



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2039

Introduced 2/7/2023, by Rep. Anna Moeller - Natalie A. Manley

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7
410 ILCS 535/24

from Ch. 111 1/2, par. 73-24

Creates the Access to Public Health Data Act. Provides that the Department of Public Health, the Department of Human Services, and the Department of Children and Family Services shall, at the request of a local health department in Illinois, make any and all public health data related to residents of that local health department's jurisdiction available to that local health department for the purposes of preventing or controlling disease, injury, or disability. Provides that the Department of Public Health, the Department of Human Services, and the Department of Healthcare and Family Services may adopt any rules necessary to implement the Act. Exempts specified information from inspection and copying under the Freedom of Information Act and makes a conforming change in that Act. Contains other provisions. Amends the Vital Records Act. Provides that no rule adopted by the Department of Public Health shall be construed as restricting access to vital records by any municipality, county, multicounty, public health district, or regional health officer recognized by the Department for the purposes described in specified provisions.

LRB103 04768 CPF 49777 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Access
5 to Public Health Data Act.

6 Section 5. Definition. In this Act, "public health data"
7 includes, but is not limited to, birth and death certificate
8 data, hospital discharge data, adverse pregnancy outcomes
9 reporting system (APORS) data, cancer registry data, syndromic
10 surveillance data, and prescription monitoring program (PMP)
11 data.

12 Section 10. Access to public health data; certified local
13 health departments; safeguards.

14 (a) Notwithstanding any other provision of State law to
15 the contrary, the Department of Public Health, the Department
16 of Human Services, and the Department of Healthcare and Family
17 Services shall, at the request of a certified local health
18 department in this State, make any and all public health data
19 related to residents of that certified local health
20 department's jurisdiction available to that certified local
21 health department for the purposes of preventing or
22 controlling disease, injury, or disability. The commissioner,

1 executive director, chief operating officer, chief medical
2 officer, or equivalent executive leader of a certified local
3 health department has express authority to request and receive
4 such data.

5 (b) A certified local health department shall have access
6 to data under this Act only for the purposes identified in this
7 Act. The Department of Public Health, the Department of Human
8 Services, the Department of Healthcare and Family Services,
9 and the requesting certified local health department shall
10 protect the privacy and security of data obtained under this
11 Act in accordance with applicable federal and State law and
12 shall apply appropriate administrative, physical, and
13 technical safeguards to ensure the privacy and security of the
14 data and protect the data from unauthorized access, use, or
15 disclosure. Appropriate safeguards include, but are not
16 limited to, authentication and authorization of users prior to
17 gaining access to data obtained under this Act.

18 (c) A certified local health department shall apply
19 appropriate controls to ensure that access to data under this
20 Act is provided on a minimum, necessary basis and limited to
21 only those persons whose public health duties and
22 responsibilities require such access. Any data obtained under
23 this Act and in the possession of a certified local health
24 department shall be exempt from inspection and copying under
25 subsection (pp) of Section 7 of the Freedom of Information
26 Act. Any data obtained under this Act shall not be admissible

1 as evidence nor discoverable in any action of any kind in any
2 court or before any tribunal, board, agency, or person. The
3 access to or disclosure of any information or data by a
4 certified local health department under this Act shall not
5 waive or have any effect upon its nondiscoverability or
6 inadmissibility. The identity of any individual identified in
7 data obtained under this Act shall be confidential and shall
8 not be disclosed publicly or in any action of any kind.

9 Section 15. Data use agreements. A disclosing State
10 department and the requesting certified local health
11 department shall enter into a data use agreement to ensure
12 appropriate, effective, and efficient use of data obtained
13 under this Act by the certified local health department,
14 though no data use agreement shall, in a manner inconsistent
15 with the purpose or requirements of this Act, impede certified
16 local health department access to any public health data
17 available to the Department of Public Health, the Department
18 of Human Services, or the Department of Healthcare and Family
19 Services, nor shall it require indemnification as a
20 prerequisite to access.

21 Section 20. Standard request data forms. Within 60 days
22 after the effective date of this Act, the Department of Public
23 Health, the Department of Human Services, and the Department
24 of Healthcare and Family Services shall develop a standard

1 data request form for use by certified local health
2 departments, the terms of which shall be limited to data
3 content, format, method of transfer, analytic and statistical
4 methods, scope of use, and requirements for safeguarding the
5 data.

6 Section 25. Latest available data. The Department of
7 Public Health, the Department of Human Services, and the
8 Department of Healthcare and Family Services must provide the
9 latest available data for each certified local health
10 department request within 90 business days after receiving the
11 data request form.

