



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1308

Introduced 2/9/2005, by Rep. Constance A. Howard

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7

from Ch. 116, par. 207

Creates the State Services Accountability Act. Provides that certain contractors and grantees with State contracts or grants or with contracts to perform public works shall certify that: they will not use State funds to promote, assist, or deter union organizing or to influence the decision of any of their employees to be represented or not represented by a labor organization; they will not require or prohibit the attendance of employees at a meeting related to union representation; they will not schedule or hold meetings related to union representation during an employee's work time or in work areas; and they will allow a labor organization the same opportunity to communicate with employees as is used by the contractor or the grantee. Provides that a labor organization may file a complaint with the Attorney General if it believes that a contractor or grantee is expending funds in violation of this Act and that the Attorney General shall then notify the contractor or grantee that it must provide an accounting with specified information. Provides for enforcement of the Act. Amends the Freedom of Information Act. Provides that information concerning complaints filed under the State Services Accountability Act is exempt from inspection and copying. Effective immediately.

LRB094 05718 WGH 35770 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning State services and public works.

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

4 Section 1. Short title. This Act may be cited as the State  
5 Services Accountability Act.

6 Section 5. Legislative findings and declaration of policy.

7 (a) The purpose of this Act is to set forth a program to  
8 better provide services and public works to the citizens of  
9 Illinois by ensuring that tax dollars expended for services or  
10 public works are properly used for their allocated purpose. The  
11 State of Illinois enters into reimbursement agreements and  
12 contracts with and provides grants to private entities  
13 (contractors and grantees) for the purpose of providing  
14 services and building or enhancing public works for the  
15 citizens of Illinois. The State of Illinois enters into these  
16 contracts and provides these grants to provide quality services  
17 and public works for the citizens of Illinois.

18 (b) The General Assembly finds that the needs of its  
19 citizens cannot be met if the time frame for provision of  
20 services or public works provided through reimbursement  
21 agreements, contracts, or grant agreements between the State of  
22 Illinois and contractors and grantees are subject to disruption  
23 and further finds that likelihood of disruption is enhanced  
24 where disputes arise over unionization.

25 (c) The General Assembly finds that the development of a  
26 stable, well-trained, committed workforce is essential to the  
27 provision of quality services to Illinois' citizens.

28 (d) The General Assembly further finds that the tax dollars  
29 intended for appropriated use should not be used to conduct  
30 campaigns aimed at influencing the outcome of union  
31 representation elections. In addition, staff time, paid with  
32 tax dollars, should be spent providing services to Illinois'

1 citizens and not consumed by attending compulsory meetings to  
2 influence employees regarding unionization.

3 (e) It is hereby declared to be the policy of the State of  
4 Illinois that, to foster the development of a stable,  
5 well-trained, committed workforce, the State of Illinois shall  
6 prohibit its contractors or grantees from using State funding  
7 to influence the decision of their employees to be represented  
8 or not be represented by a union.

9 (f) This Act is intended solely as a limitation on the  
10 permissible uses of State appropriations. It is not intended to  
11 expand, limit, or in any manner affect existing rights or  
12 duties of employers, employees, or labor organizations under  
13 the National Labor Relations Act or other federal law affecting  
14 labor relations.

15 Section 10. Definitions. As used in this Act:

16 "Contractor or grantee" means an individual or entity,  
17 other than the State of Illinois, a State agency, or a  
18 political subdivision of the State of Illinois, which has a  
19 reimbursement agreement or contractual or other relationship  
20 with or has received moneys from the State of Illinois or a  
21 State agency to provide services, or public works which  
22 reimbursement agreement, contract, or grant is funded in whole  
23 or in part by the State of Illinois, or through the Medicaid  
24 program of the State of Illinois.

25 "Contractor" includes a subcontractor and a contractor of a  
26 grantee and any other entity, other than a unit of local  
27 government or a school district, that receives State funds for  
28 supplying services or public works pursuant to a written  
29 contract with the State or any of its agencies and which is  
30 controlled in whole or in part by the contractor or an entity  
31 in which the contractor has a substantial beneficial interest.

