



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4325

Introduced 1/16/2024, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act. Specifies that, as used in the Act, "commercial purpose" includes the use of public records (or information contained in public records) for solicitation of individuals to join an organization. Authorizes a public body to extend the time for responding to a request for a public record by 7 business days (rather than 5 business days) in specified circumstances. Provides that, in the case of a request for a commercial purpose, a public body shall (rather than may) require the person to pay the estimated copy fee in full before copying the requested documents. Changes the way that a public body may respond to requests by recurrent requesters. Provides that, in the case of a voluminous request, a requester shall pay the entire fee before releasing the requested public record. Allows a public body after the first 2 hours (rather than the first 8 hours) to charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record or examining the record for necessary redactions. Removes a limitation on the imposition of this \$10 per hour fee. Exempts from disclosure under the Act communications that do not pertain to the transaction of public business that are sent to or received by an individual's personal electronic device, such as text messages, voice messages, and emails.

LRB103 34569 AWJ 64406 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 Sections 2, 3, 3.1, 3.2, 3.6, 6, and 7 as follows:

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

7 (Text of Section before amendment by P.A. 103-554)

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

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

1 (b) "Person" means any individual, corporation,
2 partnership, firm, organization or association, acting
3 individually or as a group.

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

13 (c-5) "Private information" means unique identifiers,
14 including a person's social security number, driver's license
15 number, employee identification number, biometric identifiers,
16 personal financial information, passwords or other access
17 codes, medical records, home or personal telephone numbers,
18 and personal email addresses. Private information also
19 includes home address and personal license plates, except as
20 otherwise provided by law or when compiled without possibility
21 of attribution to any person.

22 (c-10) "Commercial purpose" means the use of any part of a
23 public record or records, or information derived from public
24 records, in any form for sale, resale, or solicitation or
25 advertisement for sales or services. For purposes of this
26 definition, requests made by news media and non-profit,

1 scientific, or academic organizations shall not be considered
2 to be made for a "commercial purpose" when the principal
3 purpose of the request is (i) to access and disseminate
4 information concerning news and current or passing events,
5 (ii) for articles of opinion or features of interest to the
6 public, or (iii) for the purpose of academic, scientific, or
7 public research or education.

8 (d) "Copying" means the reproduction of any public record
9 by means of any photographic, electronic, mechanical or other
10 process, device or means now known or hereafter developed and
11 available to the public body.

12 (e) "Head of the public body" means the president, mayor,
13 chairman, presiding officer, director, superintendent,
14 manager, supervisor or individual otherwise holding primary
15 executive and administrative authority for the public body, or
16 such person's duly authorized designee.

17 (f) "News media" means a newspaper or other periodical
18 issued at regular intervals whether in print or electronic
19 format, a news service whether in print or electronic format,
20 a radio station, a television station, a television network, a
21 community antenna television service, or a person or
22 corporation engaged in making news reels or other motion
23 picture news for public showing.

24 (g) "Recurrent requester", as used in Section 3.2 of this
25 Act, means a person that, in the 12 months immediately
26 preceding the request, has submitted to the same public body

1 (i) a minimum of 50 requests for records, (ii) a minimum of 15
2 requests for records within a 30-day period, or (iii) a
3 minimum of 7 requests for records within a 7-day period. For
4 purposes of this definition, requests made by news media and
5 non-profit, scientific, or academic organizations shall not be
6 considered in calculating the number of requests made in the
7 time periods in this definition when the principal purpose of
8 the requests is (i) to access and disseminate information
9 concerning news and current or passing events, (ii) for
10 articles of opinion or features of interest to the public, or
11 (iii) for the purpose of academic, scientific, or public
12 research or education.

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

20 (h) "Voluminous request" means a request that: (i)
21 includes more than 5 individual requests for more than 5
22 different categories of records or a combination of individual
23 requests that total requests for more than 5 different
24 categories of records in a period of 20 business days; or (ii)
25 requires the compilation of more than 500 letter or
26 legal-sized pages of public records unless a single requested

1 record exceeds 500 pages. "Single requested record" may
2 include, but is not limited to, one report, form, e-mail,
3 letter, memorandum, book, map, microfilm, tape, or recording.

