



Rep. Renée Kosel

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LRB098 13032 HEP 56645 a

1 AMENDMENT TO HOUSE BILL 3664

2 AMENDMENT NO. _____. Amend House Bill 3664, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Freedom of Information Act is amended by
6 changing Sections 2 and 2.20 as follows:

7 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

9 (a) "Public body" means all legislative, executive,
10 administrative, or advisory bodies of the State, state
11 universities and colleges, counties, townships, cities,
12 villages, incorporated towns, school districts and all other
13 municipal corporations, boards, bureaus, committees, or
14 commissions of this State, any subsidiary bodies of any of the
15 foregoing including but not limited to committees and
16 subcommittees thereof, and a School Finance Authority created

1 under Article 1E of the School Code. "Public body" does not
2 include a child death review team or the Illinois Child Death
3 Review Teams Executive Council established under the Child
4 Death Review Team Act.

5 (b) "Person" means any individual, corporation,
6 partnership, firm, organization or association, acting
7 individually or as a group.

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

17 (c-5) "Private information" means unique identifiers,
18 including a person's social security number, driver's license
19 number, employee identification number, biometric identifiers,
20 personal financial information, passwords or other access
21 codes, medical records, home or personal telephone numbers, and
22 personal email addresses. Private information also includes
23 home address and personal license plates, except as otherwise
24 provided by law or when compiled without possibility of
25 attribution to any person.

26 (c-10) "Commercial purpose" means the use of any part of a

1 public record or records, or information derived from public
2 records, in any form for sale, resale, or solicitation or
3 advertisement for sales or services. For purposes of this
4 definition, requests made by news media and non-profit,
5 scientific, or academic organizations shall not be considered
6 to be made for a "commercial purpose" when the principal
7 purpose of the request is (i) to access and disseminate
8 information concerning news and current or passing events, (ii)
9 for articles of opinion or features of interest to the public,
10 or (iii) for the purpose of academic, scientific, or public
11 research or education.

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

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

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

1 picture news for public showing.

2 (g) "Recurrent requester", as used in Section 3.2 of this
3 Act, means a person that, in the 12 months immediately
4 preceding the request, has submitted to the same public body
5 (i) a minimum of 50 requests for records, (ii) a minimum of 15
6 requests for records within a 30-day period, or (iii) a minimum
7 of 7 requests for records within a 7-day period. For purposes
8 of this definition, requests made by news media and non-profit,
9 scientific, or academic organizations shall not be considered
10 in calculating the number of requests made in the time periods
11 in this definition when the principal purpose of the requests
12 is (i) to access and disseminate information concerning news
13 and current or passing events, (ii) for articles of opinion or
14 features of interest to the public, or (iii) for the purpose of
15 academic, scientific, or public research or education.

16 For the purposes of this subsection (g), "request" means a
17 written document (or oral request, if the public body chooses
18 to honor oral requests) that is submitted to a public body via
19 personal delivery, mail, telefax, electronic mail, or other
20 means available to the public body and that identifies the
21 particular public record the requester seeks. One request may
22 identify multiple records to be inspected or copied.

23 (h) "Settlement agreement" means any arrangement for
24 payment in exchange for the adjudication or release of a civil
25 claim established by an agreement between some or all of the
26 parties to the claim.

1 (i) "Severance agreement" means a mutual agreement between
2 any public body and its employee for the employee's resignation
3 in exchange for payment by the public body.

4 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
5 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

6 (5 ILCS 140/2.20)

7 Sec. 2.20. Settlement and severance agreements.

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

12 (b) A settlement agreement that is funded in whole or part
13 by public moneys or that releases a claim against a public body
14 shall not require or impose any condition on any party to keep
15 allegations, evidence, settlement amounts, or any other
16 information confidential, except that which is necessary to
17 protect a trade secret, proprietary information, or
18 information otherwise exempt from disclosure under Section 7 of
19 this Act.

20 (c) A severance agreement that is funded in whole or part
21 by public moneys or that releases a claim against a public body
22 shall not require or impose any condition on any party to keep
23 allegations, evidence, settlement amounts, or any other
24 information confidential, except that which is necessary to
25 protect a trade secret, proprietary information, or

1 information otherwise exempt from disclosure under Section 7 of
2 this Act.

3 (d) The changes made by this amendatory Act of the 98th
4 General Assembly do not apply to settlement agreements and
5 severance agreements signed before the effective date of this
6 amendatory Act of the 98th General Assembly.

7 (Source: P.A. 96-542, eff. 1-1-10.)".