32 "Department" means the Department of Labor.

33 "Grantee" includes a sub-grantee and a grantee of a  
34 contractor and any other entity which provides services or  
35 public works controlled in whole or in part by the grantee, or

1 an entity in which the grantee has a substantial beneficial  
2 interest.

3 "Employee" means a person employed by a contractor or  
4 grantee other than a person employed in a bona fide supervisory  
5 or managerial position as defined by applicable law.

6 "Labor organization", "employee representative", or  
7 "union" means an organization or union of any kind in which  
8 employees participate and which exists for the purpose, in  
9 whole or in part, of representing employees concerning  
10 grievances, labor disputes, wages, rates of pay, benefits,  
11 hours of employment, or working conditions.

12 "State agency" includes the State and every State agency,  
13 department, board, or commission.

14 "State funds" means any money provided by the State of  
15 Illinois or a State agency.

16 "Public works" means all fixed works constructed for public  
17 use by any public body, other than work done directly by any  
18 public utility company, whether or not done under public  
19 supervision or direction, or paid for wholly or in part out of  
20 public funds. "Public works" as defined herein includes all  
21 projects financed in whole or in part with bonds issued under  
22 the Industrial Project Revenue Bond Act (Article 11, Division  
23 74 of the Illinois Municipal Code), the Industrial Building  
24 Revenue Bond Act, the Illinois Development Finance Authority  
25 Act, the Illinois Sports Facilities Authority Act, or the Build  
26 Illinois Bond Act, and all projects financed in whole or in  
27 part with loans or other funds made available pursuant to the  
28 Build Illinois Act. "Public works" also means all projects  
29 financed in whole or in part with funds from the Fund for  
30 Illinois' Future under Section 6z-47 of the State Finance Act,  
31 funds for school construction under Section 5 of the General  
32 Obligation Bond Act, funds authorized under Section 3 of the  
33 School Construction Bond Act, funds for school infrastructure  
34 under Section 6z-45 of the State Finance Act, or funds for  
35 transportation purposes under Section 4 of the General  
36 Obligation Bond Act.

1 "Public body" means the State or any officer, board or  
2 commission of the State or any political subdivision or  
3 department thereof, or any institution supported in whole or in  
4 part by public funds, authorized by law to construct public  
5 works or to enter into any contract for the construction of  
6 public works, and includes every county, city, town, village,  
7 township, school district, irrigation, utility, reclamation  
8 improvement or other district and every other political  
9 subdivision, district, or municipality of the State whether  
10 such political subdivision, municipality, or district operates  
11 under a special charter or not.

12 Section 12. Applicability. This Act does not apply to the  
13 following:

14 (1) any contract or grant that has a value of less than  
15 \$25,000; or

16 (2) any contractor or grantee that receives at least  
17 85% of its total revenues from sources other than the State  
18 of Illinois.

19 The dollar amount in this Section shall be updated  
20 annually, beginning on January 20, 2007, by a percentage equal  
21 to the change in the consumer price index-u during the  
22 preceding 12-month calendar year. "Consumer price index-u"  
23 means the index published by the Bureau of Labor Statistics of  
24 the United States Department of Labor that measures the average  
25 change in prices of goods and services purchased by all urban  
26 consumers, United States city average, all items, 1982-84=100.  
27 The new amount resulting from each annual adjustment shall be  
28 determined by the Illinois Department of Labor and made  
29 available to the public on January 20 of every year.

30 Section 15. Policy requirements.

31 (a) All contractors and grantees shall certify as part of  
32 any State contract, grant, or reimbursement agreement that they  
33 will not use State funds to promote, assist, or deter union  
34 organizing or to otherwise seek to influence the decision of

1 any of its employees to be represented or not represented by a  
2 labor organization.

3 (b) No contractor or grantee shall receive a contract or  
4 grant to provide services or public works for the citizens of  
5 the State of Illinois unless the contractor or grantee has  
6 agreed to provide certification under subsection (a).