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

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

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

22 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
23 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

24 (Text of Section after amendment by P.A. 103-554)

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

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

16 (b) "Person" means any individual, corporation,
17 partnership, firm, organization or association, acting
18 individually or as a group.

19 (c) "Public records" means all records, reports, forms,
20 writings, letters, memoranda, books, papers, maps,
21 photographs, microfilms, cards, tapes, recordings, electronic
22 data processing records, electronic communications, recorded
23 information and all other documentary materials pertaining to
24 the transaction of public business, regardless of physical
25 form or characteristics, having been prepared by or for, or
26 having been or being used by, received by, in the possession

1 of, or under the control of any public body.

2 (c-5) "Private information" means unique identifiers,
3 including a person's social security number, driver's license
4 number, employee identification number, biometric identifiers,
5 personal financial information, passwords or other access
6 codes, medical records, home or personal telephone numbers,
7 and personal email addresses. Private information also
8 includes home address and personal license plates, except as
9 otherwise provided by law or when compiled without possibility
10 of attribution to any person. For a public body that is a
11 HIPAA-covered entity, "private information" includes
12 electronic medical records and all information, including
13 demographic information, contained within or extracted from an
14 electronic medical records system operated or maintained by
15 the public body in compliance with State and federal medical
16 privacy laws and regulations, including, but not limited to,
17 the Health Insurance Portability and Accountability Act and
18 its regulations, 45 CFR Parts 160 and 164. As used in this
19 subsection, "HIPAA-covered entity" has the meaning given to
20 the term "covered entity" in 45 CFR 160.103.

21 (c-10) "Commercial purpose" means the use of any part of a
22 public record or records, or information derived from public
23 records, in any form for sale, resale, or solicitation, for ~~or~~
24 advertisement for sales or services, or for solicitation of
25 individuals for purposes of joining an organization. For
26 purposes of this definition, requests made by news media and

1 non-profit, scientific, or academic organizations shall not be
2 considered to be made for a "commercial purpose" when the
3 principal purpose of the request is (i) to access and
4 disseminate information concerning news and current or passing
5 events, (ii) for articles of opinion or features of interest
6 to the public, or (iii) for the purpose of academic,
7 scientific, or public research or education.

8 (d) "Copying" means the reproduction of any public record
9 by means of any photographic, electronic, mechanical or other
10 process, device or means now known or hereafter developed and
11 available to the public body.

12 (e) "Head of the public body" means the president, mayor,
13 chairman, presiding officer, director, superintendent,
14 manager, supervisor or individual otherwise holding primary
15 executive and administrative authority for the public body, or
16 such person's duly authorized designee.

17 (f) "News media" means a newspaper or other periodical
18 issued at regular intervals whether in print or electronic
19 format, a news service whether in print or electronic format,
20 a radio station, a television station, a television network, a
21 community antenna television service, or a person or
22 corporation engaged in making news reels or other motion
23 picture news for public showing.

24 (g) "Recurrent requester", as used in Section 3.2 of this
25 Act, means a person that, in the 12 months immediately
26 preceding the request, has submitted to the same public body

1 (i) a minimum of 50 requests for records, (ii) a minimum of 15
2 requests for records within a 30-day period, or (iii) a
3 minimum of 7 requests for records within a 7-day period. For
4 purposes of this definition, requests made by news media and
5 non-profit, scientific, or academic organizations shall not be
6 considered in calculating the number of requests made in the
7 time periods in this definition when the principal purpose of
8 the requests is (i) to access and disseminate information
9 concerning news and current or passing events, (ii) for
10 articles of opinion or features of interest to the public, or
11 (iii) for the purpose of academic, scientific, or public
12 research or education.

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

20 (h) "Voluminous request" means a request that: (i)
21 includes more than 5 individual requests for more than 5
22 different categories of records or a combination of individual
23 requests that total requests for more than 5 different
24 categories of records in a period of 20 business days; or (ii)
25 requires the compilation of more than 500 letter or
26 legal-sized pages of public records unless a single requested

1 record exceeds 500 pages. "Single requested record" may
2 include, but is not limited to, one report, form, e-mail,
3 letter, memorandum, book, map, microfilm, tape, or recording.

