

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 Sections 2 and 7 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" does not
17 include a child death review team or the Illinois Child Death
18 Review Teams Executive Council established under the Child
19 Death Review Team Act, or a regional youth advisory board or
20 the Statewide Youth Advisory Board established under the
21 Department of Children and Family Services Statewide Youth
22 Advisory Board Act.

23 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, electronic communications, recorded
7 information and all other documentary materials pertaining to
8 the transaction of public business, regardless of physical
9 form or characteristics, having been prepared by or for, or
10 having been or being used by, received by, in the possession
11 of, or under the control of any public body.

12 (c-5) "Private information" means unique identifiers,
13 including a person's social security number, driver's license
14 number, employee identification number, biometric identifiers,
15 personal financial information, passwords or other access
16 codes, medical records(including electronic medical records
17 and the information contained within or extracted from an
18 electronic medical records system operated or maintained by a
19 Health Insurance Portability and Accountability Act (HIPAA)
20 covered entity as defined at 45 CFR 160.103, including
21 information that alone or compiled, or under circumstances in
22 which the patient information combined with other information
23 could allow for patient identification, in compliance with
24 State and federal medical privacy laws and regulations,
25 including, but not limited to, HIPAA and its regulations, 45
26 CFR Parts 160 and 164), home or personal telephone numbers,

1 and personal email addresses. Private information also
2 includes home address and personal license plates, except as
3 otherwise provided by law or when compiled without possibility
4 of attribution to any person.

5 (c-10) "Commercial purpose" means the use of any part of a
6 public record or records, or information derived from public
7 records, in any form for sale, resale, or solicitation or
8 advertisement for sales or services. For purposes of this
9 definition, requests made by news media and non-profit,
10 scientific, or academic organizations shall not be considered
11 to be made for a "commercial purpose" when the principal
12 purpose of the request is (i) to access and disseminate
13 information concerning news and current or passing events,
14 (ii) for articles of opinion or features of interest to the
15 public, or (iii) for the purpose of academic, scientific, or
16 public research or education.

17 (d) "Copying" means the reproduction of any public record
18 by means of any photographic, electronic, mechanical or other
19 process, device or means now known or hereafter developed and
20 available to the public body.

21 (e) "Head of the public body" means the president, mayor,
22 chairman, presiding officer, director, superintendent,
23 manager, supervisor or individual otherwise holding primary
24 executive and administrative authority for the public body, or
25 such person's duly authorized designee.

26 (f) "News media" means a newspaper or other periodical

1 issued at regular intervals whether in print or electronic
2 format, a news service whether in print or electronic format,
3 a radio station, a television station, a television network, a
4 community antenna television service, or a person or
5 corporation engaged in making news reels or other motion
6 picture news for public showing.

7 (g) "Recurrent requester", as used in Section 3.2 of this
8 Act, means a person that, in the 12 months immediately
9 preceding the request, has submitted to the same public body
10 (i) a minimum of 50 requests for records, (ii) a minimum of 15
11 requests for records within a 30-day period, or (iii) a
12 minimum of 7 requests for records within a 7-day period. For
13 purposes of this definition, requests made by news media and
14 non-profit, scientific, or academic organizations shall not be
15 considered in calculating the number of requests made in the
16 time periods in this definition when the principal purpose of
17 the requests is (i) to access and disseminate information
18 concerning news and current or passing events, (ii) for
19 articles of opinion or features of interest to the public, or
20 (iii) for the purpose of academic, scientific, or public
21 research or education.

22 For the purposes of this subsection (g), "request" means a
23 written document (or oral request, if the public body chooses
24 to honor oral requests) that is submitted to a public body via
25 personal delivery, mail, telefax, electronic mail, or other
26 means available to the public body and that identifies the

1 particular public record the requester seeks. One request may
2 identify multiple records to be inspected or copied.

3 (h) "Voluminous request" means a request that: (i)
4 includes more than 5 individual requests for more than 5
5 different categories of records or a combination of individual
6 requests that total requests for more than 5 different
7 categories of records in a period of 20 business days; or (ii)
8 requires the compilation of more than 500 letter or
9 legal-sized pages of public records unless a single requested
10 record exceeds 500 pages. "Single requested record" may
11 include, but is not limited to, one report, form, e-mail,
12 letter, memorandum, book, map, microfilm, tape, or recording.

13 "Voluminous request" does not include a request made by
14 news media and non-profit, scientific, or academic
15 organizations if the principal purpose of the request is: (1)
16 to access and disseminate information concerning news and
17 current or passing events; (2) for articles of opinion or
18 features of interest to the public; or (3) for the purpose of
19 academic, scientific, or public research or education.

20 For the purposes of this subsection (h), "request" means a
21 written document, or oral request, if the public body chooses
22 to honor oral requests, that is submitted to a public body via
23 personal delivery, mail, telefax, electronic mail, or other
24 means available to the public body and that identifies the
25 particular public record or records the requester seeks. One
26 request may identify multiple individual records to be

1 inspected or copied.

2 (i) "Severance agreement" means a mutual agreement between
3 any public body and its employee for the employee's
4 resignation in exchange for payment by the public body.

5 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
6 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

7 (5 ILCS 140/7) (from Ch. 116, par. 207)

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 or
22 a court order.

23 (b-5) Files, documents, and other data or databases
24 maintained by one or more law enforcement agencies and
25 specifically designed to provide information to one or

1 more law enforcement agencies regarding the physical or
2 mental status of one or more individual subjects.

