

# SB2085



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2085

Introduced 2/9/2023, by Sen. Donald P. DeWitte

### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7

Amends the Freedom of Information Act. Provides that proposals or bids submitted by engineering consultants in response to requests for proposal or other competitive bidding requests by the Department of Transportation or the Illinois Toll Highway Authority are exempt from disclosure under the Act.

LRB103 28602 AWJ 54983 b

A BILL FOR

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 7 as follows:

6 (5 ILCS 140/7)

7 (Text of Section before amendment by P.A. 102-982)

8 Sec. 7. Exemptions.

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

17 (a) Information specifically prohibited from  
18 disclosure by federal or State law or rules and  
19 regulations implementing federal or State law.

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

23 (b-5) Files, documents, and other data or databases

1 maintained by one or more law enforcement agencies and  
2 specifically designed to provide information to one or  
3 more law enforcement agencies regarding the physical or  
4 mental status of one or more individual subjects.

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

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

23 (i) interfere with pending or actually and  
24 reasonably contemplated law enforcement proceedings  
25 conducted by any law enforcement or correctional  
26 agency that is the recipient of the request;

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

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

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

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

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

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

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

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

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

22           (e-5) 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 are available in the library of the correctional  
26 institution or facility or jail where the inmate is

1 confined.

2 (e-6) Records requested by persons committed to the  
3 Department of Corrections, Department of Human Services  
4 Division of Mental Health, or a county jail if those  
5 materials include records from staff members' personnel  
6 files, staff rosters, or other staffing assignment  
7 information.

8 (e-7) Records requested by persons committed to the  
9 Department of Corrections or Department of Human Services  
10 Division of Mental Health if those materials are available  
11 through an administrative request to the Department of  
12 Corrections or Department of Human Services Division of  
13 Mental Health.

14 (e-8) Records requested by a person committed to the  
15 Department of Corrections, Department of Human Services  
16 Division of Mental Health, or a county jail, the  
17 disclosure of which would result in the risk of harm to any  
18 person or the risk of an escape from a jail or correctional  
19 institution or facility.

20 (e-9) Records requested by a person in a county jail  
21 or committed to the Department of Corrections or  
22 Department of Human Services Division of Mental Health,  
23 containing personal information pertaining to the person's  
24 victim or the victim's family, including, but not limited  
25 to, a victim's home address, home telephone number, work  
26 or school address, work telephone number, social security

1 number, or any other identifying information, except as  
2 may be relevant to a requester's current or potential case  
3 or claim.

4 (e-10) Law enforcement records of other persons  
5 requested by a person committed to the Department of  
6 Corrections, Department of Human Services Division of  
7 Mental Health, or a county jail, including, but not  
8 limited to, arrest and booking records, mug shots, and  
9 crime scene photographs, except as these records may be  
10 relevant to the requester's current or potential case or  
11 claim.

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

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

1 cause competitive harm to the person or business, and only  
2 insofar as the claim directly applies to the records  
3 requested.

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

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

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



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

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

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

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

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

24 (iii) information concerning a school or  
25 university's adjudication of student disciplinary  
26 cases, but only to the extent that disclosure would

1           unavoidably reveal the identity of the student; and  
2           (iv) course materials or research materials used  
3           by faculty members.

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

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

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

1 respect to internal audits of public bodies.

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

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

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

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

23 (r) The records, documents, and information relating  
24 to real estate purchase negotiations until those  
25 negotiations have been completed or otherwise terminated.  
26 With regard to a parcel involved in a pending or actually

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

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

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

24 (u) Information that would disclose or might lead to  
25 the disclosure of secret or confidential information,  
26 codes, algorithms, programs, or private keys intended to

1 be used to create electronic signatures under the Uniform  
2 Electronic Transactions Act.

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

16 (w) (Blank).

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

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

1 by the Illinois Power Agency or by the Illinois Commerce  
2 Commission.

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

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

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

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

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

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

1 districts, recreation agencies, and special recreation  
2 associations.

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

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

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

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

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

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

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

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

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

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

22 (1.5) Any information exempt from disclosure under the  
23 Judicial Privacy Act shall be redacted from public records  
24 prior to disclosure under this Act.

25 (2) A public record that is not in the possession of a  
26 public body but is in the possession of a party with whom the



1 agency has contracted to perform a governmental function on  
2 behalf of the public body, and that directly relates to the  
3 governmental function and is not otherwise exempt under this  
4 Act, shall be considered a public record of the public body,  
5 for purposes of this Act.

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

10 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
11 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
12 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,  
13 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;  
14 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised  
15 12-13-22.)

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

17 Sec. 7. Exemptions.

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

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

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

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

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

25           (d) Records in the possession of any public body  
26 created in the course of administrative enforcement

1 proceedings, and any law enforcement or correctional  
2 agency for law enforcement purposes, but only to the  
3 extent that disclosure would:

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

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

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

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

26 (v) disclose unique or specialized investigative

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

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

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

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

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

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

3 (e-5) 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 are available in the library of the correctional  
7 institution or facility or jail where the inmate is  
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16 Department of Corrections or Department of Human Services  
17 Division of Mental Health if those materials are available  
18 through an administrative request to the Department of  
19 Corrections or Department of Human Services Division of  
20 Mental Health.

