



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB2440**

Introduced 2/15/2023, by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/6

from Ch. 116, par. 206

Amends the Freedom of Information Act. Provides that a public body shall take all reasonable steps to provide records in a format that is readable by the requester if the format is available to the public body and requested by the requester. Effective immediately.

LRB103 27218 AWJ 53588 b

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by  
5 changing Section 6 as follows:

6 (5 ILCS 140/6) (from Ch. 116, par. 206)

7 Sec. 6. Authority to charge fees.

8 (a) When a person requests a copy of a record maintained in  
9 an electronic format, the public body shall furnish it in the  
10 electronic format specified by the requester, if feasible. The  
11 public body shall take all reasonable steps to provide records  
12 in a format that is readable by the requester if the format is  
13 available to the public body and requested by the requester.  
14 If it is not feasible to furnish the public records in the  
15 specified electronic format, then the public body shall  
16 furnish it in the format in which it is maintained by the  
17 public body, or in paper format at the option of the requester.  
18 A public body may charge the requester for the actual cost of  
19 purchasing the recording medium, whether disc, diskette, tape,  
20 or other medium. If a request is not a request for a commercial  
21 purpose or a voluminous request, a public body may not charge  
22 the requester for the costs of any search for and review of the  
23 records or other personnel costs associated with reproducing

1 the records. Except to the extent that the General Assembly  
2 expressly provides, statutory fees applicable to copies of  
3 public records when furnished in a paper format shall not be  
4 applicable to those records when furnished in an electronic  
5 format.

6 (a-5) If a voluminous request is for electronic records  
7 and those records are not in a portable document format (PDF),  
8 the public body may charge up to \$20 for not more than 2  
9 megabytes of data, up to \$40 for more than 2 but not more than  
10 4 megabytes of data, and up to \$100 for more than 4 megabytes  
11 of data. If a voluminous request is for electronic records and  
12 those records are in a portable document format, the public  
13 body may charge up to \$20 for not more than 80 megabytes of  
14 data, up to \$40 for more than 80 megabytes but not more than  
15 160 megabytes of data, and up to \$100 for more than 160  
16 megabytes of data. If the responsive electronic records are in  
17 both a portable document format and not in a portable document  
18 format, the public body may separate the fees and charge the  
19 requester under both fee scales.

20 If a public body imposes a fee pursuant to this subsection  
21 (a-5), it must provide the requester with an accounting of all  
22 fees, costs, and personnel hours in connection with the  
23 request for public records.

24 (b) Except when a fee is otherwise fixed by statute, each  
25 public body may charge fees reasonably calculated to reimburse  
26 its actual cost for reproducing and certifying public records

1 and for the use, by any person, of the equipment of the public  
2 body to copy records. No fees shall be charged for the first 50  
3 pages of black and white, letter or legal sized copies  
4 requested by a requester. The fee for black and white, letter  
5 or legal sized copies shall not exceed 15 cents per page. If a  
6 public body provides copies in color or in a size other than  
7 letter or legal, the public body may not charge more than its  
8 actual cost for reproducing the records. In calculating its  
9 actual cost for reproducing records or for the use of the  
10 equipment of the public body to reproduce records, a public  
11 body shall not include the costs of any search for and review  
12 of the records or other personnel costs associated with  
13 reproducing the records, except for commercial requests as  
14 provided in subsection (f) of this Section. Such fees shall be  
15 imposed according to a standard scale of fees, established and  
16 made public by the body imposing them. The cost for certifying  
17 a record shall not exceed \$1.

18 (c) Documents shall be furnished without charge or at a  
19 reduced charge, as determined by the public body, if the  
20 person requesting the documents states the specific purpose  
21 for the request and indicates that a waiver or reduction of the  
22 fee is in the public interest. Waiver or reduction of the fee  
23 is in the public interest if the principal purpose of the  
24 request is to access and disseminate information regarding the  
25 health, safety and welfare or the legal rights of the general  
26 public and is not for the principal purpose of personal or

1 commercial benefit. For purposes of this subsection,  
2 "commercial benefit" shall not apply to requests made by news  
3 media when the principal purpose of the request is to access  
4 and disseminate information regarding the health, safety, and  
5 welfare or the legal rights of the general public. In setting  
6 the amount of the waiver or reduction, the public body may take  
7 into consideration the amount of materials requested and the  
8 cost of copying them.

9 (d) The imposition of a fee not consistent with  
10 subsections (6) (a) and (b) of this Act constitutes a denial of  
11 access to public records for the purposes of judicial review.

12 (e) The fee for each abstract of a driver's record shall be  
13 as provided in Section 6-118 of "The Illinois Vehicle Code",  
14 approved September 29, 1969, as amended, whether furnished as  
15 a paper copy or as an electronic copy.

16 (f) A public body may charge up to \$10 for each hour spent  
17 by personnel in searching for and retrieving a requested  
18 record or examining the record for necessary redactions. No  
19 fees shall be charged for the first 8 hours spent by personnel  
20 in searching for or retrieving a requested record. A public  
21 body may charge the actual cost of retrieving and transporting  
22 public records from an off-site storage facility when the  
23 public records are maintained by a third-party storage company  
24 under contract with the public body. If a public body imposes a  
25 fee pursuant to this subsection (f), it must provide the  
26 requester with an accounting of all fees, costs, and personnel

1 hours in connection with the request for public records. The  
2 provisions of this subsection (f) apply only to commercial  
3 requests.

4 (Source: P.A. 97-579, eff. 8-26-11; 98-1129, eff. 12-3-14.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.