7 (c) Any reimbursement agreement, contract, or grant  
8 entered into by and between a contractor or a grantee and the  
9 State of Illinois or a State agency to provide services or  
10 public works shall include a certification under subsection (a)  
11 and an agreement by the contractor or grantee to comply with  
12 the terms of the certification under subsection (a).

13 (d) Any contractor or grantee entering into a contract with  
14 any person or entity to provide services or public works  
15 directly subject to, and primarily for the purpose of  
16 performing, the contract or grant agreement between the  
17 contractor or grantee and the State of Illinois or a State  
18 agency shall include in the contract or grant agreement a  
19 certification under subsection (a) identical to the  
20 certification under subsection (a) in the contract or grant  
21 agreement between the contractor or grantee and the State of  
22 Illinois or State agency.

23 Section 20. Reporting.

24 (a) Any contractor or grantee who is subject to this Act  
25 and who makes expenditures to assist, promote, or deter union  
26 organizing shall maintain records sufficient to show that no  
27 State funds were used for those expenditures. Expenditures to  
28 be included in this record include, but are not limited to, the  
29 cost of: literature or other similar communications related to  
30 union representation; the hiring of vendors, including lawyers  
31 and consultants, for the purpose of influencing a unionization  
32 effort; the holding of meetings, including meetings with  
33 supervisors and managerial employees, to influence employees  
34 regarding unionization; and the wages of employees, including  
35 supervisory and management employees, during any activity

1 aimed at influencing a unionization effort or the preparation  
2 for the activity.

3 (b) Any taxpayer, employee, or employee representative may  
4 file a complaint with the Department of Labor against a  
5 contractor or grantee covered under this Act, if the taxpayer,  
6 employee, or employee representative believes in good faith  
7 that the contractor or grantee has expended funds in violation  
8 of this Act. For the purposes of this Section, a complainant is  
9 presumed to act in good faith if the complainant reasonably  
10 believes that: (i) the information reported or disclosed to the  
11 complainant is true; and (ii) a violation has occurred. A  
12 complainant is not acting in good faith under this Section if  
13 the complaint is based on information that the complainant  
14 reasonably should know is false or misleading with respect to  
15 the occurrence of a violation, or if the complainant has reason  
16 to believe another party has filed a similar complaint within  
17 the past 14 days.

18 (c) Upon receipt of a complaint by the Department, the  
19 Department shall immediately notify the State agency that has  
20 entered into the contract, grant, or reimbursement agreement  
21 with respect to which the complainant has alleged an  
22 expenditure of funds that violates this Act. The State agency  
23 shall, within 5 business days, provide the Department with  
24 copies of all documents in its possession relevant to the  
25 amount and sources of expenditures by the contractor or grantee  
26 under the contract, grant, or reimbursement agreement, and  
27 shall otherwise give full cooperation to the Department in all  
28 aspects of the Department's adjudication of the complaint. The  
29 Department shall, within 3 business days after a complaint is  
30 filed, provide the contractor or grantee with a copy of the  
31 complaint by personal service or certified mail, together with  
32 notice to the contractor or grantee that it must provide the  
33 records described in subsection (a) of this Section. The  
34 contractor or grantee shall provide the records to the  
35 Department within 15 business days after the contractor or  
36 grantee receives notice from the Department, unless the

1 Department gives the contractor or grantee an extension of 10  
2 business days extension to provide the records, based upon a  
3 showing of good cause for the extension. The Department shall  
4 keep confidential all proprietary records submitted by  
5 contractors or grantees, pursuant to the filing of a complaint  
6 that is not subject to the Freedom of Information Act or  
7 relevant to the State contract. The Department shall not  
8 provide these proprietary records to the opposing party, except  
9 as is necessary to investigate or prosecute a complaint, or to  
10 give the complainant the opportunity to provide additional,  
11 supplemental, or rebuttal information or evidence. These  
12 proprietary records shall be subject to a protective order, if  
13 appropriate, to prohibit redisclosure. Following the last date  
14 for receipt of all required records, the Department shall  
15 schedule an expedited hearing. The Department shall provide the  
16 parties to the hearing with at least 5 business days' advance  
17 notice. The issue at the hearing shall be whether there is  
18 probable cause to believe that the contractor or grantee has  
19 violated the Act by using State funds to promote, assist, or  
20 deter union organizing, or to otherwise seek to influence the  
21 decision of any of its employees to be represented or not  
22 represented by a labor organization. The hearing shall be  
23 completed, and a decision rendered by the Department, within 5  
24 business days. For good cause, the Department may extend the  
25 final date for issuing a decision by an additional 5 business  
26 days. The decision of the Department shall not include the  
27 disclosure of confidential business records.

