

1 AN ACT concerning courts.

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 Sections 2.15 and 7 as follows:

6 (5 ILCS 140/2.15)

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

8 (a) Arrest reports. The following chronologically  
9 maintained arrest and criminal history information maintained  
10 by State or local criminal justice agencies shall be furnished  
11 as soon as practical, but in no event later than 72 hours after  
12 the arrest, notwithstanding the time limits otherwise provided  
13 for in Section 3 of this Act: (i) information that identifies  
14 the individual, including the name, age, address, and  
15 photograph, when and if available; (ii) information detailing  
16 any charges relating to the arrest; (iii) the time and location  
17 of the arrest; (iv) the name of the investigating or arresting  
18 law enforcement agency; (v) if the individual is incarcerated,  
19 the amount of any bail or bond; and (vi) if the individual is  
20 incarcerated, the time and date that the individual was  
21 received into, discharged from, or transferred from the  
22 arresting agency's custody.

23 (b) Criminal history records. The following documents

1 maintained by a public body pertaining to criminal history  
2 record information are public records subject to inspection and  
3 copying by the public pursuant to this Act: (i) court records  
4 that are public; (ii) records that are otherwise available  
5 under State or local law; and (iii) records in which the  
6 requesting party is the individual identified, except as  
7 provided under subdivisions (1) (d) (vi) and (1) (ii) of Section 7  
8 of this Act ~~7(1)(d)(vi)~~.

9 (c) Information described in items (iii) through (vi) of  
10 subsection (a) may be withheld if it is determined that  
11 disclosure would: (i) interfere with pending or actually and  
12 reasonably contemplated law enforcement proceedings conducted  
13 by any law enforcement agency; (ii) endanger the life or  
14 physical safety of law enforcement or correctional personnel or  
15 any other person; or (iii) compromise the security of any  
16 correctional facility.

17 (d) The provisions of this Section do not supersede the  
18 confidentiality provisions for arrest records of the Juvenile  
19 Court Act of 1987.

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

21 (5 ILCS 140/7) (from Ch. 116, par. 207)

22 Sec. 7. Exemptions.

23 (1) When a request is made to inspect or copy a public  
24 record that contains information that is exempt from disclosure  
25 under this Section, but also contains information that is not

1 exempt from disclosure, the public body may elect to redact the  
2 information that is exempt. The public body shall make the  
3 remaining information available for inspection and copying.  
4 Subject to this requirement, the following shall be exempt from  
5 inspection and copying:

6 (a) Information specifically prohibited from  
7 disclosure by federal or State law or rules and regulations  
8 implementing federal or State law.

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

12 (b-5) Files, documents, and other data or databases  
13 maintained by one or more law enforcement agencies and  
14 specifically designed to provide information to one or more  
15 law enforcement agencies regarding the physical or mental  
16 status of one or more individual subjects.

17 (c) Personal information contained within public  
18 records, the disclosure of which would constitute a clearly  
19 unwarranted invasion of personal privacy, unless the  
20 disclosure is consented to in writing by the individual  
21 subjects of the information. "Unwarranted invasion of  
22 personal privacy" means the disclosure of information that  
23 is highly personal or objectionable to a reasonable person  
24 and in which the subject's right to privacy outweighs any  
25 legitimate public interest in obtaining the information.  
26 The disclosure of information that bears on the public

1 duties of public employees and officials shall not be  
2 considered an invasion of personal privacy.

3 (d) Records in the possession of any public body  
4 created in the course of administrative enforcement  
5 proceedings, and any law enforcement or correctional  
6 agency for law enforcement purposes, but only to the extent  
7 that disclosure would:

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

12 (ii) interfere with active administrative  
13 enforcement proceedings conducted by the public body  
14 that is the recipient of the request;

15 (iii) create a substantial likelihood that a  
16 person will be deprived of a fair trial or an impartial  
17 hearing;

18 (iv) unavoidably disclose the identity of a  
19 confidential source, confidential information  
20 furnished only by the confidential source, or persons  
21 who file complaints with or provide information to  
22 administrative, investigative, law enforcement, or  
23 penal agencies; except that the identities of  
24 witnesses to traffic accidents, traffic accident  
25 reports, and rescue reports shall be provided by  
26 agencies of local government, except when disclosure

1 would interfere with an active criminal investigation  
2 conducted by the agency that is the recipient of the  
3 request;

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

11 (vi) endanger the life or physical safety of law  
12 enforcement personnel or any other person; or

13 (vii) obstruct an ongoing criminal investigation  
14 by the agency that is the recipient of the request.

