

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 1. Short title. This Act may be cited as the  
5 Freedom from Automatic License Plate Reader Surveillance Act.

6 Section 5. Definitions. For the purpose of this Act:

7 "Alert" means information contained in databases  
8 maintained by the Secretary of State of this State or by  
9 federal, State, or local law enforcement agencies, and license  
10 plate numbers that have been manually entered into the ALPR  
11 system upon an officer's determination that the vehicles or  
12 individuals associated with the license plate numbers are  
13 relevant and material to an ongoing criminal or missing persons  
14 investigation.

15 "Automatic license plate reader system" or "ALPR system"  
16 means a system of one or more mobile or fixed automatic  
17 high-speed cameras used in combination with computer  
18 algorithms to convert images of license plates into  
19 computer-readable data.

20 "Captured plate data" means the GPS coordinates, date and  
21 time, photograph, license plate number, and any other data  
22 captured by or derived from any ALPR system.

23 "Law enforcement agency" means any agency of this State or

1 a unit of local government which is vested by law or ordinance  
2 with the duty to maintain public order and to enforce criminal  
3 laws and ordinances.

4 "Law enforcement officer" means any officer, agent, or  
5 employee of this State or a unit of local government authorized  
6 by law or by a government agency to engage in or supervise the  
7 prevention, detection, or investigation of any violation of  
8 criminal law, or authorized by law to supervise sentenced  
9 criminal offenders.

10 "Look-out order" means an order received or initiated by a  
11 law enforcement agency to look out for a particular person  
12 reasonably suspected of being a threat to public safety or  
13 engaged in criminal activity.

14 Section 10. Allowable uses of ALPR systems. Except as  
15 otherwise provided in this Section, a person acting under the  
16 color of State law may not use any ALPR system. An ALPR system  
17 may be used:

18 (1) for electronic toll collection and enforcement of  
19 violations for non-payment of tolls;

20 (2) for traffic enforcement;

21 (3) by parking enforcement entities for regulating the  
22 use of parking facilities;

23 (4) for controlling access to secured areas that have  
24 clear boundaries, entry only through specific controlled  
25 points, and limited access;

1           (5) for the purpose of conducting criminal  
2 investigations upon an officer's determination that the  
3 vehicles or individuals associated with the license plate  
4 numbers are relevant and material to an ongoing criminal  
5 investigation; or

6           (6) by law enforcement agencies for the comparison of  
7 captured plate data with information contained in  
8 databases maintained by the Secretary of State of this  
9 State or by federal, State, or local law enforcement  
10 agencies, and with license plate numbers that have been  
11 manually entered into an ALPR system upon an officer's  
12 determination that the vehicles or individuals associated  
13 with the license plate numbers are relevant and material to  
14 an ongoing criminal or missing persons investigation, for  
15 the purpose of identifying:

16           (A) vehicles that are stolen, or in violation of  
17 any registration or inspection requirements;

18           (B) persons who are missing, or the subject of an  
19 arrest warrant, look-out order, traffic citation, or  
20 parking citation; or

21           (C) vehicles that are relevant and material to an  
22 ongoing criminal investigation.

23           Section 15. Protections.

24           (a) Captured plate data obtained for the purposes described  
25 under paragraph (6) of Section 10 shall not be used, shared,

1 sold, traded, or exchanged for any other purpose and shall not  
2 be preserved for more than 30 months by a law enforcement  
3 agency except it may be preserved for more than 30 months:

4 (1) under a preservation request under Section 20;

5 (2) under a disclosure order under Section 20;

6 (3) as part of an ongoing investigation provided that  
7 the captured plate data is confirmed as matching an alert  
8 and is destroyed at the conclusion of either:

9 (A) an investigation that does not result in any  
10 criminal charges being filed; or

11 (B) any criminal action undertaken in the matter  
12 involving the captured plate data.

13 (b) Any law enforcement agency that uses an ALPR system  
14 under paragraph (6) of Section 10 must update that system from  
15 the databases described in paragraph (6) of Section 10 at the  
16 beginning of each shift if the updates are available.

