

1 AN ACT concerning the freedom of information.

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) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and
12 regulations adopted under federal or State law.

13 (b) Information that, if disclosed, would
14 constitute a clearly unwarranted invasion of personal
15 privacy, unless the disclosure is consented to in writing
16 by the individual subjects of the information. The
17 disclosure of information that bears on the public duties
18 of public employees and officials shall not be considered
19 an invasion of personal privacy. Information exempted
20 under this subsection (b) shall include but is not
21 limited to:

22 (i) files and personal information maintained
23 with respect to clients, patients, residents,
24 students or other individuals receiving social,
25 medical, educational, vocational, financial,
26 supervisory or custodial care or services directly
27 or indirectly from federal agencies or public
28 bodies;

29 (ii) personnel files and personal information
30 maintained with respect to employees, appointees or
31 elected officials of any public body or applicants

1 for those positions;

2 (iii) files and personal information
3 maintained with respect to any applicant, registrant
4 or licensee by any public body cooperating with or
5 engaged in professional or occupational
6 registration, licensure or discipline;

7 (iv) information required of any taxpayer in
8 connection with the assessment or collection of any
9 tax unless disclosure is otherwise required by State
10 statute; and

11 (v) information revealing the identity of
12 persons who file complaints with or provide
13 information to administrative, investigative, law
14 enforcement or penal agencies; provided, however,
15 that identification of witnesses to traffic
16 accidents, traffic accident reports, and rescue
17 reports may be provided by agencies of local
18 government, except in a case for which a criminal
19 investigation is ongoing, without constituting a
20 clearly unwarranted per se invasion of personal
21 privacy under this subsection.

22 (c) Records compiled by any public body for
23 administrative enforcement proceedings and any law
24 enforcement or correctional agency for law enforcement
25 purposes or for internal matters of a public body, but
26 only to the extent that disclosure would:

27 (i) interfere with pending or actually and
28 reasonably contemplated law enforcement proceedings
29 conducted by any law enforcement or correctional
30 agency;

31 (ii) interfere with pending administrative
32 enforcement proceedings conducted by any public
33 body;

34 (iii) deprive a person of a fair trial or an

1 impartial hearing;

2 (iv) unavoidably disclose the identity of a
3 confidential source or confidential information
4 furnished only by the confidential source;

5 (v) disclose unique or specialized
6 investigative techniques other than those generally
7 used and known or disclose internal documents of
8 correctional agencies related to detection,
9 observation or investigation of incidents of crime
10 or misconduct;

11 (vi) constitute an invasion of personal
12 privacy under subsection (b) of this Section;

13 (vii) endanger the life or physical safety of
14 law enforcement personnel or any other person; or

15 (viii) obstruct an ongoing criminal
16 investigation.

17 (d) Criminal history record information maintained
18 by State or local criminal justice agencies, except the
19 following which shall be open for public inspection and
20 copying:

21 (i) chronologically maintained arrest
22 information, such as traditional arrest logs or
23 blotters;

24 (ii) the name of a person in the custody of a
25 law enforcement agency and the charges for which
26 that person is being held;

27 (iii) court records that are public;

28 (iv) records that are otherwise available
29 under State or local law; or

30 (v) records in which the requesting party is
31 the individual identified, except as provided under
32 part (vii) of paragraph (c) of subsection (1) of
33 this Section.

34 "Criminal history record information" means data

1 identifiable to an individual and consisting of
2 descriptions or notations of arrests, detentions,
3 indictments, informations, pre-trial proceedings, trials,
4 or other formal events in the criminal justice system or
5 descriptions or notations of criminal charges (including
6 criminal violations of local municipal ordinances) and
7 the nature of any disposition arising therefrom,
8 including sentencing, court or correctional supervision,
9 rehabilitation and release. The term does not apply to
10 statistical records and reports in which individuals are
11 not identified and from which their identities are not
12 ascertainable, or to information that is for criminal
13 investigative or intelligence purposes.

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

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

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the
27 trade secrets or information are proprietary, privileged
28 or confidential, or where disclosure of the trade secrets
29 or information may cause competitive harm, including:

30 (i) All information determined to be
31 confidential under Section 4002 of the Technology
32 Advancement and Development Act.

33 (ii) Venture capital and private equity
34 portfolio information of privately held companies

1 possessed by a public body, including a public
2 pension fund, for the purpose of investing and
3 managing public funds. The exemption contained in
4 this item does not apply to the aggregate financial
5 performance of a venture capital or private equity
6 firm.

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

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

18 (i) Valuable formulae, computer geographic systems,
19 designs, drawings and research data obtained or produced
20 by any public body when disclosure could reasonably be
21 expected to produce private gain or public loss.

