



Rep. Curtis J. Tarver, II

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10300HB1551ham001

LRB103 25621 AWJ 57510 a

1 AMENDMENT TO HOUSE BILL 1551

2 AMENDMENT NO. _____. Amend House Bill 1551 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 2 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

1 include a child death review team or the Illinois Child Death
2 Review Teams Executive Council established under the Child
3 Death Review Team Act, or a regional youth advisory board or
4 the Statewide Youth Advisory Board established under the
5 Department of Children and Family Services Statewide Youth
6 Advisory Board Act.

7 (b) "Person" means any individual, corporation,
8 partnership, firm, organization or association, acting
9 individually or as a group.

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

19 (c-5) "Private information" means unique identifiers,
20 including a person's social security number, driver's license
21 number, employee identification number, biometric identifiers,
22 personal financial information, passwords or other access
23 codes, medical records, home or personal telephone numbers,
24 and personal email addresses. Private information also
25 includes home address and personal license plates, except as
26 otherwise provided by law or when compiled without possibility

1 of attribution to any person.

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

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

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

23 (f) "News media" means a newspaper or other periodical
24 issued at regular intervals whether in print or electronic
25 format, a news service whether in print or electronic format,
26 a radio station, a television station, a television network, a

1 community antenna television service, or a person or
2 corporation engaged in making news reels or other motion
3 picture news for public showing.

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

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

26 (h) "Voluminous request" means a request that: (i)

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

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

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

25 (i) "Severance agreement" means a mutual agreement between
26 any public body and its employee for the employee's

1 resignation in exchange for payment by the public body.

2 (j) "Prevail" means to achieve the desired outcome of the
3 plaintiff through a court order, the production of all
4 requested documents, or the production of a substantial
5 portion of all requested documents to the extent that the
6 requester indicates to the court that the request has been
7 satisfied.

8 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
9 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."