12 Section 30. Rules. The Department of Public Health, the
13 Department of Human Services, and the Department of Healthcare
14 and Family Services may adopt any rules necessary to implement
15 this Act.

16 Section 900. The Freedom of Information Act is amended by
17 changing Section 7 as follows:

18 (5 ILCS 140/7)

19 (Text of Section before amendment by P.A. 102-753,
20 102-776, and 102-982)

21 Sec. 7. Exemptions.

22 (1) When a request is made to inspect or copy a public

1 record that contains information that is exempt from
2 disclosure under this Section, but also contains information
3 that is not exempt from disclosure, the public body may elect
4 to redact the information that is exempt. The public body
5 shall make the remaining information available for inspection
6 and copying. Subject to this requirement, the following shall
7 be exempt from inspection and copying:

8 (a) Information specifically prohibited from
9 disclosure by federal or State law or rules and
10 regulations implementing federal or State law.

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

14 (b-5) Files, documents, and other data or databases
15 maintained by one or more law enforcement agencies and
16 specifically designed to provide information to one or
17 more law enforcement agencies regarding the physical or
18 mental status of one or more individual subjects.

19 (c) Personal information contained within public
20 records, the disclosure of which would constitute a
21 clearly unwarranted invasion of personal privacy, unless
22 the disclosure is consented to in writing by the
23 individual subjects of the information. "Unwarranted
24 invasion of personal privacy" means the disclosure of
25 information that is highly personal or objectionable to a
26 reasonable person and in which the subject's right to

1 privacy outweighs any legitimate public interest in
2 obtaining the information. The disclosure of information
3 that bears on the public duties of public employees and
4 officials shall not be considered an invasion of personal
5 privacy.

6 (d) Records in the possession of any public body
7 created in the course of administrative enforcement
8 proceedings, and any law enforcement or correctional
9 agency for law enforcement purposes, but only to the
10 extent that disclosure would:

11 (i) interfere with pending or actually and
12 reasonably contemplated law enforcement proceedings
13 conducted by any law enforcement or correctional
14 agency that is the recipient of the request;

15 (ii) interfere with active administrative
16 enforcement proceedings conducted by the public body
17 that is the recipient of the request;

18 (iii) create a substantial likelihood that a
19 person will be deprived of a fair trial or an impartial
20 hearing;

21 (iv) unavoidably disclose the identity of a
22 confidential source, confidential information
23 furnished only by the confidential source, or persons
24 who file complaints with or provide information to
25 administrative, investigative, law enforcement, or
26 penal agencies; except that the identities of

1 witnesses to traffic accidents, traffic accident
2 reports, and rescue reports shall be provided by
3 agencies of local government, except when disclosure
4 would interfere with an active criminal investigation
5 conducted by the agency that is the recipient of the
6 request;

7 (v) disclose unique or specialized investigative
8 techniques other than those generally used and known
9 or disclose internal documents of correctional
10 agencies related to detection, observation, or
11 investigation of incidents of crime or misconduct, and
12 disclosure would result in demonstrable harm to the
13 agency or public body that is the recipient of the
14 request;

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

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

19 (d-5) A law enforcement record created for law
20 enforcement purposes and contained in a shared electronic
21 record management system if the law enforcement agency
22 that is the recipient of the request did not create the
23 record, did not participate in or have a role in any of the
24 events which are the subject of the record, and only has
25 access to the record through the shared electronic record
26 management system.

1 (d-6) Records contained in the Officer Professional
2 Conduct Database under Section 9.2 of the Illinois Police
3 Training Act, except to the extent authorized under that
4 Section. This includes the documents supplied to the
5 Illinois Law Enforcement Training Standards Board from the
6 Illinois State Police and Illinois State Police Merit
7 Board.

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

10 (e-5) Records requested by persons committed to the
11 Department of Corrections, Department of Human Services
12 Division of Mental Health, or a county jail if those
13 materials are available in the library of the correctional
14 institution or facility or jail where the inmate is
15 confined.

16 (e-6) Records requested by persons committed to the
17 Department of Corrections, Department of Human Services
18 Division of Mental Health, or a county jail if those
19 materials include records from staff members' personnel
20 files, staff rosters, or other staffing assignment
21 information.

22 (e-7) Records requested by persons committed to the
23 Department of Corrections or Department of Human Services
24 Division of Mental Health if those materials are available
25 through an administrative request to the Department of
26 Corrections or Department of Human Services Division of

1 Mental Health.

2 (e-8) Records requested by a person committed to the
3 Department of Corrections, Department of Human Services
4 Division of Mental Health, or a county jail, the
5 disclosure of which would result in the risk of harm to any
6 person or the risk of an escape from a jail or correctional
7 institution or facility.