3 (c) Personal information contained within public
4 records, the disclosure of which would constitute a
5 clearly unwarranted invasion of personal privacy, unless
6 the disclosure is consented to in writing by the
7 individual subjects of the information. "Unwarranted
8 invasion of personal privacy" means the disclosure of
9 information that is highly personal or objectionable to a
10 reasonable person and in which the subject's right to
11 privacy outweighs any legitimate public interest in
12 obtaining the information. The disclosure of information
13 that bears on the public duties of public employees and
14 officials shall not be considered an invasion of personal
15 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
20 extent 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
19 or disclose internal documents of correctional
20 agencies related to detection, observation or
21 investigation of incidents of crime or misconduct, and
22 disclosure would result in demonstrable harm to the
23 agency or public body that is the recipient of the
24 request;

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

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

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

11 (d-6) Records contained in the Officer Professional
12 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois
13 Police Training Act, except to the extent authorized under
14 that Section. This includes the documents supplied to the
15 Illinois Law Enforcement Training Standards Board from the
16 Illinois State Police and Illinois State Police Merit
17 Board.

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

20 (e-5) Records requested by persons committed to the
21 Department of Corrections, Department of Human Services
22 Division of Mental Health, or a county jail if those
23 materials are available in the library of the correctional
24 institution or facility or jail where the inmate is
25 confined.

26 (e-6) Records requested by persons committed to the

1 Department of Corrections, Department of Human Services
2 Division of Mental Health, or a county jail if those
3 materials include records from staff members' personnel
4 files, staff rosters, or other staffing assignment
5 information.

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

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

18 (e-9) Records requested by a person in a county jail
19 or committed to the Department of Corrections or
20 Department of Human Services Division of Mental Health,
21 containing personal information pertaining to the person's
22 victim or the victim's family, including, but not limited
23 to, a victim's home address, home telephone number, work
24 or school address, work telephone number, social security
25 number, or any other identifying information, except as
26 may be relevant to a requester's current or potential case

1 or claim.

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

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

19 (g) Trade secrets and commercial or financial
20 information obtained from a person or business where the
21 trade secrets or commercial or financial information are
22 furnished under a claim that they are proprietary,
23 privileged, or confidential, and that disclosure of the
24 trade secrets or commercial or financial information would
25 cause competitive harm to the person or business, and only
26 insofar as the claim directly applies to the records

1 requested.

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

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

20 (h) Proposals and bids for any contract, grant, or
21 agreement, including information which if it were
22 disclosed would frustrate procurement or give an advantage
23 to any person proposing to enter into a contractor
24 agreement with the body, until an award or final selection
25 is made. Information prepared by or for the body in
26 preparation of a bid solicitation shall be exempt until an

1 award or final selection is made.

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

13 (j) The following information pertaining to
14 educational matters:

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

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

22 (iii) information concerning a school or
23 university's adjudication of student disciplinary
24 cases, but only to the extent that disclosure would
25 unavoidably reveal the identity of the student; and

26 (iv) course materials or research materials used

1 by faculty members.

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

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

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

26 (n) Records relating to a public body's adjudication

1 of employee grievances or disciplinary cases; however,
2 this exemption shall not extend to the final outcome of
3 cases in which discipline is imposed.

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

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

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

21 (r) The records, documents, and information relating
22 to real estate purchase negotiations until those
23 negotiations have been completed or otherwise terminated.
24 With regard to a parcel involved in a pending or actually
25 and reasonably contemplated eminent domain proceeding
26 under the Eminent Domain Act, records, documents, and

1 information relating to that parcel shall be exempt except
2 as may be allowed under discovery rules adopted by the
3 Illinois Supreme Court. The records, documents, and
4 information relating to a real estate sale shall be exempt
5 until a sale is consummated.

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

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

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

26 (v) Vulnerability assessments, security measures, and

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

14 (w) (Blank).

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

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

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

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

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

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

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

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

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

7 (gg) Confidential information described in Section
8 1-100 of the Illinois Independent Tax Tribunal Act of
9 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
17 the 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
23 to 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 (kk) The public body's credit card numbers, debit card
2 numbers, bank account numbers, Federal Employer
3 Identification Number, security code numbers, passwords,
4 and similar account information, the disclosure of which
5 could result in identity theft or impression or defrauding
6 of a governmental entity or a person.

7 (ll) Records concerning the work of the threat
8 assessment team of a school district.

9 (mm) All protected health information as defined by 45
10 CFR 16.103 that may be contained within or extracted from
11 any record held by a covered entity as defined by 45 CFR
12 160.103, including information that alone or compiled, or
13 under circumstances in which the patient information
14 combined with other information could allow for patient
15 identification, in compliance with HIPAA.

16 (1.5) Any information exempt from disclosure under the
17 Judicial Privacy Act shall be redacted from public records
18 prior to disclosure under this Act.

19 (2) A public record that is not in the possession of a
20 public body but is in the possession of a party with whom the
21 agency has contracted to perform a governmental function on
22 behalf of the public body, and that directly relates to the
23 governmental function and is not otherwise exempt under this
24 Act, shall be considered a public record of the public body,
25 for purposes of this Act.

26 (3) This Section does not authorize withholding of

1 information or limit the availability of records to the
2 public, except as stated in this Section or otherwise provided
3 in this Act.

4 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
5 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
6 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)