

1 AN ACT concerning public records.

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 and 7 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 (Text of Section before amendment by P.A. 91-935)

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

9 (a) "Public body" means any 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, and any subsidiary bodies of any
15 of the foregoing including but not limited to committees and
16 subcommittees which are supported in whole or in part by tax
17 revenue, or which expend tax revenue. "Public body" does not
18 include a child death review team established under the Child
19 Death Review Team Act.

20 (b) "Person" means any individual, corporation,
21 partnership, firm, organization or association, acting
22 individually or as a group.

23 (c) "Public records" means all records, reports, forms,
24 writings, letters, memoranda, books, papers, maps,
25 photographs, microfilms, cards, tapes, recordings, electronic
26 data processing records, recorded information and all other
27 documentary materials, regardless of physical form or
28 characteristics, having been prepared, or having been or
29 being used, received, possessed or under the control of any
30 public body. "Public records" includes, but is expressly not
31 limited to: (i) administrative manuals, procedural rules,

1 and instructions to staff, unless exempted by Section 7(p) of
2 this Act; (ii) final opinions and orders made in the
3 adjudication of cases, except an educational institution's
4 adjudication of student or employee grievance or disciplinary
5 cases; (iii) substantive rules; (iv) statements and
6 interpretations of policy which have been adopted by a public
7 body; (v) final planning policies, recommendations, and
8 decisions; (vi) factual reports, inspection reports, and
9 studies, including the underlying research data, whether
10 prepared by or for the public body; (vii) all information in
11 any account, voucher, or contract dealing with the receipt or
12 expenditure of public or other funds of public bodies; (viii)
13 the names, salaries, titles, and dates of employment of all
14 employees and officers of public bodies; (ix) materials
15 containing opinions concerning the rights of the state, the
16 public, a subdivision of state or a local government, or of
17 any private persons; (x) the name of every official and the
18 final records of voting in all proceedings of public bodies;
19 (xi) applications for any contract, permit, grant, or
20 agreement except as exempted from disclosure by subsection
21 (g) of Section 7 of this Act; (xii) each report, document,
22 study, or publication prepared by independent consultants or
23 other independent contractors for the public body; (xiii) all
24 other information required by law to be made available for
25 public inspection or copying; (xiv) information relating to
26 any grant or contract made by or between a public body and
27 another public body or private organization; (xv) waiver
28 documents filed with the State Superintendent of Education or
29 the president of the University of Illinois under Section
30 30-12.5 of the School Code, concerning nominees for General
31 Assembly scholarships under Sections 30-9, 30-10, and 30-11
32 of the School Code and (xvi) complaints, results of
33 complaints, and Department of Children and Family Services
34 staff findings of licensing violations at day care

1 facilities, provided that personal and identifying
2 information is not released.

3 (d) "Copying" means the reproduction of any public
4 record by means of any photographic, electronic, mechanical
5 or other process, device or means.

6 (e) "Head of the public body" means the president,
7 mayor, chairman, presiding officer, director, superintendent,
8 manager, supervisor or individual otherwise holding primary
9 executive and administrative authority for the public body,
10 or such person's duly authorized designee.

11 (f) "News media" means a newspaper or other periodical
12 issued at regular intervals, a news service, a radio station,
13 a television station, a community antenna television service,
14 or a person or corporation engaged in making news reels or
15 other motion picture news for public showing.

16 (Source: P.A. 89-681, eff. 12-13-96; 90-144, eff. 7-23-97;
17 90-670, eff. 7-31-98.)

18 (Text of Section after amendment by P.A. 91-935)

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21 administrative, or advisory bodies of the State, state
22 universities and colleges, counties, townships, cities,
23 villages, incorporated towns, school districts and all other
24 municipal corporations, boards, bureaus, committees, or
25 commissions of this State, and any subsidiary bodies of any
26 of the foregoing including but not limited to committees and
27 subcommittees which are supported in whole or in part by tax
28 revenue, or which expend tax revenue. "Public body" does not
29 include a child death review team established under the Child
30 Death Review Team Act.

31 (b) "Person" means any individual, corporation,
32 partnership, firm, organization or association, acting
33 individually or as a group.