8 (e-9) Records requested by a person in a county jail
9 or committed to the Department of Corrections or
10 Department of Human Services Division of Mental Health,
11 containing personal information pertaining to the person's
12 victim or the victim's family, including, but not limited
13 to, a victim's home address, home telephone number, work
14 or school address, work telephone number, social security
15 number, or any other identifying information, except as
16 may be relevant to a requester's current or potential case
17 or claim.

18 (e-10) Law enforcement records of other persons
19 requested by a person committed to the Department of
20 Corrections, Department of Human Services Division of
21 Mental Health, or a county jail, including, but not
22 limited to, arrest and booking records, mug shots, and
23 crime scene photographs, except as these records may be
24 relevant to the requester's current or potential case or
25 claim.

26 (f) Preliminary drafts, notes, recommendations,

1 memoranda, and other records in which opinions are
2 expressed, or policies or actions are formulated, except
3 that a specific record or relevant portion of a record
4 shall not be exempt when the record is publicly cited and
5 identified by the head of the public body. The exemption
6 provided in this paragraph (f) extends to all those
7 records of officers and agencies of the General Assembly
8 that pertain to the preparation of legislative documents.

9 (g) Trade secrets and commercial or financial
10 information obtained from a person or business where the
11 trade secrets or commercial or financial information are
12 furnished under a claim that they are proprietary,
13 privileged, or confidential, and that disclosure of the
14 trade secrets or commercial or financial information would
15 cause competitive harm to the person or business, and only
16 insofar as the claim directly applies to the records
17 requested.

18 The information included under this exemption includes
19 all trade secrets and commercial or financial information
20 obtained by a public body, including a public pension
21 fund, from a private equity fund or a privately held
22 company within the investment portfolio of a private
23 equity fund as a result of either investing or evaluating
24 a potential investment of public funds in a private equity
25 fund. The exemption contained in this item does not apply
26 to the aggregate financial performance information of a

1 private equity fund, nor to the identity of the fund's
2 managers or general partners. The exemption contained in
3 this item does not apply to the identity of a privately
4 held company within the investment portfolio of a private
5 equity fund, unless the disclosure of the identity of a
6 privately held company may cause competitive harm.

7 Nothing contained in this paragraph (g) shall be
8 construed to prevent a person or business from consenting
9 to disclosure.

10 (h) Proposals and bids for any contract, grant, or
11 agreement, including information which if it were
12 disclosed would frustrate procurement or give an advantage
13 to any person proposing to enter into a contractor
14 agreement with the body, until an award or final selection
15 is made. Information prepared by or for the body in
16 preparation of a bid solicitation shall be exempt until an
17 award or final selection is made.

18 (i) Valuable formulae, computer geographic systems,
19 designs, drawings, and research data obtained or produced
20 by any public body when disclosure could reasonably be
21 expected to produce private gain or public loss. The
22 exemption for "computer geographic systems" provided in
23 this paragraph (i) does not extend to requests made by
24 news media as defined in Section 2 of this Act when the
25 requested information is not otherwise exempt and the only
26 purpose of the request is to access and disseminate

1 information regarding the health, safety, welfare, or
2 legal rights of the general public.

3 (j) The following information pertaining to
4 educational matters:

5 (i) test questions, scoring keys, and other
6 examination data used to administer an academic
7 examination;

8 (ii) information received by a primary or
9 secondary school, college, or university under its
10 procedures for the evaluation of faculty members by
11 their academic peers;

12 (iii) information concerning a school or
13 university's adjudication of student disciplinary
14 cases, but only to the extent that disclosure would
15 unavoidably reveal the identity of the student; and

16 (iv) course materials or research materials used
17 by faculty members.

18 (k) Architects' plans, engineers' technical
19 submissions, and other construction related technical
20 documents for projects not constructed or developed in
21 whole or in part with public funds and the same for
22 projects constructed or developed with public funds,
23 including, but not limited to, power generating and
24 distribution stations and other transmission and
25 distribution facilities, water treatment facilities,
26 airport facilities, sport stadiums, convention centers,

1 and all government owned, operated, or occupied buildings,
2 but only to the extent that disclosure would compromise
3 security.

4 (l) Minutes of meetings of public bodies closed to the
5 public as provided in the Open Meetings Act until the
6 public body makes the minutes available to the public
7 under Section 2.06 of the Open Meetings Act.

8 (m) Communications between a public body and an
9 attorney or auditor representing the public body that
10 would not be subject to discovery in litigation, and
11 materials prepared or compiled by or for a public body in
12 anticipation of a criminal, civil, or administrative
13 proceeding upon the request of an attorney advising the
14 public body, and materials prepared or compiled with
15 respect to internal audits of public bodies.

