



Rep. Marcus C. Evans, Jr.

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10300SB1670ham002

LRB103 26112 AWJ 61163 a

1 AMENDMENT TO SENATE BILL 1670

2 AMENDMENT NO. _____. Amend Senate Bill 1670 by replacing
3 everything after the enacting clause with the following:

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

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" does not

1 include a child death review team or the Illinois Child Death
2 Review Teams Executive Council established under the Child
3 Death Review Team Act, or a regional youth advisory board or
4 the Statewide Youth Advisory Board established under the
5 Department of Children and Family Services Statewide Youth
6 Advisory Board Act.

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

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

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

1 of attribution to any person. For a public body that is a
2 HIPAA-covered entity, "private information" includes
3 electronic medical records and all information, including
4 demographic information, contained within or extracted from an
5 electronic medical records system operated or maintained by
6 the public body in compliance with State and federal medical
7 privacy laws and regulations, including, but not limited to,
8 the Health Insurance Portability and Accountability Act and
9 its regulations, 45 CFR Parts 160 and 164. As used in this
10 subsection, "HIPAA-covered entity" has the meaning given to
11 the term "covered entity" in 45 CFR 160.103.

12 (c-10) "Commercial purpose" means the use of any part of a
13 public record or records, or information derived from public
14 records, in any form for sale, resale, or solicitation or
15 advertisement for sales or services. For purposes of this
16 definition, requests made by news media and non-profit,
17 scientific, or academic organizations shall not be considered
18 to be made for a "commercial purpose" when the principal
19 purpose of the request is (i) to access and disseminate
20 information concerning news and current or passing events,
21 (ii) for articles of opinion or features of interest to the
22 public, or (iii) for the purpose of academic, scientific, or
23 public research or education.

24 (d) "Copying" means the reproduction of any public record
25 by means of any photographic, electronic, mechanical or other
26 process, device or means now known or hereafter developed and

1 available to the public body.

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

7 (f) "News media" means a newspaper or other periodical
8 issued at regular intervals whether in print or electronic
9 format, a news service whether in print or electronic format,
10 a radio station, a television station, a television network, a
11 community antenna television service, or a person or
12 corporation engaged in making news reels or other motion
13 picture news for public showing.

14 (g) "Recurrent requester", as used in Section 3.2 of this
15 Act, means a person that, in the 12 months immediately
16 preceding the request, has submitted to the same public body
17 (i) a minimum of 50 requests for records, (ii) a minimum of 15
18 requests for records within a 30-day period, or (iii) a
19 minimum of 7 requests for records within a 7-day period. For
20 purposes of this definition, requests made by news media and
21 non-profit, scientific, or academic organizations shall not be
22 considered in calculating the number of requests made in the
23 time periods in this definition when the principal purpose of
24 the requests is (i) to access and disseminate information
25 concerning news and current or passing events, (ii) for
26 articles of opinion or features of interest to the public, or

1 (iii) for the purpose of academic, scientific, or public
2 research or education.

3 For the purposes of this subsection (g), "request" means a
4 written document (or oral request, if the public body chooses
5 to honor oral requests) that is submitted to a public body via
6 personal delivery, mail, telefax, electronic mail, or other
7 means available to the public body and that identifies the
8 particular public record the requester seeks. One request may
9 identify multiple records to be inspected or copied.

10 (h) "Voluminous request" means a request that: (i)
11 includes more than 5 individual requests for more than 5
12 different categories of records or a combination of individual
13 requests that total requests for more than 5 different
14 categories of records in a period of 20 business days; or (ii)
15 requires the compilation of more than 500 letter or
16 legal-sized pages of public records unless a single requested
17 record exceeds 500 pages. "Single requested record" may
18 include, but is not limited to, one report, form, e-mail,
19 letter, memorandum, book, map, microfilm, tape, or recording.

20 "Voluminous request" does not include a request made by
21 news media and non-profit, scientific, or academic
22 organizations if the principal purpose of the request is: (1)
23 to access and disseminate information concerning news and
24 current or passing events; (2) for articles of opinion or
25 features of interest to the public; or (3) for the purpose of
26 academic, scientific, or public research or education.

1 For the purposes of this subsection (h), "request" means a
2 written document, or oral request, if the public body chooses
3 to honor oral requests, that is submitted to a public body via
4 personal delivery, mail, telefax, electronic mail, or other
5 means available to the public body and that identifies the
6 particular public record or records the requester seeks. One
7 request may identify multiple individual records to be
8 inspected or copied.

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

12 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
13 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

14 (5 ILCS 140/7)

15 (Text of Section before amendment by P.A. 102-982)

16 Sec. 7. Exemptions.

17 (1) When a request is made to inspect or copy a public
18 record that contains information that is exempt from
19 disclosure under this Section, but also contains information
20 that is not exempt from disclosure, the public body may elect
21 to redact the information that is exempt. The public body
22 shall make the remaining information available for inspection
23 and copying. Subject to this requirement, the following shall
24 be exempt from inspection and copying:

25 (a) Information specifically prohibited from

1 disclosure by federal or State law or rules and
2 regulations implementing federal or State law.

