

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 Open Meetings Act is amended by changing
5 Section 3 and adding Sections 1.05, 3.5, and 7.5 as follows:

6 (5 ILCS 120/1.05 new)

7 Sec. 1.05. Training. Every public body shall designate
8 employees, officers, or members to receive training on
9 compliance with this Act. Each public body shall submit a list
10 of designated employees, officers, or members to the Public
11 Access Counselor. Within 6 months after the effective date of
12 this amendatory Act of the 96th General Assembly, the
13 designated employees, officers, and members must successfully
14 complete an electronic training curriculum, developed and
15 administered by the Public Access Counselor, and thereafter
16 must successfully complete an annual training program.
17 Thereafter, whenever a public body designates an additional
18 employee, officer, or member to receive this training, that
19 person must successfully complete the electronic training
20 curriculum within 30 days after that designation.

21 (5 ILCS 120/3) (from Ch. 102, par. 43)

22 Sec. 3. (a) Where the provisions of this Act are not

1 complied with, or where there is probable cause to believe that
2 the provisions of this Act will not be complied with, any
3 person, including the State's Attorney of the county in which
4 such noncompliance may occur, may bring a civil action in the
5 circuit court for the judicial circuit in which the alleged
6 noncompliance has occurred or is about to occur, or in which
7 the affected public body has its principal office, prior to or
8 within 60 days of the meeting alleged to be in violation of
9 this Act or, if facts concerning the meeting are not discovered
10 within the 60-day period, within 60 days of the discovery of a
11 violation by the State's Attorney.

12 Records that are obtained by a State's Attorney from a
13 public body for purposes of reviewing whether the public body
14 has complied with this Act may not be disclosed to the public.
15 Those records, while in the possession of the State's Attorney,
16 are exempt from disclosure under the Freedom of Information
17 Act.

18 (b) In deciding such a case the court may examine in camera
19 any portion of the minutes of a meeting at which a violation of
20 the Act is alleged to have occurred, and may take such
21 additional evidence as it deems necessary.

22 (c) The court, having due regard for orderly administration
23 and the public interest, as well as for the interests of the
24 parties, may grant such relief as it deems appropriate,
25 including granting a relief by mandamus requiring that a
26 meeting be open to the public, granting an injunction against

1 future violations of this Act, ordering the public body to make
2 available to the public such portion of the minutes of a
3 meeting as is not authorized to be kept confidential under this
4 Act, or declaring null and void any final action taken at a
5 closed meeting in violation of this Act.

6 (d) The court may assess against any party, except a
7 State's Attorney, reasonable attorney's fees and other
8 litigation costs reasonably incurred by any other party who
9 substantially prevails in any action brought in accordance with
10 this Section, provided that costs may be assessed against any
11 private party or parties bringing an action pursuant to this
12 Section only upon the court's determination that the action is
13 malicious or frivolous in nature.

14 (Source: P.A. 88-621, eff. 1-1-95.)

15 (5 ILCS 120/3.5 new)

16 Sec. 3.5. Public Access Counselor; opinions.

17 (a) A person who believes that a violation of this Act by a
18 public body has occurred may file a request for review with the
19 Public Access Counselor established in the Office of the
20 Attorney General not later than 60 days after the alleged
21 violation. The request for review must be in writing, must be
22 signed by the requester, and must include a summary of the
23 facts supporting the allegation.

24 (b) Upon receipt of a request for review, the Public Access
25 Counselor shall determine whether further action is warranted.

1 If the Public Access Counselor determines from the request for
2 review that the alleged violation is unfounded, he or she shall
3 so advise the requester and the public body and no further
4 action shall be undertaken. In all other cases, the Public
5 Access Counselor shall forward a copy of the request for review
6 to the public body within 7 working days. The Public Access
7 Counselor shall specify the records or other documents that the
8 public body shall furnish to facilitate the review. Within 7
9 working days after receipt of the request for review, the
10 public body shall provide copies of the records requested and
11 shall otherwise fully cooperate with the Public Access
12 Counselor. If a public body fails to furnish specified records
13 pursuant to this Section, or if otherwise necessary, the
14 Attorney General may issue a subpoena to any person or public
15 body having knowledge of or records pertaining to an alleged
16 violation of this Act. For purposes of conducting a thorough
17 review, the Public Access Counselor has the same right to
18 examine a verbatim recording of a meeting closed to the public
19 or the minutes of a closed meeting as does a court in a civil
20 action brought to enforce this Act.

21 (c) Within 7 working days after it receives a copy of a
22 request for review and request for production of records from
23 the Public Access Counselor, the public body may, but is not
24 required to, answer the allegations of the request for review.
25 The answer may take the form of a letter, brief, or memorandum.
26 Upon request, the public body may also furnish the Public

1 Access Counselor with a redacted copy of the answer excluding
2 specific references to any matters at issue. The Public Access
3 Counselor shall forward a copy of the answer or redacted
4 answer, if furnished, to the person submitting the request for
5 review. The requester may, but is not required to, respond in
6 writing to the answer within 7 working days and shall provide a
7 copy of the response to the public body.

8 (d) In addition to the request for review, and the answer
9 and the response thereto, if any, a requester or a public body
10 may furnish affidavits and records concerning any matter
11 germane to the review.

12 (e) Unless the Public Access Counselor extends the time by
13 no more than 21 business days by sending written notice to the
14 requester and public body that includes a statement of the
15 reasons for the extension in the notice, or decides to address
16 the matter without the issuance of a binding opinion, the
17 Attorney General shall examine the issues and the records,
18 shall make findings of fact and conclusions of law, and shall
19 issue to the requester and the public body an opinion within 60
20 days after initiating review. The opinion shall be binding upon
21 both the requester and the public body, subject to
22 administrative review under Section 7.5 of this Act.

23 In responding to any written request under this Section
24 3.5, the Attorney General may exercise his or her discretion
25 and choose to resolve a request for review by mediation or by a
26 means other than the issuance of a binding opinion. The

1 decision not to issue a binding opinion shall not be
2 reviewable.

3 Upon receipt of a binding opinion concluding that a
4 violation of this Act has occurred, the public body shall
5 either take necessary action as soon as practical to comply
6 with the directive of the opinion or shall initiate
7 administrative review under Section 7.5. If the opinion
8 concludes that no violation of the Act has occurred, the
9 requester may initiate administrative review under Section
10 7.5.

11 (f) If the requester files suit under Section 3 with
12 respect to the same alleged violation that is the subject of a
13 pending request for review, the requester shall notify the
14 Public Access Counselor, and the Public Access Counselor shall
15 take no further action with respect to the request for review
16 and shall so notify the public body.

17 (g) Records that are obtained by the Public Access
18 Counselor from a public body for purposes of addressing a
19 request for review under this Section 3.5 may not be disclosed
20 to the public, including the requester, by the Public Access
21 Counselor. Those records, while in the possession of the Public
22 Access Counselor, shall be exempt from disclosure by the Public
23 Access Counselor under the Freedom of Information Act.

24 (h) The Attorney General may also issue advisory opinions
25 to public bodies regarding compliance with this Act. A review
26 may be initiated upon receipt of a written request from the

1 head of the public body or its attorney. The request must
2 contain sufficient accurate facts from which a determination
3 can be made. The Public Access Counselor may request additional
4 information from the public body in order to facilitate the
5 review. A public body that relies in good faith on an advisory
6 opinion of the Attorney General in complying with the
7 requirements of this Act is not liable for penalties under this
8 Act, so long as the facts upon which the opinion is based have
9 been fully and fairly disclosed to the Public Access Counselor.

10 (5 ILCS 120/7.5 new)

11 Sec. 7.5. Administrative review. A binding opinion issued
12 by the Attorney General shall be considered a final decision of
13 an administrative agency, for purposes of administrative
14 review under the Administrative Review Law (735 ILCS 5/Art.
15 III). An action for administrative review of a binding opinion
16 of the Attorney General shall be commenced in Cook or Sangamon
17 County. An advisory opinion issued to a public body shall not
18 be considered a final decision of the Attorney General for
19 purposes of this Section.