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

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

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

22 (Source: P.A. 103-554, eff. 1-1-24.)

23 (5 ILCS 140/3) (from Ch. 116, par. 203)

24 Sec. 3. (a) Each public body shall make available to any
25 person for inspection or copying all public records, except as

1 otherwise provided in Sections 7 and 8.5 of this Act.
2 Notwithstanding any other law, a public body may not grant to
3 any person or entity, whether by contract, license, or
4 otherwise, the exclusive right to access and disseminate any
5 public record as defined in this Act.

6 (b) Subject to the fee provisions of Section 6 of this Act,
7 each public body shall promptly provide, to any person who
8 submits a request, a copy of any public record required to be
9 disclosed by subsection (a) of this Section and shall certify
10 such copy if so requested.

11 (c) Requests for inspection or copies shall be made in
12 writing and directed to the public body. Written requests may
13 be submitted to a public body via personal delivery, mail,
14 telefax, or other means available to the public body. A public
15 body may honor oral requests for inspection or copying. A
16 public body may not require that a request be submitted on a
17 standard form or require the requester to specify the purpose
18 for a request, except to determine whether the records are
19 requested for a commercial purpose or whether to grant a
20 request for a fee waiver. All requests for inspection and
21 copying received by a public body shall immediately be
22 forwarded to its Freedom of Information officer or designee.

23 (d) Each public body shall, promptly, either comply with
24 or deny a request for public records within 5 business days
25 after its receipt of the request, unless the time for response
26 is properly extended under subsections ~~subsection~~ (e) and (f)

1 of this Section. Denial shall be in writing as provided in
2 Section 9 of this Act. Failure to comply with a written
3 request, extend the time for response, or deny a request
4 within 5 business days after its receipt shall be considered a
5 denial of the request. A public body that fails to respond to a
6 request within the requisite periods in this Section but
7 thereafter provides the requester with copies of the requested
8 public records may not impose a fee for such copies. A public
9 body that fails to respond to a request received may not treat
10 the request as unduly burdensome under subsection (g).

11 (e) The time for response under this Section may be
12 extended by the public body for not more than 7 ~~5~~ business days
13 from the original due date for any of the following reasons:

14 (i) the requested records are stored in whole or in
15 part at other locations than the office having charge of
16 the requested records;

17 (ii) the request requires the collection of a
18 substantial number of specified records;

19 (iii) the request is couched in categorical terms and
20 requires an extensive search for the records responsive to
21 it;

22 (iv) the requested records have not been located in
23 the course of routine search and additional efforts are
24 being made to locate them;

25 (v) the requested records require examination and
26 evaluation by personnel having the necessary competence

1 and discretion to determine if they are exempt from
2 disclosure under Section 7 of this Act or should be
3 revealed only with appropriate deletions;

4 (vi) the request for records cannot be complied with
5 by the public body within the time limits prescribed by
6 subsection (d) of this Section without unduly burdening or
7 interfering with the operations of the public body;

8 (vii) there is a need for consultation, which shall be
9 conducted with all practicable speed, with another public
10 body or among 2 or more components of a public body having
11 a substantial interest in the determination or in the
12 subject matter of the request.

13 The person making a request and the public body may agree
14 in writing to extend the time for compliance for a period to be
15 determined by the parties. If the requester and the public
16 body agree to extend the period for compliance, a failure by
17 the public body to comply with any previous deadlines shall
18 not be treated as a denial of the request for the records.

19 (f) When additional time is required for any of the above
20 reasons, the public body shall, within 7 ~~5~~ business days after
21 receipt of the request, notify the person making the request
22 of the reasons for the extension and the date by which the
23 response will be forthcoming. Failure to respond within the
24 time permitted for extension shall be considered a denial of
25 the request. A public body that fails to respond to a request
26 within the time permitted for extension but thereafter

1 provides the requester with copies of the requested public
2 records may not impose a fee for those copies. A public body
3 that requests an extension and subsequently fails to respond
4 to the request may not treat the request as unduly burdensome
5 under subsection (g).