34 (c) "Public records" means all records, reports, forms,

1 writings, letters, memoranda, books, papers, maps,
2 photographs, microfilms, cards, tapes, recordings, electronic
3 data processing records, recorded information and all other
4 documentary materials, regardless of physical form or
5 characteristics, having been prepared, or having been or
6 being used, received, possessed or under the control of any
7 public body. "Public records" includes, but is expressly not
8 limited to: (i) administrative manuals, procedural rules,
9 and instructions to staff, unless exempted by Section 7(p) of
10 this Act; (ii) final opinions and orders made in the
11 adjudication of cases, except an educational institution's
12 adjudication of student or employee grievance or disciplinary
13 cases; (iii) substantive rules; (iv) statements and
14 interpretations of policy which have been adopted by a public
15 body; (v) final planning policies, recommendations, and
16 decisions; (vi) factual reports, inspection reports, and
17 studies, including the underlying research data, whether
18 prepared by or for the public body; (vii) all information in
19 any account, voucher, or contract dealing with the receipt or
20 expenditure of public or other funds of public bodies; (viii)
21 the names, salaries, titles, and dates of employment of all
22 employees and officers of public bodies; (ix) materials
23 containing opinions concerning the rights of the state, the
24 public, a subdivision of state or a local government, or of
25 any private persons; (x) the name of every official and the
26 final records of voting in all proceedings of public bodies;
27 (xi) applications for any contract, permit, grant, or
28 agreement except as exempted from disclosure by subsection
29 (g) of Section 7 of this Act; (xii) each report, document,
30 study, or publication prepared by independent consultants or
31 other independent contractors for the public body; (xiii) all
32 other information required by law to be made available for
33 public inspection or copying; (xiv) information relating to
34 any grant or contract made by or between a public body and

1 another public body or private organization; (xv) waiver
2 documents filed with the State Superintendent of Education or
3 the president of the University of Illinois under Section
4 30-12.5 of the School Code, concerning nominees for General
5 Assembly scholarships under Sections 30-9, 30-10, and 30-11
6 of the School Code; (xvi) complaints, results of complaints,
7 and Department of Children and Family Services staff findings
8 of licensing violations at day care facilities, provided that
9 personal and identifying information is not released; and
10 (xvii) records, reports, forms, writings, letters, memoranda,
11 books, papers, and other documentary information, regardless
12 of physical form or characteristics, having been prepared, or
13 having been or being used, received, possessed, or under the
14 control of the Illinois Sports Facilities Authority dealing
15 with the receipt or expenditure of public funds or other
16 funds of the Authority in connection with the reconstruction,
17 renovation, remodeling, extension, or improvement of all or
18 substantially all of an existing "facility" as that term is
19 defined in the Illinois Sports Facilities Authority Act.

20 (d) "Copying" means the reproduction of any public
21 record by means of any photographic, electronic, mechanical
22 or other process, device or means.

23 (e) "Head of the public body" means the president,
24 mayor, chairman, presiding officer, director, superintendent,
25 manager, supervisor or individual otherwise holding primary
26 executive and administrative authority for the public body,
27 or such person's duly authorized designee.

28 (f) "News media" means a newspaper or other periodical
29 issued at regular intervals, a news service, a radio station,
30 a television station, a community antenna television service,
31 or a person or corporation engaged in making news reels or
32 other motion picture news for public showing.

33 (Source: P.A. 90-144, eff. 7-23-97; 90-670, eff. 7-31-98;
34 91-935, eff. 6-1-01.)

1 (5 ILCS 140/7) (from Ch. 116, par. 207)

2 Sec. 7. Exemptions.

3 (1) The following shall be exempt from inspection and
4 copying:

5 (a) Information specifically prohibited from
6 disclosure by federal or State law or rules and
7 regulations adopted under federal or State law.