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5 victim or the victim's family, including, but not limited  
6 to, a victim's home address, home telephone number, work  
7 or school address, work telephone number, social security  
8 number, or any other identifying information, except as  
9 may be relevant to a requester's current or potential case  
10 or claim.

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22 that a specific record or relevant portion of a record  
23 shall not be exempt when the record is publicly cited and  
24 identified by the head of the public body. The exemption  
25 provided in this paragraph (f) extends to all those  
26 records of officers and agencies of the General Assembly

1 that pertain to the preparation of legislative documents.

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

11 The information included under this exemption includes  
12 all trade secrets and commercial or financial information  
13 obtained by a public body, including a public pension  
14 fund, from a private equity fund or a privately held  
15 company within the investment portfolio of a private  
16 equity fund as a result of either investing or evaluating  
17 a potential investment of public funds in a private equity  
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20 private equity fund, nor to the identity of the fund's  
21 managers or general partners. The exemption contained in  
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23 held company within the investment portfolio of a private  
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4 agreement, including information which if it were  
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6 to any person proposing to enter into a contractor  
7 agreement with the body, until an award or final selection  
8 is made. Information prepared by or for the body in  
9 preparation of a bid solicitation shall be exempt until an  
10 award or final selection is made.

11 (i) Valuable formulae, computer geographic systems,  
12 designs, drawings, and research data obtained or produced  
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15 exemption for "computer geographic systems" provided in  
16 this paragraph (i) does not extend to requests made by  
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2 secondary school, college, or university under its  
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7 cases, but only to the extent that disclosure would  
8 unavoidably reveal the identity of the student; and

9           (iv) course materials or research materials used  
10 by faculty members.

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

23          (1) Minutes of meetings of public bodies closed to the  
24 public as provided in the Open Meetings Act until the  
25 public body makes the minutes available to the public  
26 under Section 2.06 of the Open Meetings Act.

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

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

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

23           (p) Records relating to collective negotiating matters  
24 between public bodies and their employees or  
25 representatives, except that any final contract or  
26 agreement shall be subject to inspection and copying.

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

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

15 (s) Any and all proprietary information and records  
16 related to the operation of an intergovernmental risk  
17 management association or self-insurance pool or jointly  
18 self-administered health and accident cooperative or pool.  
19 Insurance or self-insurance ~~self-insurance~~ (including any  
20 intergovernmental risk management association or  
21 self-insurance ~~self-insurance~~ pool) claims, loss or risk  
22 management information, records, data, advice, or  
23 communications.

24 (t) Information contained in or related to  
25 examination, operating, or condition reports prepared by,  
26 on behalf of, or for the use of a public body responsible

1 for the regulation or supervision of financial  
2 institutions, insurance companies, or pharmacy benefit  
3 managers, unless disclosure is otherwise required by State  
4 law.

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

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

23 (w) (Blank).

24 (x) Maps and other records regarding the location or  
25 security of generation, transmission, distribution,  
26 storage, gathering, treatment, or switching facilities

1 owned by a utility, by a power generator, or by the  
2 Illinois Power Agency.

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

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

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

18 (bb) Records and information provided to a mortality  
19 review team and records maintained by a mortality review  
20 team appointed under the Department of Juvenile Justice  
21 Mortality Review Team Act.

22 (cc) Information regarding interments, entombments, or  
23 inurnments of human remains that are submitted to the  
24 Cemetery Oversight Database under the Cemetery Care Act or  
25 the Cemetery Oversight Act, whichever is applicable.

26 (dd) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid  
2 Code or (ii) that pertain to appeals under Section 11-8 of  
3 the Illinois Public Aid Code.

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

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

16 (gg) Confidential information described in Section  
17 1-100 of the Illinois Independent Tax Tribunal Act of  
18 2012.

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

23 (ii) Records requested by persons committed to or  
24 detained by the Department of Human Services under the  
25 Sexually Violent Persons Commitment Act or committed to  
26 the Department of Corrections under the Sexually Dangerous

1 Persons Act if those materials: (i) are available in the  
2 library of the facility where the individual is confined;  
3 (ii) include records from staff members' personnel files,  
4 staff rosters, or other staffing assignment information;  
5 or (iii) are available through an administrative request  
6 to the Department of Human Services or the Department of  
7 Corrections.

8 (jj) Confidential information described in Section  
9 5-535 of the Civil Administrative Code of Illinois.

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

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

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

24 (nn) ~~(mm)~~ Proprietary information submitted to the  
25 Environmental Protection Agency under the Drug Take-Back  
26 Act.

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

3           (pp) Proposals or bids submitted by engineering  
4           consultants in response to requests for proposal or other  
5           competitive bidding requests by the Department of  
6           Transportation or the Illinois Toll Highway Authority.

7           (1.5) Any information exempt from disclosure under the  
8           Judicial Privacy Act shall be redacted from public records  
9           prior to disclosure under this Act.

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

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

21          (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
22          101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
23          6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,  
24          eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;  
25          102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.  
26          6-10-22; revised 12-13-22.)



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