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

20 (o) Administrative or technical information associated
21 with automated data processing operations, including, but
22 not limited to, software, operating protocols, computer
23 program abstracts, file layouts, source listings, object
24 modules, load modules, user guides, documentation
25 pertaining to all logical and physical design of
26 computerized systems, employee manuals, and any other

1 information that, if disclosed, would jeopardize the
2 security of the system or its data or the security of
3 materials exempt under this Section.

4 (p) Records relating to collective negotiating matters
5 between public bodies and their employees or
6 representatives, except that any final contract or
7 agreement shall be subject to inspection and copying.

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

11 (r) The records, documents, and information relating
12 to real estate purchase negotiations until those
13 negotiations have been completed or otherwise terminated.
14 With regard to a parcel involved in a pending or actually
15 and reasonably contemplated eminent domain proceeding
16 under the Eminent Domain Act, records, documents, and
17 information relating to that parcel shall be exempt except
18 as may be allowed under discovery rules adopted by the
19 Illinois Supreme Court. The records, documents, and
20 information relating to a real estate sale shall be exempt
21 until a sale is consummated.

22 (s) Any and all proprietary information and records
23 related to the operation of an intergovernmental risk
24 management association or self-insurance pool or jointly
25 self-administered health and accident cooperative or pool.
26 Insurance or self-insurance ~~self-insurance~~ (including any

1 intergovernmental risk management association or
2 self-insurance ~~self-insurance~~ pool) claims, loss or risk
3 management information, records, data, advice, or
4 communications.

5 (t) Information contained in or related to
6 examination, operating, or condition reports prepared by,
7 on behalf of, or for the use of a public body responsible
8 for the regulation or supervision of financial
9 institutions, insurance companies, or pharmacy benefit
10 managers, unless disclosure is otherwise required by State
11 law.

12 (u) Information that would disclose or might lead to
13 the disclosure of secret or confidential information,
14 codes, algorithms, programs, or private keys intended to
15 be used to create electronic signatures under the Uniform
16 Electronic Transactions Act.

17 (v) Vulnerability assessments, security measures, and
18 response policies or plans that are designed to identify,
19 prevent, or respond to potential attacks upon a
20 community's population or systems, facilities, or
21 installations, the destruction or contamination of which
22 would constitute a clear and present danger to the health
23 or safety of the community, but only to the extent that
24 disclosure could reasonably be expected to jeopardize the
25 effectiveness of the measures or the safety of the
26 personnel who implement them or the public. Information

1 exempt under this item may include such things as details
2 pertaining to the mobilization or deployment of personnel
3 or equipment, to the operation of communication systems or
4 protocols, or to tactical operations.

5 (w) (Blank).

6 (x) Maps and other records regarding the location or
7 security of generation, transmission, distribution,
8 storage, gathering, treatment, or switching facilities
9 owned by a utility, by a power generator, or by the
10 Illinois Power Agency.

11 (y) Information contained in or related to proposals,
12 bids, or negotiations related to electric power
13 procurement under Section 1-75 of the Illinois Power
14 Agency Act and Section 16-111.5 of the Public Utilities
15 Act that is determined to be confidential and proprietary
16 by the Illinois Power Agency or by the Illinois Commerce
17 Commission.

18 (z) Information about students exempted from
19 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
20 the School Code, and information about undergraduate
21 students enrolled at an institution of higher education
22 exempted from disclosure under Section 25 of the Illinois
23 Credit Card Marketing Act of 2009.

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

26 (bb) Records and information provided to a mortality

1 review team and records maintained by a mortality review
2 team appointed under the Department of Juvenile Justice
3 Mortality Review Team Act.

4 (cc) Information regarding interments, entombments, or
5 inurnments of human remains that are submitted to the
6 Cemetery Oversight Database under the Cemetery Care Act or
7 the Cemetery Oversight Act, whichever is applicable.

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

12 (ee) The names, addresses, or other personal
13 information of persons who are minors and are also
14 participants and registrants in programs of park
15 districts, forest preserve districts, conservation
16 districts, recreation agencies, and special recreation
17 associations.

18 (ff) The names, addresses, or other personal
19 information of participants and registrants in programs of
20 park districts, forest preserve districts, conservation
21 districts, recreation agencies, and special recreation
22 associations where such programs are targeted primarily to
23 minors.

24 (gg) Confidential information described in Section
25 1-100 of the Illinois Independent Tax Tribunal Act of
26 2012.