8 (b) Information that, if disclosed, would
9 constitute a clearly unwarranted invasion of personal
10 privacy, unless the disclosure is consented to in writing
11 by the individual subjects of the information. The
12 disclosure of information that bears on the public duties
13 of public employees and officials shall not be considered
14 an invasion of personal privacy. Information exempted
15 under this subsection (b) shall include but is not
16 limited to:

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

24 (ii) personnel files and personal information
25 maintained with respect to employees, appointees or
26 elected officials of any public body or applicants
27 for those positions;

28 (iii) files and personal information
29 maintained with respect to any applicant, registrant
30 or licensee by any public body cooperating with or
31 engaged in professional or occupational
32 registration, licensure or discipline;

33 (iv) information required of any taxpayer in
34 connection with the assessment or collection of any

1 tax unless disclosure is otherwise required by State
2 statute; and

3 (v) information revealing the identity of
4 persons who file complaints with or provide
5 information to administrative, investigative, law
6 enforcement or penal agencies; provided, however,
7 that identification of witnesses to traffic
8 accidents, traffic accident reports, and rescue
9 reports may be provided by agencies of local
10 government, except in a case for which a criminal
11 investigation is ongoing, without constituting a
12 clearly unwarranted per se invasion of personal
13 privacy under this subsection.

14 (c) Records compiled by any public body for
15 administrative enforcement proceedings and any law
16 enforcement or correctional agency for law enforcement
17 purposes or for internal matters of a public body, but
18 only to the extent that disclosure would:

19 (i) interfere with pending or actually and
20 reasonably contemplated law enforcement proceedings
21 conducted by any law enforcement or correctional
22 agency;

23 (ii) interfere with pending administrative
24 enforcement proceedings conducted by any public
25 body;

26 (iii) deprive a person of a fair trial or an
27 impartial hearing;

28 (iv) unavoidably disclose the identity of a
29 confidential source or confidential information
30 furnished only by the confidential source;

31 (v) disclose unique or specialized
32 investigative techniques other than those generally
33 used and known or disclose internal documents of
34 correctional agencies related to detection,

1 observation or investigation of incidents of crime
2 or misconduct;

3 (vi) constitute an invasion of personal
4 privacy under subsection (b) of this Section;

5 (vii) endanger the life or physical safety of
6 law enforcement personnel or any other person; or

7 (viii) obstruct an ongoing criminal
8 investigation.

9 (d) Criminal history record information maintained
10 by State or local criminal justice agencies, except the
11 following which shall be open for public inspection and
12 copying:

13 (i) chronologically maintained arrest
14 information, such as traditional arrest logs or
15 blotters;

16 (ii) the name of a person in the custody of a
17 law enforcement agency and the charges for which
18 that person is being held;

19 (iii) court records that are public;

20 (iv) records that are otherwise available
21 under State or local law; or

22 (v) records in which the requesting party is
23 the individual identified, except as provided under
24 part (vii) of paragraph (c) of subsection (1) of
25 this Section.

26 "Criminal history record information" means data
27 identifiable to an individual and consisting of
28 descriptions or notations of arrests, detentions,
29 indictments, informations, pre-trial proceedings, trials,
30 or other formal events in the criminal justice system or
31 descriptions or notations of criminal charges (including
32 criminal violations of local municipal ordinances) and
33 the nature of any disposition arising therefrom,
34 including sentencing, court or correctional supervision,

1 rehabilitation and release. The term does not apply to
2 statistical records and reports in which individuals are
3 not identified and from which their identities are not
4 ascertainable, or to information that is for criminal
5 investigative or intelligence purposes.

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

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

17 (g) Trade secrets and commercial or financial
18 information obtained from a person or business where the
19 trade secrets or information are proprietary, privileged
20 or confidential, or where disclosure of the trade secrets
21 or information may cause competitive harm, including all
22 information determined to be confidential under Section
23 4002 of the Technology Advancement and Development Act.
24 Nothing contained in this paragraph (g) shall be
25 construed to prevent a person or business from consenting
26 to disclosure.

27 (h) Proposals and bids for any contract, grant, or
28 agreement, including information which if it were
29 disclosed would frustrate procurement or give an
30 advantage to any person proposing to enter into a
31 contractor agreement with the body, until an award or
32 final selection is made. Information prepared by or for
33 the body in preparation of a bid solicitation shall be
34 exempt until an award or final selection is made.

1 (i) Valuable formulae, designs, drawings and
2 research data obtained or produced by any public body
3 when disclosure could reasonably be expected to produce
4 private gain or public loss.

5 (j) Test questions, scoring keys and other
6 examination data used to administer an academic
7 examination or determined the qualifications of an
8 applicant for a license or employment.