20 Section 10. The Freedom of Information Act is amended by
21 changing Sections 1, 2, 3, 4, 6, 7, 9, and 11 and by adding
22 Sections 1.2, 2.5, 2.10, 2.15, 2.20, 3.1, 3.3, 3.5, 7.5, 9.5,
23 and 11.5 as follows:

1 (5 ILCS 140/1) (from Ch. 116, par. 201)

2 Sec. 1. Pursuant to the fundamental philosophy of the
3 American constitutional form of government, it is declared to
4 be the public policy of the State of Illinois that all persons
5 are entitled to full and complete information regarding the
6 affairs of government and the official acts and policies of
7 those who represent them as public officials and public
8 employees consistent with the terms of this Act. Such access is
9 necessary to enable the people to fulfill their duties of
10 discussing public issues fully and freely, making informed
11 political judgments and monitoring government to ensure that it
12 is being conducted in the public interest.

13 The General Assembly hereby declares that it is the public
14 policy of the State of Illinois that access by all persons to
15 public records promotes the transparency and accountability of
16 public bodies at all levels of government. It is a fundamental
17 obligation of government to operate openly and provide public
18 records as expediently and efficiently as possible in
19 compliance with this Act.

20 This Act is not intended to cause an unwarranted invasion
21 of personal ~~be used to violate individual~~ privacy, nor to allow
22 the requests of ~~for the purpose of furthering~~ a commercial
23 enterprise to unduly burden public resources, or to disrupt the
24 duly-undertaken work of any public body independent of the
25 fulfillment of any of the fore-mentioned rights of the people
26 to access to information.

1 This Act is not intended to create an obligation on the
2 part of any public body to maintain or prepare any public
3 record which was not maintained or prepared by such public body
4 at the time when this Act becomes effective, except as
5 otherwise required by applicable local, State or federal law.

6 Restraints ~~These restraints~~ on access to information, to
7 the extent permitted by this Act, are ~~access should be seen as~~
8 limited exceptions to the principle ~~general rule~~ that the
9 people of this State have a right to full disclosure of
10 information relating to ~~know~~ the decisions, policies,
11 procedures, rules, standards, and other aspects of government
12 activity that affect the conduct of government and the lives of
13 any or all of the people. The provisions of this Act shall be
14 construed in accordance with this principle ~~to this end~~. This
15 Act shall be construed to require disclosure of requested
16 information as expediently and efficiently as possible and
17 adherence to the deadlines established in this Act.

18 The General Assembly recognizes that this Act imposes
19 fiscal obligations on public bodies to provide adequate staff
20 and equipment to comply with its requirements. The General
21 Assembly declares that providing records in compliance with the
22 requirements of this Act is a primary duty of public bodies to
23 the people of this State, and this Act should be construed to
24 this end, fiscal obligations notwithstanding.

25 The General Assembly further recognizes that technology
26 may advance at a rate that outpaces its ability to address

1 those advances legislatively. To the extent that this Act may
2 not expressly apply to those technological advances, this Act
3 should nonetheless be interpreted to further the declared
4 policy of this Act that public records shall be made available
5 upon request except when denial of access furthers the public
6 policy underlying a specific exemption.

7 This Act shall be the exclusive State statute on freedom of
8 information, except to the extent that other State statutes
9 might create additional restrictions on disclosure of
10 information or other laws in Illinois might create additional
11 obligations for disclosure of information to the public.

12 (Source: P.A. 83-1013.)

13 (5 ILCS 140/1.2 new)

14 Sec. 1.2. Presumption. All records in the custody or
15 possession of a public body are presumed to be open to
16 inspection or copying. Any public body that asserts that a
17 record is exempt from disclosure has the burden of proving by
18 clear and convincing evidence that it is exempt.

19 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

21 (a) "Public body" means all ~~any~~ legislative, executive,
22 administrative, or advisory bodies of the State, state
23 universities and colleges, counties, townships, cities,
24 villages, incorporated towns, school districts and all other

1 municipal corporations, boards, bureaus, committees, or
2 commissions of this State, any subsidiary bodies of any of the
3 foregoing including but not limited to committees and
4 subcommittees thereof ~~which are supported in whole or in part~~
5 ~~by tax revenue, or which expend tax revenue~~, and a School
6 Finance Authority created under Article 1E of the School Code.
7 "Public body" does not include a child death review team or the
8 Illinois Child Death Review Teams Executive Council
9 established under the Child Death Review Team Act.

10 (b) "Person" means any individual, corporation,
11 partnership, firm, organization or association, acting
12 individually or as a group.

13 (c) "Public records" means all records, reports, forms,
14 writings, letters, memoranda, books, papers, maps,
15 photographs, microfilms, cards, tapes, recordings, electronic
16 data processing records, electronic communications, recorded
17 information and all other documentary materials pertaining to
18 the transaction of public business, regardless of physical form
19 or characteristics, having been prepared by or for, or having
20 been or being used by, received by, in the possession of,
21 ~~possessed~~ or under the control of any public body.

22 (c-5) "Private information" means unique identifiers,
23 including a person's social security number, driver's license
24 number, employee identification number, biometric identifiers,
25 personal financial information, passwords or other access
26 codes, medical records, home or personal telephone numbers, and

1 personal email addresses. Private information also includes
2 home address and personal license plates, except as otherwise
3 provided by law or when compiled without possibility of
4 attribution to any person.

5 (c-10) "Commercial purpose" means the use of any part of a
6 public record or records, or information derived from public
7 records, in any form for sale, resale, or solicitation or
8 advertisement for sales or services. For purposes of this
9 definition, requests made by news media and non-profit,
10 scientific, or academic organizations shall not be considered
11 to be made for a "commercial purpose" when the principal
12 purpose of the request is (i) to access and disseminate
13 information concerning news and current or passing events, (ii)
14 for articles of opinion or features of interest to the public,
15 or (iii) for the purpose of academic, scientific, or public
16 research or education. "Public records" includes, but is
17 expressly not limited to: (i) administrative manuals,
18 procedural rules, and instructions to staff, unless exempted by
19 Section 7(p) of this Act; (ii) final opinions and orders made
20 in the adjudication of cases, except an educational
21 institution's adjudication of student or employee grievance or
22 disciplinary cases; (iii) substantive rules; (iv) statements
23 and interpretations of policy which have been adopted by a
24 public body; (v) final planning policies, recommendations, and
25 decisions; (vi) factual reports, inspection reports, and
26 studies whether prepared by or for the public body; (vii) all

1 ~~information in any account, voucher, or contract dealing with~~
2 ~~the receipt or expenditure of public or other funds of public~~
3 ~~bodies; (viii) the names, salaries, titles, and dates of~~
4 ~~employment of all employees and officers of public bodies; (ix)~~
5 ~~materials containing opinions concerning the rights of the~~
6 ~~state, the public, a subdivision of state or a local~~
7 ~~government, or of any private persons; (x) the name of every~~
8 ~~official and the final records of voting in all proceedings of~~
9 ~~public bodies; (xi) applications for any contract, permit,~~
10 ~~grant, or agreement except as exempted from disclosure by~~
11 ~~subsection (g) of Section 7 of this Act; (xii) each report,~~
12 ~~document, study, or publication prepared by independent~~
13 ~~consultants or other independent contractors for the public~~
14 ~~body; (xiii) all other information required by law to be made~~
15 ~~available for public inspection or copying; (xiv) information~~
16 ~~relating to any grant or contract made by or between a public~~
17 ~~body and another public body or private organization; (xv)~~
18 ~~waiver documents filed with the State Superintendent of~~
19 ~~Education or the president of the University of Illinois under~~
20 ~~Section 30-12.5 of the School Code, concerning nominees for~~
21 ~~General Assembly scholarships under Sections 30-9, 30-10, and~~
22 ~~30-11 of the School Code; (xvi) complaints, results of~~
23 ~~complaints, and Department of Children and Family Services~~
24 ~~staff findings of licensing violations at day care facilities,~~
25 ~~provided that personal and identifying information is not~~
26 ~~released; and (xvii) records, reports, forms, writings,~~

1 ~~letters, memoranda, books, papers, and other documentary~~
2 ~~information, regardless of physical form or characteristics,~~
3 ~~having been prepared, or having been or being used, received,~~
4 ~~possessed, or under the control of the Illinois Sports~~
5 ~~Facilities Authority dealing with the receipt or expenditure of~~
6 ~~public funds or other funds of the Authority in connection with~~
7 ~~the reconstruction, renovation, remodeling, extension, or~~
8 ~~improvement of all or substantially all of an existing~~
9 ~~"facility" as that term is defined in the Illinois Sports~~
10 ~~Facilities Authority Act.~~

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

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

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

1 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
2 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
3 7-11-02.)