15 (d-5) A law enforcement record created for law  
16 enforcement purposes and contained in a shared electronic  
17 record management system if the law enforcement agency that  
18 is the recipient of the request did not create the record,  
19 did not participate in or have a role in any of the events  
20 which are the subject of the record, and only has access to  
21 the record through the shared electronic record management  
22 system.

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

25 (e-5) Records requested by persons committed to the  
26 Department of Corrections if those materials are available

1 in the library of the correctional facility where the  
2 inmate is confined.

3 (e-6) Records requested by persons committed to the  
4 Department of Corrections if those materials include  
5 records from staff members' personnel files, staff  
6 rosters, or other staffing assignment information.

7 (e-7) Records requested by persons committed to the  
8 Department of Corrections if those materials are available  
9 through an administrative request to the Department of  
10 Corrections.

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

20 (g) Trade secrets and commercial or financial  
21 information obtained from a person or business where the  
22 trade secrets or commercial or financial information are  
23 furnished under a claim that they are proprietary,  
24 privileged or confidential, and that disclosure of the  
25 trade secrets or commercial or financial information would  
26 cause competitive harm to the person or business, and only

1           insofar as the claim directly applies to the records  
2           requested.

3           The information included under this exemption includes  
4           all trade secrets and commercial or financial information  
5           obtained by a public body, including a public pension fund,  
6           from a private equity fund or a privately held company  
7           within the investment portfolio of a private equity fund as  
8           a result of either investing or evaluating a potential  
9           investment of public funds in a private equity fund. The  
10          exemption contained in this item does not apply to the  
11          aggregate financial performance information of a private  
12          equity fund, nor to the identity of the fund's managers or  
13          general partners. The exemption contained in this item does  
14          not apply to the identity of a privately held company  
15          within the investment portfolio of a private equity fund,  
16          unless the disclosure of the identity of a privately held  
17          company may cause competitive harm.

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

21          (h) Proposals and bids for any contract, grant, or  
22          agreement, including information which if it were  
23          disclosed would frustrate procurement or give an advantage  
24          to any person proposing to enter into a contractor  
25          agreement with the body, until an award or final selection  
26          is made. Information prepared by or for the body in

1 preparation of a bid solicitation shall be exempt until an  
2 award or final selection is made.

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

14 (j) The following information pertaining to  
15 educational matters:

16 (i) test questions, scoring keys and other  
17 examination data used to administer an academic  
18 examination;

19 (ii) information received by a primary or  
20 secondary school, college, or university under its  
21 procedures for the evaluation of faculty members by  
22 their academic peers;

23 (iii) information concerning a school or  
24 university's adjudication of student disciplinary  
25 cases, but only to the extent that disclosure would  
26 unavoidably reveal the identity of the student; and



1           (iv) course materials or research materials used  
2           by faculty members.

3           (k) Architects' plans, engineers' technical  
4           submissions, and other construction related technical  
5           documents for projects not constructed or developed in  
6           whole or in part with public funds and the same for  
7           projects constructed or developed with public funds,  
8           including but not limited to power generating and  
9           distribution stations and other transmission and  
10          distribution facilities, water treatment facilities,  
11          airport facilities, sport stadiums, convention centers,  
12          and all government owned, operated, or occupied buildings,  
13          but only to the extent that disclosure would compromise  
14          security.

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

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

1           (n) Records relating to a public body's adjudication of  
2           employee grievances or disciplinary cases; however, this  
3           exemption shall not extend to the final outcome of cases in  
4           which discipline is imposed.

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

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

19          (q) Test questions, scoring keys, and other  
20          examination data used to determine the qualifications of an  
21          applicant for a license or employment.

22          (r) The records, documents, and information relating  
23          to real estate purchase negotiations until those  
24          negotiations have been completed or otherwise terminated.  
25          With regard to a parcel involved in a pending or actually  
26          and reasonably contemplated eminent domain proceeding

1 under the Eminent Domain Act, records, documents and  
2 information relating to that parcel shall be exempt except  
3 as may be allowed under discovery rules adopted by the  
4 Illinois Supreme Court. The records, documents and  
5 information relating to a real estate sale shall be exempt  
6 until a sale is consummated.

7 (s) Any and all proprietary information and records  
8 related to the operation of an intergovernmental risk  
9 management association or self-insurance pool or jointly  
10 self-administered health and accident cooperative or pool.  
11 Insurance or self insurance (including any  
12 intergovernmental risk management association or self  
13 insurance pool) claims, loss or risk management  
14 information, records, data, advice or communications.