6 (g) Requests calling for all records falling within a
7 category shall be complied with unless compliance with the
8 request would be unduly burdensome for the complying public
9 body and there is no way to narrow the request and the burden
10 on the public body outweighs the public interest in the
11 information. Before invoking this exemption, the public body
12 shall extend to the person making the request an opportunity
13 to confer with it in an attempt to reduce the request to
14 manageable proportions. If any public body responds to a
15 categorical request by stating that compliance would unduly
16 burden its operation and the conditions described above are
17 met, it shall do so in writing, specifying the reasons why it
18 would be unduly burdensome and the extent to which compliance
19 will so burden the operations of the public body. Such a
20 response shall be treated as a denial of the request for
21 information.

22 Repeated requests from the same person for the same
23 records that are unchanged or identical to records previously
24 provided or properly denied under this Act shall be deemed
25 unduly burdensome under this provision.

26 (h) Each public body may promulgate rules and regulations

1 in conformity with the provisions of this Section pertaining
2 to the availability of records and procedures to be followed,
3 including:

4 (i) the times and places where such records will be
5 made available, and

6 (ii) the persons from whom such records may be
7 obtained.

8 (i) The time periods for compliance or denial of a request
9 to inspect or copy records set out in this Section shall not
10 apply to requests for records made for a commercial purpose,
11 requests by a recurrent requester, or voluminous requests.
12 Such requests shall be subject to the provisions of Sections
13 3.1, 3.2, and 3.6 of this Act, as applicable.

14 (Source: P.A. 101-81, eff. 7-12-19.)

15 (5 ILCS 140/3.1)

16 Sec. 3.1. Requests for commercial purposes.

17 (a) A public body shall respond to a request for records to
18 be used for a commercial purpose within 21 working days after
19 receipt. The response shall (i) provide to the requester an
20 estimate of the time required by the public body to provide the
21 records requested and an estimate of the fees to be charged,
22 which the public body shall ~~may~~ require the person to pay in
23 full before copying the requested documents, (ii) deny the
24 request pursuant to one or more of the exemptions set out in
25 this Act, (iii) notify the requester that the request is

1 unduly burdensome and extend an opportunity to the requester
2 to attempt to reduce the request to manageable proportions, or
3 (iv) (blank) ~~provide the records requested.~~

4 (b) Unless the records are exempt from disclosure, a
5 public body shall comply with a request within a reasonable
6 period considering the size and complexity of the request, and
7 giving priority to records requested for non-commercial
8 purposes.

9 (c) It is a violation of this Act for a person to knowingly
10 obtain a public record for a commercial purpose without
11 disclosing that it is for a commercial purpose, if requested
12 to do so by the public body.

13 (Source: P.A. 96-542, eff. 1-1-10.)

14 (5 ILCS 140/3.2)

15 Sec. 3.2. Recurrent requesters.

16 ~~(a)~~ Notwithstanding any provision of this Act to the
17 contrary, a public body shall, within 5 business days of
18 receipt of a request that causes a person to become a recurrent
19 requester, notify the recurrent requester that the public body
20 will not respond to either the request or, for a period of 90
21 days after receipt of the request, any other request from the
22 requester. The response shall include the date on which the
23 requester may again start submitting a request for information
24 under the Act ~~respond to a request from a recurrent requester,~~
25 ~~as defined in subsection (g) of Section 2, within 21 business~~

1 ~~days after receipt. The response shall (i) provide to the~~
2 ~~requester an estimate of the time required by the public body~~
3 ~~to provide the records requested and an estimate of the fees to~~
4 ~~be charged, which the public body may require the person to pay~~
5 ~~in full before copying the requested documents, (ii) deny the~~
6 ~~request pursuant to one or more of the exemptions set out in~~
7 ~~this Act, (iii) notify the requester that the request is~~
8 ~~unduly burdensome and extend an opportunity to the requester~~
9 ~~to attempt to reduce the request to manageable proportions, or~~
10 ~~(iv) provide the records requested.~~