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

5 (ii) Records requested by persons committed to or
6 detained by the Department of Human Services under the
7 Sexually Violent Persons Commitment Act or committed to
8 the Department of Corrections under the Sexually Dangerous
9 Persons Act if those materials: (i) are available in the
10 library of the facility where the individual is confined;
11 (ii) include records from staff members' personnel files,
12 staff rosters, or other staffing assignment information;
13 or (iii) are available through an administrative request
14 to the Department of Human Services or the Department of
15 Corrections.

16 (jj) Confidential information described in Section
17 5-535 of the Civil Administrative Code of Illinois.

18 (kk) The public body's credit card numbers, debit card
19 numbers, bank account numbers, Federal Employer
20 Identification Number, security code numbers, passwords,
21 and similar account information, the disclosure of which
22 could result in identity theft or impression or defrauding
23 of a governmental entity or a person.

24 (ll) Records concerning the work of the threat
25 assessment team of a school district, including, but not
26 limited to, any threat assessment procedure under the

1 School Safety Drill Act and any information contained in
2 the procedure.

3 (mm) Information prohibited from being disclosed under
4 subsections (a) and (b) of Section 15 of the Student
5 Confidential Reporting Act.

6 (nn) ~~(mm)~~ Proprietary information submitted to the
7 Environmental Protection Agency under the Drug Take-Back
8 Act.

9 (1.5) Any information exempt from disclosure under the
10 Judicial Privacy Act shall be redacted from public records
11 prior to disclosure under this Act.

12 (2) A public record that is not in the possession of a
13 public body but is in the possession of a party with whom the
14 agency has contracted to perform a governmental function on
15 behalf of the public body, and that directly relates to the
16 governmental function and is not otherwise exempt under this
17 Act, shall be considered a public record of the public body,
18 for purposes of this Act.

19 (3) This Section does not authorize withholding of
20 information or limit the availability of records to the
21 public, except as stated in this Section or otherwise provided
22 in this Act.

23 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
24 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
25 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
26 eff. 5-6-22; 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22;

1 revised 8-1-22.)

2 (Text of Section after amendment by P.A. 102-753 and
3 102-776 but before amendment by P.A. 102-982)

4 Sec. 7. Exemptions.

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

13 (a) Information specifically prohibited from
14 disclosure by federal or State law or rules and
15 regulations implementing federal or State law.

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

19 (b-5) Files, documents, and other data or databases
20 maintained by one or more law enforcement agencies and
21 specifically designed to provide information to one or
22 more law enforcement agencies regarding the physical or
23 mental status of one or more individual subjects.

24 (c) Personal information contained within public
25 records, the disclosure of which would constitute a

1 clearly unwarranted invasion of personal privacy, unless
2 the disclosure is consented to in writing by the
3 individual subjects of the information. "Unwarranted
4 invasion of personal privacy" means the disclosure of
5 information that is highly personal or objectionable to a
6 reasonable person and in which the subject's right to
7 privacy outweighs any legitimate public interest in
8 obtaining the information. The disclosure of information
9 that bears on the public duties of public employees and
10 officials shall not be considered an invasion of personal
11 privacy.

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

17 (i) interfere with pending or actually and
18 reasonably contemplated law enforcement proceedings
19 conducted by any law enforcement or correctional
20 agency that is the recipient of the request;

21 (ii) interfere with active administrative
22 enforcement proceedings conducted by the public body
23 that is the recipient of the request;

24 (iii) create a substantial likelihood that a
25 person will be deprived of a fair trial or an impartial
26 hearing;

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

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

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

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

25 (d-5) A law enforcement record created for law
26 enforcement purposes and contained in a shared electronic

1 record management system if the law enforcement agency
2 that is the recipient of the request did not create the
3 record, did not participate in or have a role in any of the
4 events which are the subject of the record, and only has
5 access to the record through the shared electronic record
6 management system.

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

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

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

22 (e-6) Records requested by persons committed to the
23 Department of Corrections, Department of Human Services
24 Division of Mental Health, or a county jail if those
25 materials include records from staff members' personnel
26 files, staff rosters, or other staffing assignment

1 information.

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

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

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

24 (e-10) Law enforcement records of other persons
25 requested by a person committed to the Department of
26 Corrections, Department of Human Services Division of

1 Mental Health, or a county jail, including, but not
2 limited to, arrest and booking records, mug shots, and
3 crime scene photographs, except as these records may be
4 relevant to the requester's current or potential case or
5 claim.