9 (k) Architects' plans and engineers' technical
10 submissions for projects not constructed or developed in
11 whole or in part with public funds and for projects
12 constructed or developed with public funds, to the extent
13 that disclosure would compromise security.

14 (l) Library circulation and order records
15 identifying library users with specific materials.

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

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

28 (o) Information received by a primary or secondary
29 school, college or university under its procedures for
30 the evaluation of faculty members by their academic
31 peers.

32 (p) Administrative or technical information
33 associated with automated data processing operations,
34 including but not limited to software, operating

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

8 (q) Documents or materials relating to collective
9 negotiating matters between public bodies and their
10 employees or representatives, except that any final
11 contract or agreement shall be subject to inspection and
12 copying.

13 (r) Drafts, notes, recommendations and memoranda
14 pertaining to the financing and marketing transactions of
15 the public body. The records of ownership, registration,
16 transfer, and exchange of municipal debt obligations, and
17 of persons to whom payment with respect to these
18 obligations is made.

19 (s) The records, documents and information relating
20 to real estate purchase negotiations until those
21 negotiations have been completed or otherwise terminated.
22 With regard to a parcel involved in a pending or actually
23 and reasonably contemplated eminent domain proceeding
24 under Article VII of the Code of Civil Procedure,
25 records, documents and information relating to that
26 parcel shall be exempt except as may be allowed under
27 discovery rules adopted by the Illinois Supreme Court.
28 The records, documents and information relating to a real
29 estate sale shall be exempt until a sale is consummated.

30 (t) Any and all proprietary information and records
31 related to the operation of an intergovernmental risk
32 management association or self-insurance pool or jointly
33 self-administered health and accident cooperative or
34 pool.

1 (u) Information concerning a university's
2 adjudication of student or employee grievance or
3 disciplinary cases, to the extent that disclosure would
4 reveal the identity of the student or employee and
5 information concerning any public body's adjudication of
6 student or employee grievances or disciplinary cases,
7 except for the final outcome of the cases.

8 (v) Course materials or research materials used by
9 faculty members, except information produced or prepared
10 under a State contract and except information that may be
11 used to support a State policy or regulatory decision.

12 (w) Information related solely to the internal
13 personnel rules and practices of a public body.

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

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

23 (z) Manuals or instruction to staff that relate to
24 establishment or collection of liability for any State
25 tax or that relate to investigations by a public body to
26 determine violation of any criminal law.

27 (aa) Applications, related documents, and medical
28 records received by the Experimental Organ
29 Transplantation Procedures Board and any and all
30 documents or other records prepared by the Experimental
31 Organ Transplantation Procedures Board or its staff
32 relating to applications it has received.

33 (bb) Insurance or self insurance (including any
34 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
4 of Public Health and its authorized representatives
5 relating to known or suspected cases of sexually
6 transmissible disease or any information the disclosure
7 of which is restricted under the Illinois Sexually
8 Transmissible Disease Control Act.

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

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

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

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

25 (hh) Information the disclosure of which is
26 exempted under Section 80 of the State Gift Ban Act.

27 (ii) Beginning July 1, 1999, information that would
28 disclose or might lead to the disclosure of secret or
29 confidential information, codes, algorithms, programs, or
30 private keys intended to be used to create electronic or
31 digital signatures under the Electronic Commerce Security
32 Act.

33 (jj) Information contained in a local emergency
34 energy plan submitted to a municipality in accordance

1 with a local emergency energy plan ordinance that is
2 adopted under Section 11-21.5-5 of the Illinois Municipal
3 Code.

4 (kk) ~~(jj)~~ Information and data concerning the
5 distribution of surcharge moneys collected and remitted
6 by wireless carriers under the Wireless Emergency
7 Telephone Safety Act.

8 (2) This Section does not authorize withholding of
9 information or limit the availability of records to the
10 public, except as stated in this Section or otherwise
11 provided in this Act.

12 (Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97;
13 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff.
14 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357,
15 eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

16 Section 95. No acceleration or delay. Where this Act
17 makes changes in a statute that is represented in this Act by
18 text that is not yet or no longer in effect (for example, a
19 Section represented by multiple versions), the use of that
20 text does not accelerate or delay the taking effect of (i)
21 the changes made by this Act or (ii) provisions derived from
22 any other Public Act.