17 (c) Any law enforcement agency that uses an ALPR system  
18 under paragraph (6) of Section 10 may manually enter license  
19 plate numbers into the ALPR system only if an officer  
20 determines that the vehicle or individuals associated with the  
21 license plate numbers are relevant and material to an ongoing  
22 criminal or missing persons investigation and subject to the  
23 following limitations:

24 (1) any manual entry must document the reason for the  
25 entry; and

26 (2) manual entries must be purged after 48 hours,

1           unless an officer determines that the vehicle or  
2           individuals associated with the license plate numbers  
3           continue to be relevant and material to an ongoing criminal  
4           or missing persons investigation.

5           (d) ALPR system captured plate data is not subject to  
6           disclosure under the Freedom of Information Act, unless the  
7           disclosure is consented to in writing by the individual  
8           subjects of the information.

9           Section 20. Preservation and disclosure.

10          (a) An operator of an automatic license plate reader  
11          system, upon the request of a law enforcement agency or a  
12          defendant in a criminal case, shall take all necessary steps to  
13          preserve captured plate data in its possession for 30 months  
14          pending the issuance of a court order under Section (b). A  
15          requesting governmental entity or defendant in a criminal case  
16          must specify in a written sworn statement:

17               (1) the particular camera or cameras for which captured  
18               plate data must be preserved or the particular license  
19               plate for which captured plate data must be preserved; and

20               (2) the date or dates and timeframes for which captured  
21               plate data must be preserved.

22          (b) A law enforcement agency or defendant in a criminal  
23          case may apply for a court order for disclosure of captured  
24          plate data which shall be issued by any court that is a court  
25          of competent jurisdiction if the law enforcement agency or

1 defendant in a criminal case offers specific and articulable  
2 facts showing that there are reasonable grounds to believe that  
3 the captured plate data is relevant and material to an ongoing  
4 criminal or missing persons investigation or criminal  
5 prosecution.

6 (c) A law enforcement agency or defendant in a criminal  
7 case may apply for a court order for disclosure of private ALPR  
8 captured plate data if a warrant is issued for a forcible  
9 felony as defined in Section 2-8 of the Criminal Code of 2012,  
10 including first degree murder and child abduction, which shall  
11 be issued by any court of competent jurisdiction if the law  
12 enforcement agency or defendant in a criminal case offers  
13 specific and articulable facts showing that there are  
14 reasonable grounds to believe that the captured plate data is  
15 relevant and material to an ongoing criminal or missing persons  
16 investigation or criminal prosecution.

17 (d) Captured plate data held by a law enforcement agency  
18 shall be destroyed if the application for an order under  
19 Section (b) of this Section is denied or at the end of 30  
20 months, whichever is later.

21 Section 25. Allowable uses of all other captured plate  
22 data. If an ALPR system captures plate information under  
23 paragraph (1), (2), (3), (4), or (5) of Section 10 of this Act,  
24 then the captured plate information:

25 (1) shall be used and disclosed only as necessary to

1           achieve the purpose for which the information was captured  
2           and shall not be sold, traded, or exchanged for any other  
3           purpose;

4           (2) shall be destroyed within 48 hours of the  
5           completion of that purpose; and

6           (3) shall not be subject to disclosure under the  
7           Freedom of Information Act, unless the disclosure is  
8           consented to in writing by the individual subjects of the  
9           information.

10          Section 30. Use of privately held captured plate data.

11          (a) A law enforcement agency may obtain, receive, or use  
12          privately-held captured plate data for the purposes described  
13          in paragraph (3) of Section 10 only if the law enforcement  
14          agency accesses private automatic license plate reader system  
15          captured plate data for a time period of 30 months or fewer.

16          (b) A law enforcement agency may obtain, receive, or use  
17          privately-held captured plate data for the purposes described  
18          in paragraphs (5) and (6) of Section 10, and only if the law  
19          enforcement agency accesses private automatic license plate  
20          reader system captured plate data for a time period of 30  
21          months or fewer.