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

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

24 The information included under this exemption includes
25 all trade secrets and commercial or financial information
26 obtained by a public body, including a public pension

1 fund, from a private equity fund or a privately held
2 company within the investment portfolio of a private
3 equity fund as a result of either investing or evaluating
4 a potential investment of public funds in a private equity
5 fund. The exemption contained in this item does not apply
6 to the aggregate financial performance information of a
7 private equity fund, nor to the identity of the fund's
8 managers or general partners. The exemption contained in
9 this item does not apply to the identity of a privately
10 held company within the investment portfolio of a private
11 equity fund, unless the disclosure of the identity of a
12 privately held company may cause competitive harm.

13 Nothing contained in this paragraph (g) shall be
14 construed to prevent a person or business from consenting
15 to disclosure.

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

24 (i) Valuable formulae, computer geographic systems,
25 designs, drawings, and research data obtained or produced
26 by any public body when disclosure could reasonably be

1 expected to produce private gain or public loss. The
2 exemption for "computer geographic systems" provided in
3 this paragraph (i) does not extend to requests made by
4 news media as defined in Section 2 of this Act when the
5 requested information is not otherwise exempt and the only
6 purpose of the request is to access and disseminate
7 information regarding the health, safety, welfare, or
8 legal rights of the general public.

9 (j) The following information pertaining to
10 educational matters:

11 (i) test questions, scoring keys, and other
12 examination data used to administer an academic
13 examination;

14 (ii) information received by a primary or
15 secondary school, college, or university under its
16 procedures for the evaluation of faculty members by
17 their academic peers;

18 (iii) information concerning a school or
19 university's adjudication of student disciplinary
20 cases, but only to the extent that disclosure would
21 unavoidably reveal the identity of the student; and

22 (iv) course materials or research materials used
23 by faculty members.

24 (k) Architects' plans, engineers' technical
25 submissions, and other construction related technical
26 documents for projects not constructed or developed in

1 whole or in part with public funds and the same for
2 projects constructed or developed with public funds,
3 including, but not limited to, power generating and
4 distribution stations and other transmission and
5 distribution facilities, water treatment facilities,
6 airport facilities, sport stadiums, convention centers,
7 and all government owned, operated, or occupied buildings,
8 but only to the extent that disclosure would compromise
9 security.

10 (l) Minutes of meetings of public bodies closed to the
11 public as provided in the Open Meetings Act until the
12 public body makes the minutes available to the public
13 under Section 2.06 of the Open Meetings Act.

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

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

26 (o) Administrative or technical information associated

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

10 (p) Records relating to collective negotiating matters
11 between public bodies and their employees or
12 representatives, except that any final contract or
13 agreement shall be subject to inspection and copying.

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

17 (r) The records, documents, and information relating
18 to real estate purchase negotiations until those
19 negotiations have been completed or otherwise terminated.
20 With regard to a parcel involved in a pending or actually
21 and reasonably contemplated eminent domain proceeding
22 under the Eminent Domain Act, records, documents, and
23 information relating to that parcel shall be exempt except
24 as may be allowed under discovery rules adopted by the
25 Illinois Supreme Court. The records, documents, and
26 information relating to a real estate sale shall be exempt

1 until a sale is consummated.

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

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

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

23 (v) Vulnerability assessments, security measures, and
24 response policies or plans that are designed to identify,
25 prevent, or respond to potential attacks upon a
26 community's population or systems, facilities, or

1 installations, but only to the extent that disclosure
2 could reasonably be expected to expose the vulnerability
3 or jeopardize the effectiveness of the measures, policies,
4 or plans, or the safety of the personnel who implement
5 them or the public. Information exempt under this item may
6 include such things as details pertaining to the
7 mobilization or deployment of personnel or equipment, to
8 the operation of communication systems or protocols, to
9 cybersecurity vulnerabilities, or to tactical operations.

10 (w) (Blank).

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

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

23 (z) Information about students exempted from
24 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
25 the School Code, and information about undergraduate
26 students enrolled at an institution of higher education

1 exempted from disclosure under Section 25 of the Illinois
2 Credit Card Marketing Act of 2009.

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

5 (bb) Records and information provided to a mortality
6 review team and records maintained by a mortality review
7 team appointed under the Department of Juvenile Justice
8 Mortality Review Team Act.

9 (cc) Information regarding interments, entombments, or
10 inurnments of human remains that are submitted to the
11 Cemetery Oversight Database under the Cemetery Care Act or
12 the Cemetery Oversight Act, whichever is applicable.

13 (dd) Correspondence and records (i) that may not be
14 disclosed under Section 11-9 of the Illinois Public Aid
15 Code or (ii) that pertain to appeals under Section 11-8 of
16 the Illinois Public Aid Code.

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

23 (ff) The names, addresses, or other personal
24 information of participants and registrants in programs of
25 park districts, forest preserve districts, conservation
26 districts, recreation agencies, and special recreation

1 associations where such programs are targeted primarily to
2 minors.