11 ~~(b) Within 5 business days after receiving a request from~~
12 ~~a recurrent requester, as defined in subsection (g) of Section~~
13 ~~2, the public body shall notify the requester (i) that the~~
14 ~~public body is treating the request as a request under~~
15 ~~subsection (g) of Section 2, (ii) of the reasons why the public~~
16 ~~body is treating the request as a request under subsection (g)~~
17 ~~of Section 2, and (iii) that the public body will send an~~
18 ~~initial response within 21 business days after receipt in~~
19 ~~accordance with subsection (a) of this Section. The public~~
20 ~~body shall also notify the requester of the proposed responses~~
21 ~~that can be asserted pursuant to subsection (a) of this~~
22 ~~Section.~~

23 ~~(c) Unless the records are exempt from disclosure, a~~
24 ~~public body shall comply with a request within a reasonable~~
25 ~~period considering the size and complexity of the request.~~

26 (Source: P.A. 97-579, eff. 8-26-11; 98-756, eff. 7-16-14.)

1 (5 ILCS 140/3.6)

2 Sec. 3.6. Voluminous requests.

3 (a) Notwithstanding any provision of this Act to the
4 contrary, a public body shall respond to a voluminous request
5 within 5 business days after receipt. The response shall
6 notify the requester: (i) that the public body is treating the
7 request as a voluminous request; (ii) the reasons why the
8 public body is treating the request as a voluminous request;
9 (iii) that the requester must respond to the public body
10 within 10 business days after the public body's response was
11 sent and specify whether the requester would like to amend the
12 request in such a way that the public body will no longer treat
13 the request as a voluminous request; (iv) that if the
14 requester does not respond within 10 business days or if the
15 request continues to be a voluminous request following the
16 requester's response, the public body will respond to the
17 request and assess any fees the public body charges pursuant
18 to Section 6 of this Act; (v) that the public body has 5
19 business days after receipt of the requester's response or 5
20 business days from the last day for the requester to amend his
21 or her request, whichever is sooner, to respond to the
22 request; (vi) that the public body may request an additional
23 10 business days to comply with the request; (vii) of the
24 requester's right to review of the public body's determination
25 by the Public Access Counselor and provide the address and

1 phone number for the Public Access Counselor; and (viii) that
2 if the requester fails to accept or collect the responsive
3 records, the public body may still charge the requester for
4 its response pursuant to Section 6 of this Act and the
5 requester's failure to pay will be considered a debt due and
6 owing to the public body and may be collected in accordance
7 with applicable law.

8 (b) A public body shall provide a person making a
9 voluminous request 10 business days from the date the public
10 body's response pursuant to subsection (a) of this Section is
11 sent to amend the request in such a way that the public body
12 will no longer treat the request as a voluminous request.

13 (c) If a request continues to be a voluminous request
14 following the requester's response under subsection (b) of
15 this Section or the requester fails to respond, the public
16 body shall respond within the earlier of 5 business days after
17 it receives the response from the requester or 5 business days
18 after the final day for the requester to respond to the public
19 body's notification under this subsection. The response shall:

20 (i) provide an estimate of the fees to be charged, which the
21 public body may require the person to pay in full before
22 copying the requested documents; (ii) deny the request
23 pursuant to one or more of the exemptions set out in this Act;
24 (iii) notify the requester that the request is unduly
25 burdensome and extend an opportunity to the requester to
26 attempt to reduce the request to manageable proportions; or

1 (iv) provide the records requested.

2 (d) The time for response by the public body under
3 subsection (c) of this Section may be extended by the public
4 body for not more than 10 business days from the final day for
5 the requester to respond to the public body's notification
6 under subsection (c) of this Section for any of the reasons
7 provided in subsection (e) of Section 3 of this Act.

8 The person making a request and the public body may agree
9 in writing to extend the time for compliance for a period to be
10 determined by the parties. If the requester and the public
11 body agree to extend the period for compliance, a failure by
12 the public body to comply with any previous deadlines shall
13 not be treated as a denial of the request for the records.

14 (e) A requester shall pay the full fee charged pursuant to
15 Section 6 of this Act prior to the release of the request by
16 the public body. ~~If a requester does not pay a fee charged~~
17 ~~pursuant to Section 6 of this Act for a voluminous request, the~~
18 ~~debt shall be considered a debt due and owing to the public~~
19 ~~body and may be collected in accordance with applicable law.~~
20 ~~This fee may be charged by the public body even if the~~
21 ~~requester fails to accept or collect records the public body~~
22 ~~has prepared in response to a voluminous request.~~

23 (Source: P.A. 98-1129, eff. 12-3-14.)