28 Section 25. Enforcement.

29 (a) The Department shall immediately provide the Attorney  
30 General with a copy of its decision, together with a copy of  
31 the full hearing record and all documents submitted to the  
32 Department by other State agencies and the contractor or  
33 grantee. Not earlier than 21 calendar days after the Department  
34 provides these documents, the Attorney General may take any  
35 action that in the sole judgment of the Attorney General is



1 necessary to enforce compliance with the Act including, but not  
2 limited to, a civil action for injunctive relief, declaratory  
3 relief, specific performance, or damages or a combination of  
4 these remedies. Between the time that the Department renders a  
5 decision and the earliest date that the Attorney General may  
6 file an action for enforcement of the Act, any party to the  
7 hearing before the Department may provide the Attorney General  
8 with supplementary written information relevant to the issue of  
9 whether an action for enforcement should be filed.

10 (b) If the State of Illinois brings an enforcement action  
11 for violation of this Act, any taxpayer, employee, or employee  
12 representative with a direct interest in compliance with this  
13 Act may join in that enforcement action as a real party in  
14 interest.

15 (c) If the State of Illinois declines to institute an  
16 action for enforcement for violation of this Act within 30  
17 calendar days following the decision of the Department as to  
18 probable cause, any taxpayer, employee, or employee  
19 representative with a direct interest in compliance with this  
20 Act may institute and enforce a civil action on his or her or  
21 its own behalf against the contractor or grantee and seek  
22 injunctive relief, declaratory relief, specific performance,  
23 or damages or a combination of those remedies. If a private  
24 party commencing an action under this Section makes a  
25 preliminary showing, supported by affidavit, that the  
26 contractor or grantee may have used State funds to assist,  
27 promote, or deter union organizing, or to otherwise seek to  
28 influence the decision of its employees to be represented or  
29 not represented by a labor organization, that party shall have  
30 the right to obtain, through subpoena, the records maintained  
31 by the contractor or grantee under Section 20, subject to a  
32 protective order, if appropriate, to prohibit redisclosure.

33 (d) Remedies for violation of this Act include but are not  
34 limited to injunctive and declaratory relief, specific  
35 performance, and monetary damages. In view of the difficulty of  
36 determining actual damages incurred because of a violation of

1 this Act, liquidated damages shall be awarded at the rate of  
2 \$1,000 for each violation, plus an additional \$500 for each day  
3 the violation continues without remedy. All damages shall inure  
4 to the benefit of the State of Illinois.

5 (e) If a private party commences a civil action under this  
6 Section that the court deems frivolous, the court shall dismiss  
7 the action and may assess court costs and attorney's fees  
8 against the plaintiff.

9 Section 35. Construction of Act. Nothing in this Act shall  
10 be construed to make a contractor responsible for the actions  
11 of a subcontractor.

12 Section 90. Severability. The provisions of this Act are  
13 severable under Section 1.31 of the Statute on Statutes.

14 Section 900. The Freedom of Information Act is amended by  
15 changing Section 7 as follows:

16 (5 ILCS 140/7) (from Ch. 116, par. 207)

17 Sec. 7. Exemptions.

18 (1) The following shall be exempt from inspection and  
19 copying:

20 (a) Information specifically prohibited from  
21 disclosure by federal or State law or rules and regulations  
22 adopted under federal or State law.