3 (gg) Confidential information described in Section
4 1-100 of the Illinois Independent Tax Tribunal Act of
5 2012.

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

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

21 (jj) Confidential information described in Section
22 5-535 of the Civil Administrative Code of Illinois.

23 (kk) The public body's credit card numbers, debit card
24 numbers, bank account numbers, Federal Employer
25 Identification Number, security code numbers, passwords,
26 and similar account information, the disclosure of which

1 could result in identity theft or impression or defrauding
2 of a governmental entity or a person.

3 (11) Records concerning the work of the threat
4 assessment team of a school district, including, but not
5 limited to, any threat assessment procedure under the
6 School Safety Drill Act and any information contained in
7 the procedure.

8 (mm) Information prohibited from being disclosed under
9 subsections (a) and (b) of Section 15 of the Student
10 Confidential Reporting Act.

11 (nn) ~~(mm)~~ Proprietary information submitted to the
12 Environmental Protection Agency under the Drug Take-Back
13 Act.

14 (oo) ~~(mm)~~ Records described in subsection (f) of
15 Section 3-5-1 of the Unified Code of Corrections.

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; 102-694, eff. 1-7-22; 102-752,
7 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
8 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
9 8-1-22.)

10 (Text of Section after amendment by P.A. 102-982)

11 Sec. 7. Exemptions.

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

20 (a) Information specifically prohibited from
21 disclosure by federal or State law or rules and
22 regulations implementing federal or State law.

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

1 (b-5) Files, documents, and other data or databases
2 maintained by one or more law enforcement agencies and
3 specifically designed to provide information to one or
4 more law enforcement agencies regarding the physical or
5 mental status of one or more individual subjects.

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

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

24 (i) interfere with pending or actually and
25 reasonably contemplated law enforcement proceedings
26 conducted by any law enforcement or correctional

1 agency that is the recipient of the request;

2 (ii) interfere with active administrative
3 enforcement proceedings conducted by the public body
4 that is the recipient of the request;

5 (iii) create a substantial likelihood that a
6 person will be deprived of a fair trial or an impartial
7 hearing;

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

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

1 request;

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

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

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

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

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
18 disclosure of which would result in the risk of harm to any
19 person or 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
22 or committed to the Department of Corrections or
23 Department of Human Services Division of Mental Health,
24 containing personal information pertaining to the person's
25 victim or the victim's family, including, but not limited
26 to, a victim's home address, home telephone number, work

1 or school address, work telephone number, social security
2 number, or any other identifying information, except as
3 may be relevant to a requester's current or potential case
4 or 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
9 limited to, arrest and booking records, mug shots, and
10 crime scene photographs, except as these records may be
11 relevant to the requester's current or potential case or
12 claim.

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

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

1 trade secrets or commercial or financial information would
2 cause competitive harm to the person or business, and only
3 insofar as the claim directly applies to the records
4 requested.

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

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

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

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

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

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

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

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

25 (iii) information concerning a school or
26 university's adjudication of student disciplinary

1 cases, but only to the extent that disclosure would
2 unavoidably reveal the identity of the student; and

3 (iv) course materials or research materials used
4 by faculty members.

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

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

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

1 public body, and materials prepared or compiled with
2 respect to internal audits of public bodies.

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

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

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

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

24 (r) The records, documents, and information relating
25 to real estate purchase negotiations until those
26 negotiations have been completed or otherwise terminated.

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

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

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

25 (u) Information that would disclose or might lead to
26 the disclosure of secret or confidential information,

1 codes, algorithms, programs, or private keys intended to
2 be used to create electronic signatures under the Uniform
3 Electronic Transactions Act.

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

17 (w) (Blank).

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

23 (y) Information contained in or related to proposals,
24 bids, or negotiations related to electric power
25 procurement under Section 1-75 of the Illinois Power
26 Agency Act and Section 16-111.5 of the Public Utilities

1 Act that is determined to be confidential and proprietary
2 by the Illinois Power Agency or by the Illinois Commerce
3 Commission.

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

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

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

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

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

24 (ee) The names, addresses, or other personal
25 information of persons who are minors and are also
26 participants and registrants in programs of park

1 districts, forest preserve districts, conservation
2 districts, recreation agencies, and special recreation
3 associations.

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

10 (gg) Confidential information described in Section
11 1-100 of the Illinois Independent Tax Tribunal Act of
12 2012.

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

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

1 Corrections.

2 (jj) Confidential information described in Section
3 5-535 of the Civil Administrative Code of Illinois.