24 (5 ILCS 140/6) (from Ch. 116, par. 206)

25 Sec. 6. Authority to charge fees.

1 (a) When a person requests a copy of a record maintained in
2 an electronic format, the public body shall furnish it in the
3 electronic format specified by the requester, if feasible. If
4 it is not feasible to furnish the public records in the
5 specified electronic format, then the public body shall
6 furnish it in the format in which it is maintained by the
7 public body, or in paper format at the option of the requester.
8 A public body may charge the requester for the actual cost of
9 purchasing the recording medium, whether disc, diskette, tape,
10 or other medium. If a request is not a request for a commercial
11 purpose or a voluminous request, a public body may not charge
12 the requester for the costs of any search for and review of the
13 records or other personnel costs associated with reproducing
14 the records. Except to the extent that the General Assembly
15 expressly provides, statutory fees applicable to copies of
16 public records when furnished in a paper format shall not be
17 applicable to those records when furnished in an electronic
18 format.

19 (a-5) If a voluminous request is for electronic records
20 and those records are not in a portable document format (PDF),
21 the public body may charge up to \$20 for not more than 2
22 megabytes of data, up to \$40 for more than 2 but not more than
23 4 megabytes of data, and up to \$100 for more than 4 megabytes
24 of data. If a voluminous request is for electronic records and
25 those records are in a portable document format, the public
26 body may charge up to \$20 for not more than 80 megabytes of

1 data, up to \$40 for more than 80 megabytes but not more than
2 160 megabytes of data, and up to \$100 for more than 160
3 megabytes of data. If the responsive electronic records are in
4 both a portable document format and not in a portable document
5 format, the public body may separate the fees and charge the
6 requester under both fee scales.

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

11 (b) Except when a fee is otherwise fixed by statute, each
12 public body may charge fees reasonably calculated to reimburse
13 its actual cost for reproducing and certifying public records
14 and for the use, by any person, of the equipment of the public
15 body to copy records. No fees shall be charged for the first 50
16 pages of black and white, letter or legal sized copies
17 requested by a requester. The fee for black and white, letter
18 or legal sized copies shall not exceed 15 cents per page. If a
19 public body provides copies in color or in a size other than
20 letter or legal, the public body may not charge more than its
21 actual cost for reproducing the records. In calculating its
22 actual cost for reproducing records or for the use of the
23 equipment of the public body to reproduce records, a public
24 body shall not include the costs of any search for and review
25 of the records or other personnel costs associated with
26 reproducing the records, except for commercial requests as

1 provided in subsection (f) of this Section. Such fees shall be
2 imposed according to a standard scale of fees, established and
3 made public by the body imposing them. The cost for certifying
4 a record shall not exceed \$1.

5 (c) Documents shall be furnished without charge or at a
6 reduced charge, as determined by the public body, if the
7 person requesting the documents states the specific purpose
8 for the request and indicates that a waiver or reduction of the
9 fee is in the public interest. Waiver or reduction of the fee
10 is in the public interest if the principal purpose of the
11 request is to access and disseminate information regarding the
12 health, safety and welfare or the legal rights of the general
13 public and is not for the principal purpose of personal or
14 commercial benefit. For purposes of this subsection,
15 "commercial benefit" shall not apply to requests made by news
16 media when the principal purpose of the request is to access
17 and disseminate information regarding the health, safety, and
18 welfare or the legal rights of the general public. In setting
19 the amount of the waiver or reduction, the public body may take
20 into consideration the amount of materials requested and the
21 cost of copying them.

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

25 (e) The fee for each abstract of a driver's record shall be
26 as provided in Section 6-118 of "The Illinois Vehicle Code",

1 approved September 29, 1969, as amended, whether furnished as
2 a paper copy or as an electronic copy.

