publicly available content within 5 business days, and  
3 shall not publicly post or display the personal information  
4 unless the health care professional has given the governmental  
5 agency written permission to release the personal information  
6 as required under subsection (c). The personal information of  
7 the health care professional is exempt from the Freedom of  
8 Information Act unless the governmental agency receives  
9 consent from the health care professional to make the personal  
10 information available to the public.

11 (e) If a governmental agency fails to comply with a  
12 written request under subsection (d), the health care  
13 professional may bring an action seeking injunctive or  
14 declaratory relief in any court of competent jurisdiction.

15 (f) If a person, business, or association receives a  
16 written request from a health care professional in accordance  
17 with subsections (a) and (b), the person, business, or  
18 association shall refrain from publicly posting or displaying  
19 on the Internet publicly available content that includes the  
20 personal information of a health care professional. After  
21 receipt of a written request, the person, business, or  
22 association: (i) has 72 hours to remove the personal  
23 information from the Internet; (ii) shall ensure that the  
24 personal information of the health care professional is not  
25 made available on any website or subsidiary website controlled  
26 by that person, business, or association; and (iii) shall not

1 transfer the personal information of the health care  
2 professional to any other person, business, or association  
3 through any medium.

4 (g) No person, business, or association shall solicit,  
5 sell, or trade on the Internet any personal information of the  
6 health care professional with the intent to post an imminent  
7 or serious threat to the health and safety of the health care  
8 professional or his or her immediate family.

9 (h) A health care professional whose personal information  
10 is made public as a result of a violation of subsection (f) or  
11 (g) may bring an action seeking injunctive or declaratory  
12 relief in any court of competent jurisdiction. A court shall  
13 award a prevailing health care professional costs and  
14 reasonable attorney's fees.

15 (i) No governmental agency, person, business, or  
16 association shall be found to have violated any provision of  
17 this Section if the health care professional fails to submit a  
18 written request calling for the protection of the personal  
19 information of the health care professional.

20 (j) It is unlawful for any person to knowingly publicly  
21 post on the Internet the personal information of a health care  
22 professional or his or her immediate family if the person  
23 knows that publicly posting the personal information poses an  
24 imminent and serious threat to the health and safety of the  
25 health care professional or his or her immediate family, and  
26 the violation is a proximate cause of bodily injury or death of

1 the health care professional or his or her immediate family  
2 member. A person who violates this subsection is guilty of a  
3 Class 3 felony.

4 (k) It is not a violation of subsection (j) if an employee  
5 of a governmental agency publishes personal information, in  
6 good faith, on the website of the governmental agency in the  
7 ordinary course of carrying out public functions if the  
8 employee complied with the conditions of this Section.

9 (l) This Section and any rules adopted to implement this  
10 Section shall be construed broadly to favor the protection of  
11 the personal information of a health care professional.

12 (m) As used in this Section:

13 "Governmental agency" means all agencies, authorities,  
14 boards, commissions, departments, institutions, offices, and  
15 any other bodies politic and corporate of this State created  
16 by the constitution or statute, whether in the executive,  
17 judicial, or legislative branch; all units and corporate  
18 outgrowths created by executive order of the Governor or any  
19 constitutional officer, by the Supreme Court, or by resolution  
20 of the General Assembly; or agencies, authorities, boards,  
21 commissions, departments, institutions, offices, and any other  
22 bodies politic and corporate of a unit of local government, or  
23 school district.

24 "Home address" means a permanent residence of the health  
25 care professional and any secondary residences affirmatively  
26 identified by the health care professional.

1       "Immediate family" means a spouse, child, parent, or any  
2 blood relative of the health care professional or the spouse  
3 of the health care representative who lives in the same  
4 residence.

5       "Personal information" means a home address, home  
6 telephone number, mobile telephone number, pager number,  
7 personal email address, social security number, federal tax  
8 identification number, checking and savings account numbers,  
9 credit card numbers, marital status, and identity of children  
10 under the age of 18.

11       "Publicly available content" means any written, printed,  
12 or electronic document or record that provides information or  
13 that serves as a document or record maintained, controlled, or  
14 in the possession of a governmental agency that may be  
15 obtained by any person or entity, from the Internet, from a  
16 governmental agency upon request free of charge or for a fee,  
17 or in response to a request under the Freedom of Information  
18 Act.

19       "Publicly post" or "publicly display" means to communicate  
20 to another or otherwise make available to the general public.

21       "Written request" means written notice signed by a health  
22 care professional requesting a governmental agency, person,  
23 business, or association to refrain from posting or displaying  
24 publicly available content that includes the personal  
25 information of the health care professional.