23 (b) Information that, if disclosed, would constitute a  
24 clearly unwarranted invasion of personal privacy, unless  
25 the disclosure is consented to in writing by the individual  
26 subjects of the information. The disclosure of information  
27 that bears on the public duties of public employees and  
28 officials shall not be considered an invasion of personal  
29 privacy. Information exempted under this subsection (b)  
30 shall include but is not limited to:

31 (i) files and personal information maintained with  
32 respect to clients, patients, residents, students or

1 other individuals receiving social, medical,  
2 educational, vocational, financial, supervisory or  
3 custodial care or services directly or indirectly from  
4 federal agencies or public bodies;

5 (ii) personnel files and personal information  
6 maintained with respect to employees, appointees or  
7 elected officials of any public body or applicants for  
8 those positions;

9 (iii) files and personal information maintained  
10 with respect to any applicant, registrant or licensee  
11 by any public body cooperating with or engaged in  
12 professional or occupational registration, licensure  
13 or discipline;

14 (iv) information required of any taxpayer in  
15 connection with the assessment or collection of any tax  
16 unless disclosure is otherwise required by State  
17 statute;

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

28 (vi) the names, addresses, or other personal  
29 information of participants and registrants in park  
30 district, forest preserve district, and conservation  
31 district programs.

32 (c) Records compiled by any public body for  
33 administrative enforcement proceedings and any law  
34 enforcement or correctional agency for law enforcement  
35 purposes or for internal matters of a public body, but only  
36 to the extent that disclosure would:

1 (i) interfere with pending or actually and  
2 reasonably contemplated law enforcement proceedings  
3 conducted by any law enforcement or correctional  
4 agency;

5 (ii) interfere with pending administrative  
6 enforcement proceedings conducted by any public body;

7 (iii) deprive a person of a fair trial or an  
8 impartial hearing;

9 (iv) unavoidably disclose the identity of a  
10 confidential source or confidential information  
11 furnished only by the confidential source;

12 (v) disclose unique or specialized investigative  
13 techniques other than those generally used and known or  
14 disclose internal documents of correctional agencies  
15 related to detection, observation or investigation of  
16 incidents of crime or misconduct;

17 (vi) constitute an invasion of personal privacy  
18 under subsection (b) of this Section;

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

21 (viii) obstruct an ongoing criminal investigation.

22 (d) Criminal history record information maintained by  
23 State or local criminal justice agencies, except the  
24 following which shall be open for public inspection and  
25 copying:

26 (i) chronologically maintained arrest information,  
27 such as traditional arrest logs or blotters;

28 (ii) the name of a person in the custody of a law  
29 enforcement agency and the charges for which that  
30 person is being held;

31 (iii) court records that are public;

32 (iv) records that are otherwise available under  
33 State or local law; or

34 (v) records in which the requesting party is the  
35 individual identified, except as provided under part  
36 (vii) of paragraph (c) of subsection (1) of this

1 Section.

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

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

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

27 (g) Trade secrets and commercial or financial  
28 information obtained from a person or business where the  
29 trade secrets or information are proprietary, privileged  
30 or confidential, or where disclosure of the trade secrets  
31 or information may cause competitive harm, including all  
32 information determined to be confidential under the State  
33 Services Accountability Act or Section 4002 of the  
34 Technology Advancement and Development Act. Nothing  
35 contained in this paragraph (g) shall be construed to  
36 prevent a person or business from consenting to disclosure.

1 (h) Proposals and bids for any contract, grant, or  
2 agreement, including information which if it were  
3 disclosed would frustrate procurement or give an advantage  
4 to any person proposing to enter into a contractor  
5 agreement with the body, until an award or final selection  
6 is made. Information prepared by or for the body in  
7 preparation of a bid solicitation shall be exempt until an  
8 award or final selection is made.

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

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

24 (k) Architects' plans, engineers' technical  
25 submissions, and other construction related technical  
26 documents for projects not constructed or developed in  
27 whole or in part with public funds and the same for  
28 projects constructed or developed with public funds, but  
29 only to the extent that disclosure would compromise  
30 security, including but not limited to water treatment  
31 facilities, airport facilities, sport stadiums, convention  
32 centers, and all government owned, operated, or occupied  
33 buildings.