4 (5 ILCS 140/2.5 new)

5 Sec. 2.5. Records of funds. All records relating to the
6 obligation, receipt, and use of public funds of the State,
7 units of local government, and school districts are public
8 records subject to inspection and copying by the public.

9 (5 ILCS 140/2.10 new)

10 Sec. 2.10. Payrolls. Certified payroll records submitted
11 to a public body under Section 5(a)(2) of the Prevailing Wage
12 Act are public records subject to inspection and copying in
13 accordance with the provisions of this Act; except that
14 contractors' employees' addresses, telephone numbers, and
15 social security numbers must be redacted by the public body
16 prior to disclosure.

17 (5 ILCS 140/2.15 new)

18 Sec. 2.15. Arrest reports and criminal history records.

19 (a) Arrest reports. The following chronologically
20 maintained arrest and criminal history information maintained
21 by State or local criminal justice agencies shall be furnished
22 as soon as practical, but in no event later than 72 hours after
23 the arrest, notwithstanding the time limits otherwise provided

1 for in Section 3 of this Act: (i) information that identifies
2 the individual, including the name, age, address, and
3 photograph, when and if available; (ii) information detailing
4 any charges relating to the arrest; (iii) the time and location
5 of the arrest; (iv) the name of the investigating or arresting
6 law enforcement agency; (v) if the individual is incarcerated,
7 the amount of any bail or bond; and (vi) if the individual is
8 incarcerated, the time and date that the individual was
9 received into, discharged from, or transferred from the
10 arresting agency's custody.

11 (b) Criminal history records. The following documents
12 maintained by a public body pertaining to criminal history
13 record information are public records subject to inspection and
14 copying by the public pursuant to this Act: (i) court records
15 that are public; (ii) records that are otherwise available
16 under State or local law; and (iii) records in which the
17 requesting party is the individual identified, except as
18 provided under Section 7(1)(d)(vi).

19 (c) Information described in items (iii) through (vi) of
20 subsection (a) may be withheld if it is determined that
21 disclosure would: (i) interfere with pending or actually and
22 reasonably contemplated law enforcement proceedings conducted
23 by any law enforcement agency; (ii) endanger the life or
24 physical safety of law enforcement or correctional personnel or
25 any other person; or (iii) compromise the security of any
26 correctional facility.

1 (d) The provisions of this Section do not supersede the
2 confidentiality provisions for arrest records of the Juvenile
3 Court Act of 1987.

4 (5 ILCS 140/2.20 new)

5 Sec. 2.20. Settlement agreements. All settlement
6 agreements entered into by or on behalf of a public body are
7 public records subject to inspection and copying by the public,
8 provided that information exempt from disclosure under Section
9 7 of this Act may be redacted.

10 (5 ILCS 140/3) (from Ch. 116, par. 203)

11 Sec. 3. (a) Each public body shall make available to any
12 person for inspection or copying all public records, except as
13 otherwise provided in Section 7 of this Act. Notwithstanding
14 any other law, a public body may not grant to any person or
15 entity, whether by contract, license, or otherwise, the
16 exclusive right to access and disseminate any public record as
17 defined in this Act.

18 (b) Subject to the fee provisions of Section 6 of this Act,
19 each public body shall promptly provide, to any person who
20 submits a ~~written~~ request, a copy of any public record required
21 to be disclosed by subsection (a) of this Section and shall
22 certify such copy if so requested.

23 (c) Requests for inspection or copies shall be made in
24 writing and directed to the public body. Written requests may

1 be submitted to a public body via personal delivery, mail,
2 telefax, or other means available to the public body. A public
3 body may honor oral requests for inspection or copying. A
4 public body may not require that a request be submitted on a
5 standard form or require the requester to specify the purpose
6 for a request, except to determine whether the records are
7 requested for a commercial purpose or whether to grant a
8 request for a fee waiver. All requests for inspection and
9 copying received by a public body shall immediately be
10 forwarded to its Freedom of Information officer or designee.

11 (d) ~~(e)~~ Each public body shall, promptly, either comply
12 with or deny a ~~written~~ request for public records within 5
13 business ~~7-working~~ days after its receipt of the request,
14 unless the time for response is properly extended under
15 subsection (e) of this Section. Denial shall be in writing ~~by~~
16 ~~letter~~ as provided in Section 9 of this Act. Failure to comply
17 with ~~respond to~~ a written request, extend the time for
18 response, or deny a request within 5 business days ~~7-working~~
19 ~~days~~ after its receipt shall be considered a denial of the
20 request. A public body that fails to respond to a request
21 within the requisite periods in this Section but thereafter
22 provides the requester with copies of the requested public
23 records may not impose a fee for such copies. A public body
24 that fails to respond to a request received may not treat the
25 request as unduly burdensome under subsection (g).

26 (e) ~~(d)~~ The time for response under ~~limits prescribed in~~

1 ~~paragraph (c) of~~ this Section may be extended by the public
2 body in each case for not more than 5 business ~~7 additional~~
3 ~~working~~ days from the original due date for any of the
4 following reasons:

5 (i) the requested records are stored in whole or in
6 part at other locations than the office having charge of
7 the requested records;

8 (ii) the request requires the collection of a
9 substantial number of specified records;

10 (iii) the request is couched in categorical terms and
11 requires an extensive search for the records responsive to
12 it;

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

16 (v) the requested records require examination and
17 evaluation by personnel having the necessary competence
18 and discretion to determine if they are exempt from
19 disclosure under Section 7 of this Act or should be
20 revealed only with appropriate deletions;

21 (vi) the request for records cannot be complied with by
22 the public body within the time limits prescribed by
23 paragraph (c) of this Section without unduly burdening or
24 interfering with the operations of the public body;

25 (vii) there is a need for consultation, which shall be
26 conducted with all practicable speed, with another public

1 body or among two or more components of a public body
2 having a substantial interest in the determination or in
3 the subject matter of the request.

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

10 (f) ~~(e)~~ When additional time is required for any of the
11 above reasons, the public body shall, within 5 business days
12 after receipt of the request, notify ~~by letter~~ the person
13 making the ~~written~~ request ~~within the time limits specified by~~
14 ~~paragraph (e) of this Section~~ of the reasons for the extension
15 ~~delay~~ and the date by which the response ~~records~~ will be ~~made~~
16 ~~available or denial will be~~ forthcoming. Failure to respond
17 within the time permitted for extension shall be considered a
18 denial of the request. A public body that fails to respond to a
19 request within the time permitted for extension but thereafter
20 provides the requester with copies of the requested public
21 records may not impose a fee for those copies. A public body
22 that requests an extension and subsequently fails to respond to
23 the request may not treat the request as unduly burdensome
24 under subsection (g). ~~In no instance, may the delay in~~
25 ~~processing last longer than 7 working days. A failure to render~~
26 ~~a decision within 7 working days shall be considered a denial~~

1 ~~of the request.~~

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

17 Repeated requests from the same person for the same records
18 that are unchanged or identical to records previously provided
19 or properly denied under this Act ~~for the same public records~~
20 ~~by the same person~~ shall be deemed unduly burdensome under this
21 provision.

22 (h) ~~(g)~~ Each public body may promulgate rules and
23 regulations in conformity with the provisions of this Section
24 pertaining to the availability of records and procedures to be
25 followed, including:

26 (i) the times and places where such records will be

1 made available, and

2 (ii) the persons from whom such records may be
3 obtained.

4 (i) The time periods for compliance or denial of a request
5 to inspect or copy records set out in this Section shall not
6 apply to requests for records made for a commercial purpose.
7 Such requests shall be subject to the provisions of Section 3.1
8 of this Act.

9 (Source: P.A. 90-206, eff. 7-25-97.)

10 (5 ILCS 140/3.1 new)

11 Sec. 3.1. Requests for commercial purposes.

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

24 (b) Unless the records are exempt from disclosure, a public
25 body shall comply with a request within a reasonable period

1 considering the size and complexity of the request, and giving
2 priority to records requested for non-commercial purposes.