22          Section 35. Admissibility. If a court finds by a  
23          preponderance of the evidence that captured plate information  
24          was gathered, stored, used, or disclosed in violation of this

1 Act, then that information shall be presumed to be inadmissible  
2 in any judicial or administrative proceeding. The State may  
3 overcome this presumption by proving the applicability of a  
4 judicially recognized exception to the exclusionary rule of the  
5 Fourth Amendment to the United States Constitution or Article  
6 I, Section 6 of the Illinois Constitution, or by a  
7 preponderance of the evidence that the individual,  
8 partnership, corporation, association, or the law enforcement  
9 officer was acting in good faith and reasonably believed that  
10 one or more of the exceptions identified in Section 10 existed  
11 at the time that the captured plate information was gathered,  
12 stored, used, or disclosed.

13 Section 40. Policies and procedures. Any law enforcement  
14 agency that uses automatic license plate reader systems under  
15 Section 10 shall:

16 (1) adopt a policy governing use of the system and  
17 conspicuously post the policy on the law enforcement agency's  
18 Internet Web site;

19 (2) adopt a privacy policy to ensure that captured plate  
20 data is not shared in violation of this Act or any other law  
21 and conspicuously post the privacy policy on the law  
22 enforcement agency's Internet Web site;

23 (3) adopt audit procedures relating to the use of ALPR  
24 system data; and

25 (4) adopt and periodically update a comprehensive training



1 program for agency employees who use or have access to ALPR  
2 system data, which fully trains the employees on safeguards in  
3 the use of ALPR system data and procedures to adhere to  
4 policies and procedures governing the use of ALPR system data.

5 Section 100. The Freedom of Information Act is amended by  
6 changing Section 7 as follows:

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

8 Sec. 7. Exemptions.

9 (1) When a request is made to inspect or copy a public  
10 record that contains information that is exempt from disclosure  
11 under this Section, but also contains information that is not  
12 exempt from disclosure, the public body may elect to redact the  
13 information that is exempt. The public body shall make the  
14 remaining information available for inspection and copying.  
15 Subject to this requirement, the following shall be exempt from  
16 inspection and copying:

17 (a) Information specifically prohibited from  
18 disclosure by federal or State law or rules and regulations  
19 implementing federal or State law.

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

23 (b-5) Files, documents, and other data or databases  
24 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or more  
2 law enforcement agencies regarding the physical or mental  
3 status of one or more individual subjects.

4 (c) Personal information contained within public  
5 records, the disclosure of which would constitute a clearly  
6 unwarranted invasion of personal privacy, unless the  
7 disclosure is consented to in writing by the individual  
8 subjects of the information. "Unwarranted invasion of  
9 personal privacy" means the disclosure of information that  
10 is highly personal or objectionable to a reasonable person  
11 and in which the subject's right to privacy outweighs any  
12 legitimate public interest in obtaining the information.  
13 The disclosure of information that bears on the public  
14 duties of public employees and officials shall not be  
15 considered an invasion of personal privacy.

16 (d) Records in the possession of any public body  
17 created in the course of administrative enforcement  
18 proceedings, and any law enforcement or correctional  
19 agency for law enforcement purposes, but only to the extent  
20 that disclosure would:

21 (i) interfere with pending or actually and  
22 reasonably contemplated law enforcement proceedings  
23 conducted by any law enforcement or correctional  
24 agency that is the recipient of the request;

25 (ii) interfere with active administrative  
26 enforcement proceedings conducted by the public body

1           that is the recipient of the request;

2           (iii) create a substantial likelihood that a  
3 person will be deprived of a fair trial or an impartial  
4 hearing;

