

SB2046



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2046

Introduced 2/9/2023, by Sen. Craig Wilcox

SYNOPSIS AS INTRODUCED:

5 ILCS 140/3.5

Amends the Freedom of Information Act. Provides that each public body shall designate one or more public body officials or employees (rather than officials or employees) to act as its Freedom of Information officer or officers. Provides that "public body officials" means elected or appointed office holders of the public body but does not include private attorneys or law firms appointed to represent the public body.

LRB103 26145 AWJ 52502 b

A BILL FOR

1 AN ACT concerning State 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 3.5 as follows:

6 (5 ILCS 140/3.5)

7 Sec. 3.5. Freedom of Information officers.

8 (a) Each public body shall designate one or more public
9 body officials or employees to act as its Freedom of
10 Information officer or officers. Except in instances when
11 records are furnished immediately, Freedom of Information
12 officers, or their designees, shall receive requests submitted
13 to the public body under this Act, ensure that the public body
14 responds to requests in a timely fashion, and issue responses
15 under this Act. Freedom of Information officers shall develop
16 a list of documents or categories of records that the public
17 body shall immediately disclose upon request.

18 Upon receiving a request for a public record, the Freedom
19 of Information officer shall:

20 (1) note the date the public body receives the written
21 request;

22 (2) compute the day on which the period for response
23 will expire and make a notation of that date on the written

1 request;

2 (3) maintain an electronic or paper copy of a written
3 request, including all documents submitted with the
4 request until the request has been complied with or
5 denied; and

6 (4) create a file for the retention of the original
7 request, a copy of the response, a record of written
8 communications with the requester, and a copy of other
9 communications.

10 (b) All Freedom of Information officers shall, within 6
11 months after the effective date of this amendatory Act of the
12 96th General Assembly, successfully complete an electronic
13 training curriculum to be developed by the Public Access
14 Counselor and thereafter successfully complete an annual
15 training program. Thereafter, whenever a new Freedom of
16 Information officer is designated by a public body, that
17 person shall successfully complete the electronic training
18 curriculum within 30 days after assuming the position.
19 Successful completion of the required training curriculum
20 within the periods provided shall be a prerequisite to
21 continue serving as a Freedom of Information officer.

22 (c) As used in this Section, "public body officials" means
23 elected or appointed office holders of the public body.
24 "Public body officials" does not include private attorneys or
25 law firms appointed to represent the public body.

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