3 (f) A public body may charge up to \$10 for each hour spent
4 by personnel in searching for and retrieving a requested
5 record or examining the record for necessary redactions. No
6 fees shall be charged for the first 2 & hours spent by
7 personnel in searching for or retrieving a requested record. A
8 public body may charge the actual cost of retrieving and
9 transporting public records from an off-site storage facility
10 when the public records are maintained by a third-party
11 storage company under contract with the public body. If a
12 public body imposes a fee pursuant to this subsection (f), it
13 must provide the requester with an accounting of all fees,
14 costs, and personnel hours in connection with the request for
15 public records. ~~The provisions of this subsection (f) apply~~
16 ~~only to commercial requests.~~

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

18 (5 ILCS 140/7)

19 Sec. 7. Exemptions.

20 (1) When a request is made to inspect or copy a public
21 record that contains information that is exempt from
22 disclosure under this Section, but also contains information
23 that is not exempt from disclosure, the public body may elect
24 to redact the information that is exempt. The public body
25 shall make the remaining information available for inspection

1 and copying. Subject to this requirement, the following shall
2 be exempt from inspection and copying:

3 (a) Information specifically prohibited from
4 disclosure by federal or State law or rules and
5 regulations implementing federal or State law.

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

9 (b-5) Files, documents, and other data or databases
10 maintained by one or more law enforcement agencies and
11 specifically designed to provide information to one or
12 more law enforcement agencies regarding the physical or
13 mental status of one or more individual subjects.

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

1 (d) Records in the possession of any public body
2 created in the course of administrative enforcement
3 proceedings, and any law enforcement or correctional
4 agency for law enforcement purposes, but only to the
5 extent that disclosure would:

6 (i) interfere with pending or actually and
7 reasonably contemplated law enforcement proceedings
8 conducted by any law enforcement or correctional
9 agency that is the recipient of the request;

10 (ii) interfere with active administrative
11 enforcement proceedings conducted by the public body
12 that is the recipient of the request;

13 (iii) create a substantial likelihood that a
14 person will be deprived of a fair trial or an impartial
15 hearing;

16 (iv) unavoidably disclose the identity of a
17 confidential source, confidential information
18 furnished only by the confidential source, or persons
19 who file complaints with or provide information to
20 administrative, investigative, law enforcement, or
21 penal agencies; except that the identities of
22 witnesses to traffic crashes, traffic crash reports,
23 and rescue reports shall be provided by agencies of
24 local government, except when disclosure would
25 interfere with an active criminal investigation
26 conducted by the agency that is the recipient of the

1 request;

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

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

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

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

22 (d-6) Records contained in the Officer Professional
23 Conduct Database under Section 9.2 of the Illinois Police
24 Training Act, except to the extent authorized under that
25 Section. This includes the documents supplied to the
26 Illinois Law Enforcement Training Standards Board from the

1 Illinois State Police and Illinois State Police Merit
2 Board.

3 (d-7) Information gathered or records created from the
4 use of automatic license plate readers in connection with
5 Section 2-130 of the Illinois Vehicle Code.

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

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

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

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

26 (e-8) Records requested by a person committed to the

1 Department of Corrections, Department of Human Services
2 Division of Mental Health, or a county jail, the
3 disclosure of which would result in the risk of harm to any
4 person or the risk of an escape from a jail or correctional
5 institution or facility.

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

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

24 (f) Preliminary drafts, notes, recommendations,
25 memoranda, and other records in which opinions are
26 expressed, or policies or actions are formulated, except

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

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

16 The information included under this exemption includes
17 all trade secrets and commercial or financial information
18 obtained by a public body, including a public pension
19 fund, from a private equity fund or a privately held
20 company within the investment portfolio of a private
21 equity fund as a result of either investing or evaluating
22 a potential investment of public funds in a private equity
23 fund. The exemption contained in this item does not apply
24 to the aggregate financial performance information of a
25 private equity fund, nor to the identity of the fund's
26 managers or general partners. The exemption contained in

1 this item does not apply to the identity of a privately
2 held company within the investment portfolio of a private
3 equity fund, unless the disclosure of the identity of a
4 privately held company may cause competitive harm.

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

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

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

1 (j) The following information pertaining to
2 educational matters:

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

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

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

14 (iv) course materials or research materials used
15 by faculty members.