5           (iv) unavoidably disclose the identity of a  
6 confidential source, confidential information  
7 furnished only by the confidential source, or persons  
8 who file complaints with or provide information to  
9 administrative, investigative, law enforcement, or  
10 penal agencies; except that the identities of  
11 witnesses to traffic accidents, traffic accident  
12 reports, and rescue reports shall be provided by  
13 agencies of local government, except when disclosure  
14 would interfere with an active criminal investigation  
15 conducted by the agency that is the recipient of the  
16 request;

17           (v) disclose unique or specialized investigative  
18 techniques other than those generally used and known or  
19 disclose internal documents of correctional agencies  
20 related to detection, observation or investigation of  
21 incidents of crime or misconduct, and disclosure would  
22 result in demonstrable harm to the agency or public  
23 body that is the recipient of the request;

24           (vi) endanger the life or physical safety of law  
25 enforcement personnel or any other person; ~~or~~

26           (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request; ~~or~~  
2 (viii) disclose captured plate data as that term is  
3 defined in Section 5 of the Freedom from Automatic  
4 License Plate Reader Surveillance Act, unless the  
5 disclosure is consented to in writing by the individual  
6 subjects of the information.

7 (d-5) A law enforcement record created for law  
8 enforcement purposes and contained in a shared electronic  
9 record management system if the law enforcement agency that  
10 is the recipient of the request did not create the record,  
11 did not participate in or have a role in any of the events  
12 which are the subject of the record, and only has access to  
13 the record through the shared electronic record management  
14 system.

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

17 (e-5) Records requested by persons committed to the  
18 Department of Corrections if those materials are available  
19 in the library of the correctional facility where the  
20 inmate is confined.

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

25 (e-7) Records requested by persons committed to the  
26 Department of Corrections if those materials are available

1 through an administrative request to the Department of  
2 Corrections.

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

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

21 The information included under this exemption includes  
22 all trade secrets and commercial or financial information  
23 obtained by a public body, including a public pension fund,  
24 from a private equity fund or a privately held company  
25 within the investment portfolio of a private equity fund as  
26 a result of either investing or evaluating a potential

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

10 Nothing contained in this paragraph (g) shall be  
11 construed to prevent a person or business from consenting  
12 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 questions, scoring keys and other  
9 examination data used to administer an academic  
10 examination;

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

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

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

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

1 distribution stations and other transmission and  
2 distribution facilities, water treatment facilities,  
3 airport facilities, sport stadiums, convention centers,  
4 and all government owned, operated, or occupied buildings,  
5 but only to the extent that disclosure would compromise  
6 security.

7 (l) Minutes of meetings of public bodies closed to the  
8 public as provided in the Open Meetings Act until the  
9 public body makes the minutes available to the public under  
10 Section 2.06 of the Open Meetings Act.

11 (m) Communications between a public body and an  
12 attorney or auditor representing the public body that would  
13 not be subject to discovery in litigation, and materials  
14 prepared or compiled by or for a public body in  
15 anticipation of a criminal, civil or administrative  
16 proceeding upon the request of an attorney advising the  
17 public body, and materials prepared or compiled with  
18 respect to internal audits of public bodies.

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

23 (o) Administrative or technical information associated  
24 with automated data processing operations, including but  
25 not limited to software, operating protocols, computer  
26 program abstracts, file layouts, source listings, object



1 modules, load modules, user guides, documentation  
2 pertaining to all logical and physical design of  
3 computerized systems, employee manuals, and any other  
4 information that, if disclosed, would jeopardize the  
5 security of the system or its data or the security of  
6 materials exempt under this Section.

7 (p) Records relating to collective negotiating matters  
8 between public bodies and their employees or  
9 representatives, except that any final contract or  
10 agreement shall be subject to inspection and copying.

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

14 (r) The records, documents, and information relating  
15 to real estate purchase negotiations until those  
16 negotiations have been completed or otherwise terminated.  
17 With regard to a parcel involved in a pending or actually  
18 and reasonably contemplated eminent domain proceeding  
19 under the Eminent Domain Act, records, documents and  
20 information relating to that parcel shall be exempt except  
21 as may be allowed under discovery rules adopted by the  
22 Illinois Supreme Court. The records, documents and  
23 information relating to a real estate sale shall be exempt  
24 until a sale is consummated.