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

7 (5 ILCS 140/3.3 new)

8 Sec. 3.3. This Act is not intended to compel public bodies
9 to interpret or advise requesters as to the meaning or
10 significance of the public records.

11 (5 ILCS 140/3.5 new)

12 Sec. 3.5. Freedom of Information officers.

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

23 Upon receiving a request for a public record, the Freedom
24 of Information officer shall:

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

3 (2) compute the day on which the period for response
4 will expire and make a notation of that date on the written
5 request;

6 (3) maintain an electronic or paper copy of a written
7 request, including all documents submitted with the
8 request until the request has been complied with or denied;
9 and

10 (4) create a file for the retention of the original
11 request, a copy of the response, a record of written
12 communications with the requester, and a copy of other
13 communications.

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

1 (5 ILCS 140/4) (from Ch. 116, par. 204)

2 Sec. 4. Each public body shall prominently display at each
3 of its administrative or regional offices, make available for
4 inspection and copying, and send through the mail if requested,
5 each of the following:

6 (a) A brief description of itself, which will include, but
7 not be limited to, a short summary of its purpose, a block
8 diagram giving its functional subdivisions, the total amount of
9 its operating budget, the number and location of all of its
10 separate offices, the approximate number of full and part-time
11 employees, and the identification and membership of any board,
12 commission, committee, or council which operates in an advisory
13 capacity relative to the operation of the public body, or which
14 exercises control over its policies or procedures, or to which
15 the public body is required to report and be answerable for its
16 operations; and

17 (b) A brief description of the methods whereby the public
18 may request information and public records, a directory
19 designating the Freedom of Information officer or officers, the
20 address where ~~by titles and addresses those employees to whom~~
21 requests for public records should be directed, and any fees
22 allowable under Section 6 of this Act.

23 (c) A public body that maintains a website shall also post
24 this information on its website.

25 (Source: P.A. 83-1013.)

1 (5 ILCS 140/6) (from Ch. 116, par. 206)

2 Sec. 6. Authority to charge fees.

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

19 (b) ~~(a)~~ Except when a fee is otherwise fixed by statute,
20 each ~~Each~~ public body may charge fees reasonably calculated to
21 reimburse its actual cost for reproducing and certifying public
22 records and for the use, by any person, of the equipment of the
23 public body to copy records. No fees shall be charged for the
24 first 50 pages of black and white, letter or legal sized copies
25 requested by a requester. The fee for black and white, letter
26 or legal sized copies shall not exceed 15 cents per page. If a

1 public body provides copies in color or in a size other than
2 letter or legal, the public body may not charge more than its
3 actual cost for reproducing the records. In calculating its
4 actual cost for reproducing records or for the use of the
5 equipment of the public body to reproduce records, a public
6 body shall not include ~~Such fees shall exclude~~ the costs of any
7 search for and review of the records or other personnel costs
8 associated with reproducing the records ~~record, and shall not~~
9 ~~exceed the actual cost of reproduction and certification,~~
10 ~~unless otherwise provided by State statute.~~ Such fees shall be
11 imposed according to a standard scale of fees, established and
12 made public by the body imposing them. The cost for certifying
13 a record shall not exceed \$1.

14 (c) ~~(b)~~ Documents shall be furnished without charge or at a
15 reduced charge, as determined by the public body, if the person
16 requesting the documents states the specific purpose for the
17 request and indicates that a waiver or reduction of the fee is
18 in the public interest. Waiver or reduction of the fee is in
19 the public interest if the principal purpose of the request is
20 to access and disseminate information regarding the health,
21 safety and welfare or the legal rights of the general public
22 and is not for the principal purpose of personal or commercial
23 benefit. For purposes of this subsection, "commercial benefit"
24 shall not apply to requests made by news media when the
25 principal purpose of the request is to access and disseminate
26 information regarding the health, safety, and welfare or the

1 legal rights of the general public. In setting the amount of
2 the waiver or reduction, the public body may take into
3 consideration the amount of materials requested and the cost of
4 copying them.

5 (d) ~~(c)~~ The ~~purposeful~~ imposition of a fee not consistent
6 with subsections (6) (a) and (b) of this Act constitutes ~~shall~~
7 ~~be considered~~ a denial of access to public records for the
8 purposes of judicial review.

9 (d) The fee for each ~~an~~ abstract of a driver's record shall
10 be as provided in Section 6-118 of "The Illinois Vehicle Code",
11 approved September 29, 1969, as amended, whether furnished as a
12 paper copy or as an electronic copy.

13 (Source: P.A. 90-144, eff. 7-23-97.)

14 (5 ILCS 140/7) (from Ch. 116, par. 207)

15 (Text of Section after amendment by P.A. 95-988)

16 Sec. 7. Exemptions.

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

25 (a) Information specifically prohibited from

1 disclosure by federal or State law or rules and regulations
2 implementing ~~adopted under~~ federal or State law.

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

6 (c) Personal information contained within public
7 records, the disclosure of which ~~(b) Information that, if~~
8 ~~disclosed,~~ would constitute a clearly unwarranted invasion
9 of personal privacy, unless the disclosure is consented to
10 in writing by the individual subjects of the information.

11 "Unwarranted invasion of personal privacy" means the
12 disclosure of information that is highly personal or
13 objectionable to a reasonable person and in which the
14 subject's right to privacy outweighs any legitimate public
15 interest in obtaining the information. The disclosure of
16 information that bears on the public duties of public
17 employees and officials shall not be considered an invasion
18 of personal privacy. ~~Information exempted under this~~
19 ~~subsection (b) shall include but is not limited to:~~

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

26 ~~(ii) personnel files and personal information~~

1 ~~maintained with respect to employees, appointees or~~
2 ~~elected officials of any public body or applicants for~~
3 ~~those positions;~~

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

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

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

23 ~~(vi) the names, addresses, or other personal~~
24 ~~information of participants and registrants in park~~
25 ~~district, forest preserve district, and conservation~~
26 ~~district programs; and~~

1 ~~(vii) the Notarial Record or other medium~~
2 ~~containing the thumbprint or fingerprint required by~~
3 ~~Section 3-102(c)(6) of the Illinois Notary Public Act.~~

4 (d) (e) Records in the possession of ~~compiled by~~ any
5 public body created in the course of ~~for~~ administrative
6 enforcement proceedings, and any law enforcement or
7 correctional agency for law enforcement purposes, ~~or for~~
8 ~~internal matters of a public body,~~ but only to the extent
9 that disclosure would:

10 (i) interfere with pending or actually and
11 reasonably contemplated law enforcement proceedings
12 conducted by any law enforcement or correctional
13 agency that is the recipient of the request;

14 (ii) interfere with active ~~pending~~ administrative
15 enforcement proceedings conducted by the ~~any~~ public
16 body that is the recipient of the request;

17 (iii) create a substantial likelihood that ~~deprive~~
18 a person will be deprived of a fair trial or an
19 impartial hearing;

20 (iv) unavoidably disclose the identity of a
21 confidential source, confidential information
22 furnished only by the confidential source, or persons
23 who file complaints with or provide information to
24 administrative, investigative, law enforcement, or
25 penal agencies; except that the identities of
26 witnesses to traffic accidents, traffic accident

1 reports, and rescue reports shall be provided by
2 agencies of local government, except when disclosure
3 would interfere with an active criminal investigation
4 conducted by the agency that is the recipient of the
5 request ~~a confidential source or confidential~~
6 ~~information furnished only by the confidential source;~~

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

14 ~~(vi) constitute an invasion of personal privacy~~
15 ~~under subsection (b) of this Section;~~

16 (vi) ~~(vii)~~ endanger the life or physical safety of
17 law enforcement personnel or any other person; or

18 (vii) ~~(viii)~~ obstruct an ongoing criminal
19 investigation by the agency that is the recipient of
20 the request.