16 (k) Architects' plans, engineers' technical
17 submissions, and other construction related technical
18 documents for projects not constructed or developed in
19 whole or in part with public funds and the same for
20 projects constructed or developed with public funds,
21 including, but not limited to, power generating and
22 distribution stations and other transmission and
23 distribution facilities, water treatment facilities,
24 airport facilities, sport stadiums, convention centers,
25 and all government owned, operated, or occupied buildings,
26 but only to the extent that disclosure would compromise

1 security.

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

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

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

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

1 materials exempt under this Section.

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

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

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

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

1 information, records, data, advice, or communications.

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

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

14 (v) Vulnerability assessments, security measures, and
15 response policies or plans that are designed to identify,
16 prevent, or respond to potential attacks upon a
17 community's population or systems, facilities, or
18 installations, but only to the extent that disclosure
19 could reasonably be expected to expose the vulnerability
20 or jeopardize the effectiveness of the measures, policies,
21 or plans, or the safety of the personnel who implement
22 them or the public. Information exempt under this item may
23 include such things as details pertaining to the
24 mobilization or deployment of personnel or equipment, to
25 the operation of communication systems or protocols, to
26 cybersecurity vulnerabilities, or to tactical operations.

1 (w) (Blank).

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

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

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

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

22 (bb) Records and information provided to a mortality
23 review team and records maintained by a mortality review
24 team appointed under the Department of Juvenile Justice
25 Mortality Review Team Act.

26 (cc) Information regarding interments, entombments, or

1 inurnments of human remains that are submitted to the
2 Cemetery Oversight Database under the Cemetery Care Act or
3 the Cemetery Oversight Act, whichever is applicable.

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

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

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

20 (gg) Confidential information described in Section
21 1-100 of the Illinois Independent Tax Tribunal Act of
22 2012.

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

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

12 (jj) Confidential information described in Section
13 5-535 of the Civil Administrative Code of Illinois.

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

20 (ll) Records concerning the work of the threat
21 assessment team of a school district, including, but not
22 limited to, any threat assessment procedure under the
23 School Safety Drill Act and any information contained in
24 the procedure.

25 (mm) Information prohibited from being disclosed under
26 subsections (a) and (b) of Section 15 of the Student

1 Confidential Reporting Act.

2 (nn) Proprietary information submitted to the
3 Environmental Protection Agency under the Drug Take-Back
4 Act.

5 (oo) Records described in subsection (f) of Section
6 3-5-1 of the Unified Code of Corrections.

7 (pp) Any and all information regarding burials,
8 interments, or entombments of human remains as required to
9 be reported to the Department of Natural Resources
10 pursuant either to the Archaeological and Paleontological
11 Resources Protection Act or the Human Remains Protection
12 Act.

13 (qq) ~~(pp)~~ Reports described in subsection (e) of
14 Section 16-15 of the Abortion Care Clinical Training
15 Program Act.

16 (rr) ~~(pp)~~ Information obtained by a certified local
17 health department under the Access to Public Health Data
18 Act.

19 (ss) ~~(pp)~~ For a request directed to a public body that
20 is also a HIPAA-covered entity, all information that is
21 protected health information, including demographic
22 information, that may be contained within or extracted
23 from any record held by the public body in compliance with
24 State and federal medical privacy laws and regulations,
25 including, but not limited to, the Health Insurance
26 Portability and Accountability Act and its regulations, 45

1 CFR Parts 160 and 164. As used in this paragraph,
2 "HIPAA-covered entity" has the meaning given to the term
3 "covered entity" in 45 CFR 160.103 and "protected health
4 information" has the meaning given to that term in 45 CFR
5 160.103.

6 (tt) Communications not pertaining to the transaction
7 of public business sent to or received by an individual's
8 personal electronic device, such as text messages, voice
9 messages, and emails.

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

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

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

24 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
25 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
26 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,

1 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
2 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
3 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised
4 9-7-23.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 140/2 from Ch. 116, par. 202
- 4 5 ILCS 140/3 from Ch. 116, par. 203
- 5 5 ILCS 140/3.1
- 6 5 ILCS 140/3.2
- 7 5 ILCS 140/3.6
- 8 5 ILCS 140/6 from Ch. 116, par. 206
- 9 5 ILCS 140/7