34 (l) Library circulation and order records identifying  
35 library users with specific materials.

36 (m) Minutes of meetings of public bodies closed to the

1 public as provided in the Open Meetings Act until the  
2 public body makes the minutes available to the public under  
3 Section 2.06 of the Open Meetings Act.

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

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

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

36 (s) The records, documents and information relating to

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

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

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

22 (v) Course materials or research materials used by  
23 faculty members.

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

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

32 (y) Information the disclosure of which is restricted  
33 under Section 5-108 of the Public Utilities Act.

34 (z) Manuals or instruction to staff that relate to  
35 establishment or collection of liability for any State tax  
36 or that relate to investigations by a public body to



1 determine violation of any criminal law.

2 (aa) Applications, related documents, and medical  
3 records received by the Experimental Organ Transplantation  
4 Procedures Board and any and all documents or other records  
5 prepared by the Experimental Organ Transplantation  
6 Procedures Board or its staff relating to applications it  
7 has received.

8 (bb) Insurance or self insurance (including any  
9 intergovernmental risk management association or self  
10 insurance pool) claims, loss or risk management  
11 information, records, data, advice or communications.

12 (cc) Information and records held by the Department of  
13 Public Health and its authorized representatives relating  
14 to known or suspected cases of sexually transmissible  
15 disease or any information the disclosure of which is  
16 restricted under the Illinois Sexually Transmissible  
17 Disease Control Act.

18 (dd) Information the disclosure of which is exempted  
19 under Section 30 of the Radon Industry Licensing Act.

20 (ee) Firm performance evaluations under Section 55 of  
21 the Architectural, Engineering, and Land Surveying  
22 Qualifications Based Selection Act.

23 (ff) Security portions of system safety program plans,  
24 investigation reports, surveys, schedules, lists, data, or  
25 information compiled, collected, or prepared by or for the  
26 Regional Transportation Authority under Section 2.11 of  
27 the Regional Transportation Authority Act or the St. Clair  
28 County Transit District under the Bi-State Transit Safety  
29 Act.

30 (gg) Information the disclosure of which is restricted  
31 and exempted under Section 50 of the Illinois Prepaid  
32 Tuition Act.

33 (hh) Information the disclosure of which is exempted  
34 under the State Officials and Employees Ethics Act.

35 (ii) Beginning July 1, 1999, information that would  
36 disclose or might lead to the disclosure of secret or

1 confidential information, codes, algorithms, programs, or  
2 private keys intended to be used to create electronic or  
3 digital signatures under the Electronic Commerce Security  
4 Act.

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

9 (kk) Information and data concerning the distribution  
10 of surcharge moneys collected and remitted by wireless  
11 carriers under the Wireless Emergency Telephone Safety  
12 Act.

13 (ll) Vulnerability assessments, security measures, and  
14 response policies or plans that are designed to identify,  
15 prevent, or respond to potential attacks upon a community's  
16 population or systems, facilities, or installations, the  
17 destruction or contamination of which would constitute a  
18 clear and present danger to the health or safety of the  
19 community, but only to the extent that disclosure could  
20 reasonably be expected to jeopardize the effectiveness of  
21 the measures 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, or to  
26 tactical operations.

27 (mm) Maps and other records regarding the location or  
28 security of a utility's generation, transmission,  
29 distribution, storage, gathering, treatment, or switching  
30 facilities.

31 (nn) Law enforcement officer identification  
32 information or driver identification information compiled  
33 by a law enforcement agency or the Department of  
34 Transportation under Section 11-212 of the Illinois  
35 Vehicle Code.

36 (oo) Records and information provided to a residential

1 health care facility resident sexual assault and death  
2 review team or the Residential Health Care Facility  
3 Resident Sexual Assault and Death Review Teams Executive  
4 Council under the Residential Health Care Facility  
5 Resident Sexual Assault and Death Review Team Act.

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

10 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,  
11 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,  
12 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;  
13 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.  
14 8-21-03; 93-617, eff. 12-9-03.)