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

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

1 ~~(ii) the name of a person in the custody of a law~~
2 ~~enforcement agency and the charges for which that~~
3 ~~person is being held;~~

4 ~~(iii) court records that are public;~~

5 ~~(iv) records that are otherwise available under~~
6 ~~State or local law; or~~

7 ~~(v) records in which the requesting party is the~~
8 ~~individual identified, except as provided under part~~
9 ~~(vii) of paragraph (c) of subsection (1) of this~~
10 ~~Section.~~

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

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

1 (f) Preliminary drafts, notes, recommendations,
2 memoranda and other records in which opinions are
3 expressed, or policies or actions are formulated, except
4 that a specific record or relevant portion of a record
5 shall not be exempt when the record is publicly cited and
6 identified by the head of the public body. The exemption
7 provided in this paragraph (f) extends to all those records
8 of officers and agencies of the General Assembly that
9 pertain to the preparation of legislative documents.

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

19 ~~(i) All information determined to be confidential~~
20 ~~under Section 4002 of the Technology Advancement and~~
21 ~~Development Act.~~

22 (i) ~~(ii)~~ All trade secrets and commercial or
23 financial information obtained by a public body,
24 including a public pension fund, from a private equity
25 fund or a privately held company within the investment
26 portfolio of a private equity fund as a result of

1 either investing or evaluating a potential investment
2 of public funds in a private equity fund. The exemption
3 contained in this item does not apply to the aggregate
4 financial performance information of a private equity
5 fund, nor to the identity of the fund's managers or
6 general partners. The exemption contained in this item
7 does not apply to the identity of a privately held
8 company within the investment portfolio of a private
9 equity fund, unless the disclosure of the identity of a
10 privately held company may cause competitive harm.

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

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

21 (i) Valuable formulae, computer geographic systems,
22 designs, drawings and research data obtained or produced by
23 any public body when disclosure could reasonably be
24 expected to produce private gain or public loss. The
25 exemption for "computer geographic systems" provided in
26 this paragraph (i) does not extend to requests made by news

1 media as defined in Section 2 of this Act when the
2 requested information is not otherwise exempt and the only
3 purpose of the request is to access and disseminate
4 information regarding the health, safety, welfare, or
5 legal rights of the general public.

6 (j) The following information pertaining to
7 educational matters:

8 (i) test ~~Test~~ questions, scoring keys and other
9 examination data used to administer an academic
10 examination; ~~or determined the qualifications of an~~
11 ~~applicant for a license or employment.~~

12 (ii) information received by a primary or
13 secondary school, college, or university under its
14 procedures for the evaluation of faculty members by
15 their academic peers;

16 (iii) information concerning a school or
17 university's adjudication of student disciplinary
18 cases, but only to the extent that disclosure would
19 unavoidably reveal the identity of the student; and

20 (iv) course materials or research materials used
21 by faculty members.

22 (k) Architects' plans, engineers' technical
23 submissions, and other construction related technical
24 documents for projects not constructed or developed in
25 whole or in part with public funds and the same for
26 projects constructed or developed with public funds,

1 including but not limited to power generating and
2 distribution stations and other transmission and
3 distribution facilities, water treatment facilities,
4 airport facilities, sport stadiums, convention centers,
5 and all government owned, operated, or occupied buildings,
6 but only to the extent that disclosure would compromise
7 security, ~~including but not limited to water treatment~~
8 ~~facilities, airport facilities, sport stadiums, convention~~
9 ~~centers, and all government owned, operated, or occupied~~
10 ~~buildings.~~

11 ~~(l) Library circulation and order records identifying~~
12 ~~library users with specific materials.~~

13 (l) ~~(m)~~ Minutes of meetings of public bodies closed to
14 the public as provided in the Open Meetings Act until the
15 public body makes the minutes available to the public under
16 Section 2.06 of the Open Meetings Act.

17 (m) ~~(n)~~ Communications between a public body and an
18 attorney or auditor representing the public body that would
19 not be subject to discovery in litigation, and materials
20 prepared or compiled by or for a public body in
21 anticipation of a criminal, civil or administrative
22 proceeding upon the request of an attorney advising the
23 public body, and materials prepared or compiled with
24 respect to internal audits of public bodies.

25 (n) ~~(o)~~ Records relating to a public body's
26 adjudication of employee grievances or disciplinary cases;

1 however, this exemption shall not extend to the final
2 outcome of cases in which discipline is imposed ~~Information~~
3 ~~received by a primary or secondary school, college or~~
4 ~~university under its procedures for the evaluation of~~
5 ~~faculty members by their academic peers.~~

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

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

21 (q) ~~(r)~~ Test questions, scoring keys, and other
22 examination data used to determine the qualifications of an
23 applicant for a license or employment. ~~Drafts, notes,~~
24 ~~recommendations and memoranda pertaining to the financing~~
25 ~~and marketing transactions of the public body. The records~~
26 ~~of ownership, registration, transfer, and exchange of~~

1 ~~municipal debt obligations, and of persons to whom payment~~
2 ~~with respect to these obligations is made.~~

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

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

22 ~~(u) Information concerning a university's adjudication~~
23 ~~of student or employee grievance or disciplinary cases, to~~
24 ~~the extent that disclosure would reveal the identity of the~~
25 ~~student or employee and information concerning any public~~
26 ~~body's adjudication of student or employee grievances or~~

1 ~~disciplinary cases, except for the final outcome of the~~
2 ~~eases.~~

3 ~~(v) Course materials or research materials used by~~
4 ~~faculty members.~~

5 ~~(w) Information related solely to the internal~~
6 ~~personnel rules and practices of a public body.~~

7 (t) ~~(*)~~ Information contained in or related to
8 examination, operating, or condition reports prepared by,
9 on behalf of, or for the use of a public body responsible
10 for the regulation or supervision of financial
11 institutions or insurance companies, unless disclosure is
12 otherwise required by State law.

13 ~~(y) Information the disclosure of which is restricted~~
14 ~~under Section 5-108 of the Public Utilities Act.~~

15 ~~(z) Manuals or instruction to staff that relate to~~
16 ~~establishment or collection of liability for any State tax~~
17 ~~or that relate to investigations by a public body to~~
18 ~~determine violation of any criminal law.~~

19 ~~(aa) Applications, related documents, and medical~~
20 ~~records received by the Experimental Organ Transplantation~~
21 ~~Procedures Board and any and all documents or other records~~
22 ~~prepared by the Experimental Organ Transplantation~~
23 ~~Procedures Board or its staff relating to applications it~~
24 ~~has received.~~

25 ~~(bb) Insurance or self insurance (including any~~
26 ~~intergovernmental risk management association or self~~

1 ~~insurance pool) claims, loss or risk management~~
2 ~~information, records, data, advice or communications.~~

3 ~~(cc) Information and records held by the Department of~~
4 ~~Public Health and its authorized representatives relating~~
5 ~~to known or suspected cases of sexually transmissible~~
6 ~~disease or any information the disclosure of which is~~
7 ~~restricted under the Illinois Sexually Transmissible~~
8 ~~Disease Control Act.~~

9 ~~(dd) Information the disclosure of which is exempted~~
10 ~~under Section 30 of the Radon Industry Licensing Act.~~

11 ~~(ee) Firm performance evaluations under Section 55 of~~
12 ~~the Architectural, Engineering, and Land Surveying~~
13 ~~Qualifications Based Selection Act.~~

14 ~~(ff) Security portions of system safety program plans,~~
15 ~~investigation reports, surveys, schedules, lists, data, or~~
16 ~~information compiled, collected, or prepared by or for the~~
17 ~~Regional Transportation Authority under Section 2.11 of~~
18 ~~the Regional Transportation Authority Act or the St. Clair~~
19 ~~County Transit District under the Bi State Transit Safety~~
20 ~~Act.~~

21 ~~(gg) Information the disclosure of which is restricted~~
22 ~~and exempted under Section 50 of the Illinois Prepaid~~
23 ~~Tuition Act.~~

24 ~~(hh) Information the disclosure of which is exempted~~
25 ~~under the State Officials and Employees Ethics Act.~~

26 ~~(u) (ii) Information Beginning July 1, 1999,~~

1 ~~information~~ that would disclose or might lead to the
2 disclosure of secret or confidential information, codes,
3 algorithms, programs, or private keys intended to be used
4 to create electronic or digital signatures under the
5 Electronic Commerce Security Act.