15 (t) Information contained in or related to  
16 examination, operating, or condition reports prepared by,  
17 on behalf of, or for the use of a public body responsible  
18 for the regulation or supervision of financial  
19 institutions or insurance companies, unless disclosure is  
20 otherwise required by State law.

21 (u) Information that would disclose or might lead to  
22 the disclosure of secret or confidential information,  
23 codes, algorithms, programs, or private keys intended to be  
24 used to create electronic or digital signatures under the  
25 Electronic Commerce Security Act.

26 (v) Vulnerability assessments, security measures, and

1 response policies or plans that are designed to identify,  
2 prevent, or respond to potential attacks upon a community's  
3 population or systems, facilities, or installations, the  
4 destruction or contamination of which would constitute a  
5 clear and present danger to the health or safety of the  
6 community, but only to the extent that disclosure could  
7 reasonably be expected to jeopardize the effectiveness of  
8 the measures or the safety of the personnel who implement  
9 them or the public. Information exempt under this item may  
10 include such things as details pertaining to the  
11 mobilization or deployment of personnel or equipment, to  
12 the operation of communication systems or protocols, or to  
13 tactical operations.

14 (w) (Blank).

15 (x) Maps and other records regarding the location or  
16 security of generation, transmission, distribution,  
17 storage, gathering, treatment, or switching facilities  
18 owned by a utility, by a power generator, or by the  
19 Illinois Power Agency.

20 (y) Information contained in or related to proposals,  
21 bids, or negotiations related to electric power  
22 procurement under Section 1-75 of the Illinois Power Agency  
23 Act and Section 16-111.5 of the Public Utilities Act that  
24 is determined to be confidential and proprietary by the  
25 Illinois Power Agency or by the Illinois Commerce  
26 Commission.

1           (z) Information about students exempted from  
2 disclosure under Sections 10-20.38 or 34-18.29 of the  
3 School Code, and information about undergraduate students  
4 enrolled at an institution of higher education exempted  
5 from disclosure under Section 25 of the Illinois Credit  
6 Card Marketing Act of 2009.

7           (aa) Information the disclosure of which is exempted  
8 under the Viatical Settlements Act of 2009.

9           (bb) Records and information provided to a mortality  
10 review team and records maintained by a mortality review  
11 team appointed under the Department of Juvenile Justice  
12 Mortality Review Team Act.

13           (cc) Information regarding interments, entombments, or  
14 inurnments of human remains that are submitted to the  
15 Cemetery Oversight Database under the Cemetery Care Act or  
16 the Cemetery Oversight Act, whichever is applicable.

17           (dd) Correspondence and records (i) that may not be  
18 disclosed under Section 11-9 of the Public Aid Code or (ii)  
19 that pertain to appeals under Section 11-8 of the Public  
20 Aid Code.

21           (ee) The names, addresses, or other personal  
22 information of persons who are minors and are also  
23 participants and registrants in programs of park  
24 districts, forest preserve districts, conservation  
25 districts, recreation agencies, and special recreation  
26 associations.

1           (ff) The names, addresses, or other personal  
2 information of participants and registrants in programs of  
3 park districts, forest preserve districts, conservation  
4 districts, recreation agencies, and special recreation  
5 associations where such programs are targeted primarily to  
6 minors.

7           (gg) Confidential information described in Section  
8 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

9           (hh) The report submitted to the State Board of  
10 Education by the School Security and Standards Task Force  
11 under item (8) of subsection (d) of Section 2-3.157 of the  
12 School Code and any information contained in that report.

13           (ii) Law enforcement and court records of juveniles  
14 charged with county or municipal ordinance violations.

15           (1.5) Any information exempt from disclosure under the  
16 Judicial Privacy Act shall be redacted from public records  
17 prior to disclosure under this Act.

18           (2) A public record that is not in the possession of a  
19 public body but is in the possession of a party with whom the  
20 agency has contracted to perform a governmental function on  
21 behalf of the public body, and that directly relates to the  
22 governmental function and is not otherwise exempt under this  
23 Act, shall be considered a public record of the public body,  
24 for purposes of this Act.

25           (3) This Section does not authorize withholding of  
26 information or limit the availability of records to the public,

1     except as stated in this Section or otherwise provided in this  
2     Act.

3     (Source: P.A. 97-333, eff. 8-12-11; 97-385, eff. 8-15-11;  
4     97-452, eff. 8-19-11; 97-783, eff. 7-13-12; 97-813, eff.  
5     7-13-12; 97-847, eff. 9-22-12; 97-1065, eff. 8-24-12; 97-1129,  
6     eff. 8-28-12; 98-463, eff. 8-16-13; 98-578, eff. 8-27-13.)