

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by  
5 changing Section 6 as follows:

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

7 Sec. 6. Authority to charge fees.

8 (a) When a person requests a copy of a record maintained in  
9 an electronic format, the public body shall furnish it in the  
10 electronic format specified by the requester, if feasible. If  
11 it is not feasible to furnish the public records in the  
12 specified electronic format, then the public body shall furnish  
13 it in the format in which it is maintained by the public body,  
14 or in paper format at the option of the requester. A public  
15 body may charge the requester for the actual cost of purchasing  
16 the recording medium, whether disc, diskette, tape, or other  
17 medium. In addition, a public body may charge to any requester  
18 other than a member of the news media the actual cost of  
19 retrieving and transporting public records from an off-site  
20 storage facility when the public records are maintained by a  
21 third-party storage company under contract with the public  
22 body. A public body may not charge the requester for the costs  
23 of any search for and review of the records or other personnel

1 costs associated with reproducing the records. Except to the  
2 extent that the General Assembly expressly provides, statutory  
3 fees applicable to copies of public records when furnished in a  
4 paper format shall not be applicable to those records when  
5 furnished in an electronic format.

6 (b) Except when a fee is otherwise fixed by statute, each  
7 public body may charge fees reasonably calculated to reimburse  
8 its actual cost for reproducing and certifying public records  
9 and for the use, by any person, of the equipment of the public  
10 body to copy records. No fees shall be charged for the first 50  
11 pages of black and white, letter or legal sized copies  
12 requested by a requester. The fee for black and white, letter  
13 or legal sized copies shall not exceed 15 cents per page. If a  
14 public body provides copies in color or in a size other than  
15 letter or legal, the public body may not charge more than its  
16 actual cost for reproducing the records. In calculating its  
17 actual cost for reproducing records or for the use of the  
18 equipment of the public body to reproduce records, a public  
19 body shall not include the costs of any search for and review  
20 of the records or other personnel costs associated with  
21 reproducing the records. Such fees shall be imposed according  
22 to a standard scale of fees, established and made public by the  
23 body imposing them. The cost for certifying a record shall not  
24 exceed \$1.

25 (c) Documents shall be furnished without charge or at a  
26 reduced charge, as determined by the public body, if the person

1 requesting the documents states the specific purpose for the  
2 request and indicates that a waiver or reduction of the fee is  
3 in the public interest. Waiver or reduction of the fee is in  
4 the public interest if the principal purpose of the request is  
5 to access and disseminate information regarding the health,  
6 safety and welfare or the legal rights of the general public  
7 and is not for the principal purpose of personal or commercial  
8 benefit. For purposes of this subsection, "commercial benefit"  
9 shall not apply to requests made by news media when the  
10 principal purpose of the request is to access and disseminate  
11 information regarding the health, safety, and welfare or the  
12 legal rights of the general public. In setting the amount of  
13 the waiver or reduction, the public body may take into  
14 consideration the amount of materials requested and the cost of  
15 copying them.

16 (d) The imposition of a fee not consistent with subsections  
17 (6)(a) and (b) of this Act constitutes a denial of access to  
18 public records for the purposes of judicial review.

19 (e) The fee for each abstract of a driver's record shall be  
20 as provided in Section 6-118 of "The Illinois Vehicle Code",  
21 approved September 29, 1969, as amended, whether furnished as a  
22 paper copy or as an electronic copy.

23 (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.