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

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

14 (v) ~~(11)~~ Vulnerability assessments, security measures,
15 and response policies or plans that are designed to
16 identify, prevent, or respond to potential attacks upon a
17 community's population or systems, facilities, or
18 installations, the destruction or contamination of which
19 would constitute a clear and present danger to the health
20 or safety of the community, but only to the extent that
21 disclosure could reasonably be expected to jeopardize the
22 effectiveness of the measures or the safety of the
23 personnel who implement them or the public. Information
24 exempt under this item may include such things as details
25 pertaining to the mobilization or deployment of personnel
26 or equipment, to the operation of communication systems or

1 protocols, or to tactical operations.

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

7 ~~(nn) Law enforcement officer identification~~
8 ~~information or driver identification information compiled~~
9 ~~by a law enforcement agency or the Department of~~
10 ~~Transportation under Section 11 212 of the Illinois~~
11 ~~Vehicle Code.~~

12 ~~(oo) Records and information provided to a residential~~
13 ~~health care facility resident sexual assault and death~~
14 ~~review team or the Executive Council under the Abuse~~
15 ~~Prevention Review Team Act.~~

16 ~~(pp) Information provided to the predatory lending~~
17 ~~database created pursuant to Article 3 of the Residential~~
18 ~~Real Property Disclosure Act, except to the extent~~
19 ~~authorized under that Article.~~

20 ~~(qq) Defense budgets and petitions for certification~~
21 ~~of compensation and expenses for court appointed trial~~
22 ~~counsel as provided under Sections 10 and 15 of the Capital~~
23 ~~Crimes Litigation Act. This subsection (qq) shall apply~~
24 ~~until the conclusion of the trial of the case, even if the~~
25 ~~prosecution chooses not to pursue the death penalty prior~~
26 ~~to trial or sentencing.~~

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

8 ~~(ss) Information that is prohibited from being~~
9 ~~disclosed under Section 4 of the Illinois Health and~~
10 ~~Hazardous Substances Registry Act.~~

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

18 (3) ~~(2)~~ This Section does not authorize withholding of
19 information or limit the availability of records to the public,
20 except as stated in this Section or otherwise provided in this
21 Act.

22 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,
23 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;
24 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.
25 8-28-07; 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; revised
26 10-20-08.)

1 (5 ILCS 140/7.5 new)

2 Sec. 7.5. Statutory Exemptions. To the extent provided for
3 by the statutes referenced below, the following shall be exempt
4 from inspection and copying:

5 (a) All information determined to be confidential under
6 Section 4002 of the Technology Advancement and Development Act.

7 (b) Library circulation and order records identifying
8 library users with specific materials under the Library Records
9 Confidentiality Act.

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

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

20 (e) Information the disclosure of which is exempted under
21 Section 30 of the Radon Industry Licensing Act.

22 (f) Firm performance evaluations under Section 55 of the
23 Architectural, Engineering, and Land Surveying Qualifications
24 Based Selection Act.

25 (g) Information the disclosure of which is restricted and

1 exempted under Section 50 of the Illinois Prepaid Tuition Act.

2 (h) Information the disclosure of which is exempted under
3 the State Officials and Employees Ethics Act, and records of
4 any lawfully created State or local inspector general's office
5 that would be exempt if created or obtained by an Executive
6 Inspector General's office under that Act.

7 (i) Information contained in a local emergency energy plan
8 submitted to a municipality in accordance with a local
9 emergency energy plan ordinance that is adopted under Section
10 11-21.5-5 of the Illinois Municipal Code.

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

14 (k) Law enforcement officer identification information or
15 driver identification information compiled by a law
16 enforcement agency or the Department of Transportation under
17 Section 11-212 of the Illinois Vehicle Code.

18 (l) Records and information provided to a residential
19 health care facility resident sexual assault and death review
20 team or the Executive Council under the Abuse Prevention Review
21 Team Act.

22 (m) Information provided to the predatory lending database
23 created pursuant to Article 3 of the Residential Real Property
24 Disclosure Act, except to the extent authorized under that
25 Article.

26 (n) Defense budgets and petitions for certification of

1 compensation and expenses for court appointed trial counsel as
2 provided under Sections 10 and 15 of the Capital Crimes
3 Litigation Act. This subsection (n) shall apply until the
4 conclusion of the trial of the case, even if the prosecution
5 chooses not to pursue the death penalty prior to trial or
6 sentencing.

7 (o) Information that is prohibited from being disclosed
8 under Section 4 of the Illinois Health and Hazardous Substances
9 Registry Act.

10 (p) Security portions of system safety program plans,
11 investigation reports, surveys, schedules, lists, data, or
12 information compiled, collected, or prepared by or for the
13 Regional Transportation Authority under Section 2.11 of the
14 Regional Transportation Authority Act or the St. Clair County
15 Transit District under the Bi-State Transit Safety Act.

16 (q) Information prohibited from being disclosed by the
17 Personnel Records Review Act.

18 (r) Information prohibited from being disclosed by the
19 Illinois School Student Records Act.

20 (s) Information the disclosure of which is restricted under
21 Section 5-108 of the Public Utilities Act.

22 (5 ILCS 140/9) (from Ch. 116, par. 209)

23 Sec. 9. (a) Each public body ~~or head of a public body~~
24 denying a request for public records shall notify the requester
25 in writing ~~by letter the person making the request~~ of the

1 decision to deny the request ~~such~~, the reasons for the denial,
2 including a detailed factual basis for the application of any
3 exemption claimed, and the names and titles or positions of
4 each person responsible for the denial. Each notice of denial
5 by a public body shall also inform such person of the ~~his~~ right
6 to review by the Public Access Counselor and provide the
7 address and phone number for the Public Access Counselor ~~appeal~~
8 ~~to the head of the public body~~. Each notice of denial ~~of an~~
9 ~~appeal by the head of a public body~~ shall inform such person of
10 his right to judicial review under Section 11 of this Act.

11 (b) When a request for public records is denied on the
12 grounds that the records are exempt under Section 7 of this
13 Act, the notice of denial shall specify the exemption claimed
14 to authorize the denial and the specific reasons for the
15 denial, including a detailed factual basis and a citation to
16 supporting legal authority. Copies of all notices of denial
17 shall be retained by each public body in a single central
18 office file that is open to the public and indexed according to
19 the type of exemption asserted and, to the extent feasible,
20 according to the types of records requested.

21 (c) Any person making a request for public records shall be
22 deemed to have exhausted his or her administrative remedies
23 with respect to that request if the public body fails to act
24 within the time periods provided in Section 3 of this Act.

25 (Source: P.A. 83-1013.)

1 (5 ILCS 140/9.5 new)

2 Sec. 9.5. Public Access Counselor; opinions.

3 (a) A person whose request to inspect or copy a public
4 record is denied by a public body, except the General Assembly
5 and committees, commissions, and agencies thereof, may file a
6 request for review with the Public Access Counselor established
7 in the Office of the Attorney General not later than 60 days
8 after the date of the final denial. The request for review must
9 be in writing, signed by the requester, and include (i) a copy
10 of the request for access to records and (ii) any responses
11 from the public body.

12 (b) A public body that receives a request for records, and
13 asserts that the records are exempt under subsection (1)(c) or
14 (1)(f) of Section 7 of this Act, shall, within the time periods
15 provided for responding to a request, provide written notice to
16 the requester and the Public Access Counselor of its intent to
17 deny the request in whole or in part. The notice shall include:
18 (i) a copy of the request for access to records; (ii) the
19 proposed response from the public body; and (iii) a detailed
20 summary of the public body's basis for asserting the exemption.
21 Upon receipt of a notice of intent to deny from a public body,
22 the Public Access Counselor shall determine whether further
23 inquiry is warranted. Within 5 working days after receipt of
24 the notice of intent to deny, the Public Access Counselor shall
25 notify the public body and the requester whether further
26 inquiry is warranted. If the Public Access Counselor determines

1 that further inquiry is warranted, the procedures set out in
2 this Section regarding the review of denials, including the
3 production of documents, shall also be applicable to the
4 inquiry and resolution of a notice of intent to deny from a
5 public body. Times for response or compliance by the public
6 body under Section 3 of this Act shall be tolled until the
7 Public Access Counselor concludes his or her inquiry.