22 (j) Test questions, scoring keys and other
23 examination data used to administer an academic
24 examination or determined the qualifications of an
25 applicant for a license or employment.

26 (k) Architects' plans and engineers' technical
27 submissions for projects not constructed or developed in
28 whole or in part with public funds and for projects
29 constructed or developed with public funds, to the extent
30 that disclosure would compromise security.

31 (l) Library circulation and order records
32 identifying library users with specific materials.

33 (m) Minutes of meetings of public bodies closed to
34 the public as provided in the Open Meetings Act until the

1 public body makes the minutes available to the public
2 under Section 2.06 of the Open Meetings Act.

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

11 (o) Information received by a primary or secondary
12 school, college or university under its procedures for
13 the evaluation of faculty members by their academic
14 peers.

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

25 (q) Documents or materials relating to collective
26 negotiating matters between public bodies and their
27 employees or representatives, except that any final
28 contract or agreement shall be subject to inspection and
29 copying.

30 (r) Drafts, notes, recommendations and memoranda
31 pertaining to the financing and marketing transactions of
32 the public body. The records of ownership, registration,
33 transfer, and exchange of municipal debt obligations, and
34 of persons to whom payment with respect to these

1 obligations is made.

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

13 (t) Any and all proprietary information and records
14 related to the operation of an intergovernmental risk
15 management association or self-insurance pool or jointly
16 self-administered health and accident cooperative or
17 pool.

18 (u) Information concerning a university's
19 adjudication of student or employee grievance or
20 disciplinary cases, to the extent that disclosure would
21 reveal the identity of the student or employee and
22 information concerning any public body's adjudication of
23 student or employee grievances or disciplinary cases,
24 except for the final outcome of the cases.

25 (v) Course materials or research materials used by
26 faculty members.

27 (w) Information related solely to the internal
28 personnel rules and practices of a public body.

29 (x) Information contained in or related to
30 examination, operating, or condition reports prepared by,
31 on behalf of, or for the use of a public body responsible
32 for the regulation or supervision of financial
33 institutions or insurance companies, unless disclosure is
34 otherwise required by State law.

1 (y) Information the disclosure of which is
2 restricted under Section 5-108 of the Public Utilities
3 Act.

4 (z) Manuals or instruction to staff that relate to
5 establishment or collection of liability for any State
6 tax or that relate to investigations by a public body to
7 determine violation of any criminal law.

8 (aa) Applications, related documents, and medical
9 records received by the Experimental Organ
10 Transplantation Procedures Board and any and all
11 documents or other records prepared by the Experimental
12 Organ Transplantation Procedures Board or its staff
13 relating to applications it has received.

14 (bb) Insurance or self insurance (including any
15 intergovernmental risk management association or self
16 insurance pool) claims, loss or risk management
17 information, records, data, advice or communications.

18 (cc) Information and records held by the Department
19 of Public Health and its authorized representatives
20 relating to known or suspected cases of sexually
21 transmissible disease or any information the disclosure
22 of which is restricted under the Illinois Sexually
23 Transmissible Disease Control Act.

24 (dd) Information the disclosure of which is
25 exempted under Section 30 of the Radon Industry Licensing
26 Act.

27 (ee) Firm performance evaluations under Section 55
28 of the Architectural, Engineering, and Land Surveying
29 Qualifications Based Selection Act.

30 (ff) Security portions of system safety program
31 plans, investigation reports, surveys, schedules, lists,
32 data, or information compiled, collected, or prepared by
33 or for the Regional Transportation Authority under
34 Section 2.11 of the Regional Transportation Authority Act

1 or the St. Clair County Transit District under the
2 Bi-State Transit Safety Act.

3 (gg) Information the disclosure of which is
4 restricted and exempted under Section 50 of the Illinois
5 Prepaid Tuition Act.

6 (hh) Information the disclosure of which is
7 exempted under Section 80 of the State Gift Ban Act.

8 (ii) Beginning July 1, 1999, information that would
9 disclose or might lead to the disclosure of secret or
10 confidential information, codes, algorithms, programs, or
11 private keys intended to be used to create electronic or
12 digital signatures under the Electronic Commerce Security
13 Act.

14 (jj) Information contained in a local emergency
15 energy plan submitted to a municipality in accordance
16 with a local emergency energy plan ordinance that is
17 adopted under Section 11-21.5-5 of the Illinois Municipal
18 Code.

19 (kk) Information and data concerning the
20 distribution of surcharge moneys collected and remitted
21 by wireless carriers under the Wireless Emergency
22 Telephone Safety Act.

23 (2) This Section does not authorize withholding of
24 information or limit the availability of records to the
25 public, except as stated in this Section or otherwise
26 provided in this Act.

27 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
28 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
29 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
30 eff. 7-11-02.)