25 (s) Any and all proprietary information and records  
26 related to the operation of an intergovernmental risk

1 management association or self-insurance pool or jointly  
2 self-administered health and accident cooperative or pool.  
3 Insurance or self insurance (including any  
4 intergovernmental risk management association or self  
5 insurance pool) claims, loss or risk management  
6 information, records, data, advice or communications.

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

18 (v) Vulnerability assessments, security measures, and  
19 response policies or plans that are designed to identify,  
20 prevent, or respond to potential attacks upon a community's  
21 population or systems, facilities, or installations, the  
22 destruction or contamination of which would constitute a  
23 clear and present danger to the health or safety of the  
24 community, but only to the extent that disclosure could  
25 reasonably be expected to jeopardize the effectiveness of  
26 the measures or the safety of the personnel who implement

1           them or the public. Information exempt under this item may  
2           include such things as details pertaining to the  
3           mobilization or deployment of personnel or equipment, to  
4           the operation of communication systems or protocols, or to  
5           tactical operations.

6           (w) (Blank).

7           (x) Maps and other records regarding the location or  
8           security of generation, transmission, distribution,  
9           storage, gathering, treatment, or switching facilities  
10          owned by a utility, by a power generator, or by the  
11          Illinois Power Agency.

12          (y) Information contained in or related to proposals,  
13          bids, or negotiations related to electric power  
14          procurement under Section 1-75 of the Illinois Power Agency  
15          Act and Section 16-111.5 of the Public Utilities Act that  
16          is determined to be confidential and proprietary by the  
17          Illinois Power Agency or by the Illinois Commerce  
18          Commission.

19          (z) Information about students exempted from  
20          disclosure under Sections 10-20.38 or 34-18.29 of the  
21          School Code, and information about undergraduate students  
22          enrolled at an institution of higher education exempted  
23          from disclosure under Section 25 of the Illinois Credit  
24          Card Marketing Act of 2009.

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

1           (bb) Records and information provided to a mortality  
2 review team and records maintained by a mortality review  
3 team appointed under the Department of Juvenile Justice  
4 Mortality Review Team Act.

5           (cc) Information regarding interments, entombments, or  
6 inurnments of human remains that are submitted to the  
7 Cemetery Oversight Database under the Cemetery Care Act or  
8 the Cemetery Oversight Act, whichever is applicable.

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

13           (ee) The names, addresses, or other personal  
14 information of persons who are minors and are also  
15 participants and registrants in programs of park  
16 districts, forest preserve districts, conservation  
17 districts, recreation agencies, and special recreation  
18 associations.

19           (ff) The names, addresses, or other personal  
20 information of participants and registrants in programs of  
21 park districts, forest preserve districts, conservation  
22 districts, recreation agencies, and special recreation  
23 associations where such programs are targeted primarily to  
24 minors.

25           (gg) Confidential information described in Section  
26 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

1           (hh) The report submitted to the State Board of  
2           Education by the School Security and Standards Task Force  
3           under item (8) of subsection (d) of Section 2-3.160 of the  
4           School Code and any information contained in that report.

5           (1.5) Any information exempt from disclosure under the  
6           Judicial Privacy Act shall be redacted from public records  
7           prior to disclosure under this Act.

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

15          (3) This Section does not authorize withholding of  
16          information or limit the availability of records to the public,  
17          except as stated in this Section or otherwise provided in this  
18          Act.

19          (Source: P.A. 97-333, eff. 8-12-11; 97-385, eff. 8-15-11;  
20          97-452, eff. 8-19-11; 97-783, eff. 7-13-12; 97-813, eff.  
21          7-13-12; 97-847, eff. 9-22-12; 97-1065, eff. 8-24-12; 97-1129,  
22          eff. 8-28-12; 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;  
23          98-695, eff. 7-3-14.)