8 (c) Upon receipt of a request for review, the Public Access
9 Counselor shall determine whether further action is warranted.
10 If the Public Access Counselor determines that the alleged
11 violation is unfounded, he or she shall so advise the requester
12 and the public body and no further action shall be undertaken.
13 In all other cases, the Public Access Counselor shall forward a
14 copy of the request for review to the public body within 7
15 working days after receipt and shall specify the records or
16 other documents that the public body shall furnish to
17 facilitate the review. Within 7 working days after receipt of
18 the request for review, the public body shall provide copies of
19 records requested and shall otherwise fully cooperate with the
20 Public Access Counselor. If a public body fails to furnish
21 specified records pursuant to this Section, or if otherwise
22 necessary, the Attorney General may issue a subpoena to any
23 person or public body having knowledge of or records pertaining
24 to a request for review of a denial of access to records under
25 the Act. To the extent that records or documents produced by a
26 public body contain information that is claimed to be exempt

1 from disclosure under Section 7 of this Act, the Public Access
2 Counselor shall not further disclose that information.

3 (d) Within 7 working days after it receives a copy of a
4 request for review and request for production of records from
5 the Public Access Counselor, the public body may, but is not
6 required to, answer the allegations of the request for review.
7 The answer may take the form of a letter, brief, or memorandum.
8 The Public Access Counselor shall forward a copy of the answer
9 to the person submitting the request for review, with any
10 alleged confidential information to which the request pertains
11 redacted from the copy. The requester may, but is not required
12 to, respond in writing to the answer within 7 working days and
13 shall provide a copy of the response to the public body.

14 (e) In addition to the request for review, and the answer
15 and the response thereto, if any, a requester or a public body
16 may furnish affidavits or records concerning any matter germane
17 to the review.

18 (f) Unless the Public Access Counselor extends the time by
19 no more than 21 business days by sending written notice to the
20 requester and the public body that includes a statement of the
21 reasons for the extension in the notice, or decides to address
22 the matter without the issuance of a binding opinion, the
23 Attorney General shall examine the issues and the records,
24 shall make findings of fact and conclusions of law, and shall
25 issue to the requester and the public body an opinion in
26 response to the request for review within 60 days after its

1 receipt. The opinion shall be binding upon both the requester
2 and the public body, subject to administrative review under
3 Section 11.5.

4 In responding to any request under this Section 9.5, the
5 Attorney General may exercise his or her discretion and choose
6 to resolve a request for review by mediation or by a means
7 other than the issuance of a binding opinion. The decision not
8 to issue a binding opinion shall not be reviewable.

9 Upon receipt of a binding opinion concluding that a
10 violation of this Act has occurred, the public body shall
11 either take necessary action immediately to comply with the
12 directive of the opinion or shall initiate administrative
13 review under Section 11.5. If the opinion concludes that no
14 violation of the Act has occurred, the requester may initiate
15 administrative review under Section 11.5.

16 A public body that discloses records in accordance with an
17 opinion of the Attorney General is immune from all liabilities
18 by reason thereof and shall not be liable for penalties under
19 this Act.

20 (g) If the requester files suit under Section 11 with
21 respect to the same denial that is the subject of a pending
22 request for review, the requester shall notify the Public
23 Access Counselor, and the Public Access Counselor shall take no
24 further action with respect to the request for review and shall
25 so notify the public body.

26 (h) The Attorney General may also issue advisory opinions

1 to public bodies regarding compliance with this Act. A review
2 may be initiated upon receipt of a written request from the
3 head of the public body or its attorney, which shall contain
4 sufficient accurate facts from which a determination can be
5 made. The Public Access Counselor may request additional
6 information from the public body in order to assist in the
7 review. A public body that relies in good faith on an advisory
8 opinion of the Attorney General in responding to a request is
9 not liable for penalties under this Act, so long as the facts
10 upon which the opinion is based have been fully and fairly
11 disclosed to the Public Access Counselor.

12 (5 ILCS 140/11) (from Ch. 116, par. 211)

13 Sec. 11. (a) Any person denied access to inspect or copy
14 any public record by ~~the head of~~ a public body may file suit
15 for injunctive or declaratory relief.

16 (b) Where the denial is from ~~the head of~~ a public body of
17 the State, suit may be filed in the circuit court for the
18 county where the public body has its principal office or where
19 the person denied access resides.

20 (c) Where the denial is from ~~the head of~~ a municipality or
21 other public body, except as provided in subsection (b) of this
22 Section, suit may be filed in the circuit court for the county
23 where the public body is located.

24 (d) The circuit court shall have the jurisdiction to enjoin
25 the public body from withholding public records and to order

1 the production of any public records improperly withheld from
2 the person seeking access. If the public body can show that
3 exceptional circumstances exist, and that the body is
4 exercising due diligence in responding to the request, the
5 court may retain jurisdiction and allow the agency additional
6 time to complete its review of the records.

7 (e) On motion of the plaintiff, prior to or after in camera
8 inspection, the court shall order the public body to provide an
9 index of the records to which access has been denied. The index
10 shall include the following:

11 (i) A description of the nature or contents of each
12 document withheld, or each deletion from a released
13 document, provided, however, that the public body shall not
14 be required to disclose the information which it asserts is
15 exempt; and

16 (ii) A statement of the exemption or exemptions claimed
17 for each such deletion or withheld document.

18 (f) In any action considered by the court, the court shall
19 consider the matter de novo, and shall conduct such in camera
20 examination of the requested records as it finds appropriate to
21 determine if such records or any part thereof may be withheld
22 under any provision of this Act. The burden shall be on the
23 public body to establish that its refusal to permit public
24 inspection or copying is in accordance with the provisions of
25 this Act. Any public body that asserts that a record is exempt
26 from disclosure has the burden of proving that it is exempt by

1 clear and convincing evidence.

2 (g) In the event of noncompliance with an order of the
3 court to disclose, the court may enforce its order against any
4 public official or employee so ordered or primarily responsible
5 for such noncompliance through the court's contempt powers.

6 (h) Except as to causes the court considers to be of
7 greater importance, proceedings arising under this Section
8 shall take precedence on the docket over all other causes and
9 be assigned for hearing and trial at the earliest practicable
10 date and expedited in every way.

11 (i) If a person seeking the right to inspect or receive a
12 copy of a public record ~~substantially~~ prevails in a proceeding
13 under this Section, the court shall ~~may~~ award such person
14 reasonable attorneys' fees and costs. In determining what
15 amount of attorney's fees is reasonable, the court shall
16 consider the degree to which the relief obtained relates to the
17 relief sought. The changes contained in this subsection apply
18 to an action filed on or after the effective date of this
19 amendatory Act of the 96th General Assembly. ~~If, however, the~~
20 ~~court finds that the fundamental purpose of the request was to~~
21 ~~further the commercial interests of the requestor, the court~~
22 ~~may award reasonable attorneys' fees and costs if the court~~
23 ~~finds that the record or records in question were of clearly~~
24 ~~significant interest to the general public and that the public~~
25 ~~body lacked any reasonable basis in law for withholding the~~
26 ~~record.~~

1 (j) If the court determines that a public body willfully
2 and intentionally failed to comply with this Act, or otherwise
3 acted in bad faith, the court shall also impose upon the public
4 body a civil penalty of not less than \$2,500 nor more than
5 \$5,000 for each occurrence. In assessing the civil penalty, the
6 court shall consider in aggravation or mitigation the budget of
7 the public body and whether the public body has previously been
8 assessed penalties for violations of this Act. The changes
9 contained in this subsection apply to an action filed on or
10 after the effective date of this amendatory Act of the 96th
11 General Assembly.

12 (Source: P.A. 93-466, eff. 1-1-04.)

13 (5 ILCS 140/11.5 new)

14 Sec. 11.5. Administrative review. A binding opinion issued
15 by the Attorney General shall be considered a final decision of
16 an administrative agency, for purposes of administrative
17 review under the Administrative Review Law (735 ILCS 5/Art.
18 III). An action for administrative review of a binding opinion
19 of the Attorney General shall be commenced in Cook or Sangamon
20 County. An advisory opinion issued to a public body shall not
21 be considered a final decision of the Attorney General for
22 purposes of this Section.

23 (5 ILCS 140/7.1 rep.)