4 (kk) The public body's credit card numbers, debit card
5 numbers, bank account numbers, Federal Employer
6 Identification Number, security code numbers, passwords,
7 and similar account information, the disclosure of which
8 could result in identity theft or impersonation or defrauding
9 of a governmental entity or a person.

10 (ll) Records concerning the work of the threat
11 assessment team of a school district, including, but not
12 limited to, any threat assessment procedure under the
13 School Safety Drill Act and any information contained in
14 the procedure.

15 (mm) Information prohibited from being disclosed under
16 subsections (a) and (b) of Section 15 of the Student
17 Confidential Reporting Act.

18 (nn) ~~(mm)~~ Proprietary information submitted to the
19 Environmental Protection Agency under the Drug Take-Back
20 Act.

21 (oo) ~~(mm)~~ Records described in subsection (f) of
22 Section 3-5-1 of the Unified Code of Corrections.

23 (pp) Information obtained by a certified local health
24 department under the Access to Public Health Data Act.

25 (1.5) Any information exempt from disclosure under the
26 Judicial Privacy Act shall be redacted from public records

1 prior to disclosure under this Act.

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

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

13 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
14 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
15 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
16 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
17 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
18 6-10-22; revised 8-1-22.)

19 Section 905. The Vital Records Act is amended by changing
20 Section 24 as follows:

21 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

22 Sec. 24. (1) To protect the integrity of vital records, to
23 insure their proper use, and to insure the efficient and
24 proper administration of the vital records system, access to

1 vital records, and indexes thereof, including vital records in
2 the custody of local registrars and county clerks originating
3 prior to January 1, 1916, is limited to the custodian and his
4 employees, and then only for administrative purposes, except
5 that the indexes of those records in the custody of local
6 registrars and county clerks, originating prior to January 1,
7 1916, shall be made available to persons for the purpose of
8 genealogical research. Original, photographic or
9 microphotographic reproductions of original records of births
10 100 years old and older and deaths 50 years old and older, and
11 marriage records 75 years old and older on file in the State
12 Office of Vital Records and in the custody of the county clerks
13 may be made available for inspection in the Illinois State
14 Archives reference area, Illinois Regional Archives
15 Depositories, and other libraries approved by the Illinois
16 State Registrar and the Director of the Illinois State
17 Archives, provided that the photographic or microphotographic
18 copies are made at no cost to the county or to the State of
19 Illinois. It is unlawful for any custodian to permit
20 inspection of, or to disclose information contained in, vital
21 records, or to copy or permit to be copied, all or part of any
22 such record except as authorized by this Act or regulations
23 adopted pursuant thereto.

24 (2) The State Registrar of Vital Records, or his agent,
25 and any municipal, county, multi-county, public health
26 district, or regional health officer recognized by the

1 Department may examine vital records for the purpose only of
2 carrying out the public health programs and responsibilities
3 under his jurisdiction.

4 (3) The State Registrar of Vital Records, may disclose, or
5 authorize the disclosure of, data contained in the vital
6 records when deemed essential for bona fide research purposes
7 which are not for private gain.

8 This amendatory Act of 1973 does not apply to any home rule
9 unit.

10 (4) The State Registrar shall exchange with the Department
11 of Healthcare and Family Services information that may be
12 necessary for the establishment of paternity and the
13 establishment, modification, and enforcement of child support
14 orders entered pursuant to the Illinois Public Aid Code, the
15 Illinois Marriage and Dissolution of Marriage Act, the
16 Non-Support of Spouse and Children Act, the Non-Support
17 Punishment Act, the Revised Uniform Reciprocal Enforcement of
18 Support Act, the Uniform Interstate Family Support Act, the
19 Illinois Parentage Act of 1984, or the Illinois Parentage Act
20 of 2015. Notwithstanding any provisions in this Act to the
21 contrary, the State Registrar shall not be liable to any
22 person for any disclosure of information to the Department of
23 Healthcare and Family Services (formerly Illinois Department
24 of Public Aid) under this subsection or for any other action
25 taken in good faith to comply with the requirements of this
26 subsection.

1 (5) No rule adopted by the Department shall be construed,
2 either explicitly or implicitly, as restricting access to
3 vital records by any municipality, county, multicounty, public
4 health district, or regional health officer recognized by the
5 Department for the purposes described in subsections (2) and
6 (3).

7 (Source: P.A. 99-85, eff. 1-1-16.)

8 Section 995. No acceleration or delay. Where this Act
9 makes changes in a statute that is represented in this Act by
10 text that is not yet or no longer in effect (for example, a
11 Section represented by multiple versions), the use of that
12 text does not accelerate or delay the taking effect of (i) the
13 changes made by this Act or (ii) provisions derived from any
14 other Public Act.