24 (5 ILCS 140/8 rep.)

1 (5 ILCS 140/10 rep.)

2 Section 15. The Freedom of Information Act is amended by
3 repealing Sections 7.1, 8, and 10.

4 Section 20. The Attorney General Act is amended by changing
5 Section 4 and by adding Section 7 as follows:

6 (15 ILCS 205/4) (from Ch. 14, par. 4)

7 Sec. 4. The duties of the Attorney General shall be--

8 First - To appear for and represent the people of the State
9 before the supreme court in all cases in which the State or the
10 people of the State are interested.

11 Second - To institute and prosecute all actions and
12 proceedings in favor of or for the use of the State, which may
13 be necessary in the execution of the duties of any State
14 officer.

15 Third - To defend all actions and proceedings against any
16 State officer, in his official capacity, in any of the courts
17 of this State or the United States.

18 Fourth - To consult with and advise the several State's
19 Attorneys in matters relating to the duties of their office;
20 and when, in his judgment, the interest of the people of the
21 State requires it, he shall attend the trial of any party
22 accused of crime, and assist in the prosecution. When the
23 Attorney General has requested in writing that a State's
24 Attorney initiate court proceedings to enforce any provisions

1 of the Election Code or to initiate a criminal prosecution with
2 respect to a violation of the Election Code, and when the
3 State's Attorney has declined in writing to initiate those
4 proceedings or prosecutions or when the State's Attorney has
5 neither initiated the proceedings or prosecutions nor
6 responded in writing to the Attorney General within 60 days of
7 the receipt of the request, the Attorney General may,
8 concurrently with or independently of the State's Attorney,
9 initiate such proceedings or prosecutions. The Attorney
10 General may investigate and prosecute any violation of the
11 Election Code at the request of the State Board of Elections or
12 a State's Attorney.

13 Fifth - To investigate alleged violations of the statutes
14 which the Attorney General has a duty to enforce and to conduct
15 other investigations in connection with assisting in the
16 prosecution of a criminal offense at the request of a State's
17 Attorney.

18 Sixth - To consult with and advise the governor and other
19 State officers, and give, when requested, written opinions upon
20 all legal or constitutional questions relating to the duties of
21 such officers respectively.

22 Seventh - To prepare, when necessary, proper drafts for
23 contracts and other writings relating to subjects in which the
24 State is interested.

25 Eighth - To give written opinions, when requested by either
26 branch of the general assembly, or any committee thereof, upon

1 constitutional or legal questions.

2 Ninth - To enforce the proper application of funds
3 appropriated to the public institutions of the State, prosecute
4 breaches of trust in the administration of such funds, and,
5 when necessary, prosecute corporations for failure or refusal
6 to make the reports required by law.

7 Tenth - To keep, a register of all cases prosecuted or
8 defended by him, in behalf of the State or its officers, and of
9 all proceedings had in relation thereto, and to deliver the
10 same to his successor in office.

11 Eleventh - To keep on file in his office a copy of the
12 official opinions issued by the Attorney General and deliver
13 same to his successor.

14 Twelfth - To pay into the State treasury all moneys
15 received by him for the use of the State.

16 Thirteenth - To attend to and perform any other duty which
17 may, from time to time, be required of him by law.

18 Fourteenth - To attend, present evidence to and prosecute
19 indictments returned by each Statewide Grand Jury.

20 Fifteenth - To give written binding and advisory public
21 access opinions as provided in Section 7 of this Act.

22 (Source: P.A. 94-291, eff. 7-21-05; 95-699, eff. 11-9-07.)

23 (15 ILCS 205/7 new)

24 Sec. 7. Public Access Counselor.

25 (a) The General Assembly finds that members of the public

1 have encountered obstacles in obtaining copies of public
2 records from units of government, and that many of those
3 obstacles result from difficulties that both members of the
4 public and public bodies have had in interpreting and applying
5 the Freedom of Information Act. The General Assembly further
6 finds that members of the public have encountered difficulties
7 in resolving alleged violations of the Open Meetings Act. The
8 public's significant interest in access to public records and
9 in open meetings would be better served if there were a central
10 office available to provide advice and education with respect
11 to the interpretation and implementation of the Freedom of
12 Information Act and the Open Meetings Act.

13 (b) Therefore, there is created in the Office of the
14 Attorney General the Office of Public Access Counselor. The
15 Attorney General shall appoint a Public Access Counselor, who
16 shall be an attorney licensed to practice in Illinois. The
17 Public Access Counselor's Office shall be comprised of the
18 Public Access Counselor and such assistant attorneys general
19 and other staff as are deemed necessary by the Attorney
20 General.

21 (c) Through the Public Access Counselor, the Attorney
22 General shall have the power:

23 (1) to establish and administer a program to provide
24 free training for public officials and to educate the
25 public on the rights of the public and the responsibilities
26 of public bodies under the Freedom of Information Act and

1 the Open Meetings Act;

2 (2) to prepare and distribute interpretive or
3 educational materials and programs;

4 (3) to resolve disputes involving a potential
5 violation of the Open Meetings Act or the Freedom of
6 Information Act in response to a request for review
7 initiated by an aggrieved party, as provided in those Acts,
8 by mediating or otherwise informally resolving the dispute
9 or by issuing a binding opinion; except that the Attorney
10 General may not issue an opinion concerning a specific
11 matter with respect to which a lawsuit has been filed under
12 Section 3 of the Open Meetings Act or Section 11 of the
13 Freedom of Information Act;

14 (4) to issue advisory opinions with respect to the Open
15 Meetings Act and the Freedom of Information Act either in
16 response to a request for review or otherwise;

17 (5) to respond to informal inquiries made by the public
18 and public bodies;

19 (6) to conduct research on compliance issues;

20 (7) to make recommendations to the General Assembly
21 concerning ways to improve access to public records and
22 public access to the processes of government;

23 (8) to develop and make available on the Attorney
24 General's website or by other means an electronic training
25 curriculum for Freedom of Information officers;

26 (9) to develop and make available on the Attorney

1 General's website or by other means an electronic Open
2 Meetings Act training curriculum for employees, officers,
3 and members designated by public bodies;

4 (10) to prepare and distribute to public bodies model
5 policies for compliance with the Freedom of Information
6 Act; and

7 (11) to promulgate rules to implement these powers.

8 (d) To accomplish the objectives and to carry out the
9 duties prescribed by this Section, the Public Access Counselor,
10 in addition to other powers conferred upon him or her by this
11 Section, may request that subpoenas be issued by the Attorney
12 General in accordance with the provisions of Section 9.5 of the
13 Freedom of Information Act and Section 3.5 of the Open Meetings
14 Act. Service by the Attorney General of any subpoena upon any
15 person shall be made:

16 (i) personally by delivery of a duly executed
17 copy thereof to the person to be served, or in the
18 case of a public body, in the manner provided in
19 Section 2-211 of the Civil Practice Law; or

20 (ii) by mailing by certified mail a duly
21 executed copy thereof to the person to be served at
22 his or her last known abode or, in the case of a
23 public body, to its principal place of business.

24 (e) If any person or public body fails or refuses to obey
25 any subpoena issued pursuant to this Section, the Attorney
26 General may file a complaint in the circuit court to:

- 1 (i) obtain compliance with the subpoena;
2 (ii) obtain injunctive relief to prevent a
3 violation of the Open Meetings Act or Freedom of
4 Information Act; and
5 (iii) obtain such other relief as may be
6 required.

7 (f) The Attorney General has the authority to file an
8 action in the circuit court of Cook or Sangamon County for
9 injunctive or other relief to compel compliance with a binding
10 opinion issued pursuant to Section 3.5 of the Open Meetings Act
11 or Section 9.5 of the Freedom of Information Act, to prevent a
12 violation of the Open Meetings Act or the Freedom of
13 Information Act, and for such other relief as may be required.

14 (g) The Attorney General shall post his or her binding
15 opinions issued pursuant to Section 3.5 of the Open Meetings
16 Act or Section 9.5 of the Freedom of Information Act and any
17 rules on the official website of the Office of the Attorney
18 General, with links to those opinions from the official home
19 page, and shall make them available for immediate inspection in
20 his or her office.

21 Section 99. Effective date. This Act takes effect January
22 1, 2010.