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

6 (b-5) Files, documents, and other data or databases
7 maintained by one or more law enforcement agencies and
8 specifically designed to provide information to one or
9 more law enforcement agencies regarding the physical or
10 mental status of one or more individual subjects.

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

24 (d) Records in the possession of any public body
25 created in the course of administrative enforcement
26 proceedings, and any law enforcement or correctional

1 agency for law enforcement purposes, but only to the
2 extent that disclosure would:

3 (i) interfere with pending or actually and
4 reasonably contemplated law enforcement proceedings
5 conducted by any law enforcement or correctional
6 agency that is the recipient of the request;

7 (ii) interfere with active administrative
8 enforcement proceedings conducted by the public body
9 that is the recipient of the request;

10 (iii) create a substantial likelihood that a
11 person will be deprived of a fair trial or an impartial
12 hearing;

13 (iv) unavoidably disclose the identity of a
14 confidential source, confidential information
15 furnished only by the confidential source, or persons
16 who file complaints with or provide information to
17 administrative, investigative, law enforcement, or
18 penal agencies; except that the identities of
19 witnesses to traffic accidents, traffic accident
20 reports, and rescue reports shall be provided by
21 agencies of local government, except when disclosure
22 would interfere with an active criminal investigation
23 conducted by the agency that is the recipient of the
24 request;

25 (v) disclose unique or specialized investigative
26 techniques other than those generally used and known

1 or disclose internal documents of correctional
2 agencies related to detection, observation, or
3 investigation of incidents of crime or misconduct, and
4 disclosure would result in demonstrable harm to the
5 agency or public body that is the recipient of the
6 request;

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

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

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

19 (d-6) Records contained in the Officer Professional
20 Conduct Database under Section 9.2 of the Illinois Police
21 Training Act, except to the extent authorized under that
22 Section. This includes the documents supplied to the
23 Illinois Law Enforcement Training Standards Board from the
24 Illinois State Police and Illinois State Police Merit
25 Board.

26 (e) Records that relate to or affect the security of

1 correctional institutions and detention facilities.

2 (e-5) Records requested by persons committed to the
3 Department of Corrections, Department of Human Services
4 Division of Mental Health, or a county jail if those
5 materials are available in the library of the correctional
6 institution or facility or jail where the inmate is
7 confined.

8 (e-6) Records requested by persons committed to the
9 Department of Corrections, Department of Human Services
10 Division of Mental Health, or a county jail if those
11 materials include records from staff members' personnel
12 files, staff rosters, or other staffing assignment
13 information.

14 (e-7) Records requested by persons committed to the
15 Department of Corrections or Department of Human Services
16 Division of Mental Health if those materials are available
17 through an administrative request to the Department of
18 Corrections or Department of Human Services Division of
19 Mental Health.

20 (e-8) Records requested by a person committed to the
21 Department of Corrections, Department of Human Services
22 Division of Mental Health, or a county jail, the
23 disclosure of which would result in the risk of harm to any
24 person or the risk of an escape from a jail or correctional
25 institution or facility.

26 (e-9) Records requested by a person in a county jail

1 or committed to the Department of Corrections or
2 Department of Human Services Division of Mental Health,
3 containing personal information pertaining to the person's
4 victim or the victim's family, including, but not limited
5 to, a victim's home address, home telephone number, work
6 or school address, work telephone number, social security
7 number, or any other identifying information, except as
8 may be relevant to a requester's current or potential case
9 or claim.

10 (e-10) Law enforcement records of other persons
11 requested by a person committed to the Department of
12 Corrections, Department of Human Services Division of
13 Mental Health, or a county jail, including, but not
14 limited to, arrest and booking records, mug shots, and
15 crime scene photographs, except as these records may be
16 relevant to the requester's current or potential case or
17 claim.

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

1 (g) Trade secrets and commercial or financial
2 information obtained from a person or business where the
3 trade secrets or commercial or financial information are
4 furnished under a claim that they are proprietary,
5 privileged, or confidential, and that disclosure of the
6 trade secrets or commercial or financial information would
7 cause competitive harm to the person or business, and only
8 insofar as the claim directly applies to the records
9 requested.

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

25 Nothing contained in this paragraph (g) shall be
26 construed to prevent a person or business from consenting

1 to disclosure.

2 (h) Proposals and bids for any contract, grant, or
3 agreement, including information which if it were
4 disclosed would frustrate procurement or give an advantage
5 to any person proposing to enter into a contractor
6 agreement with the body, until an award or final selection
7 is made. Information prepared by or for the body in
8 preparation of a bid solicitation shall be exempt until an
9 award or final selection is made.

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

21 (j) The following information pertaining to
22 educational matters:

23 (i) test questions, scoring keys, and other
24 examination data used to administer an academic
25 examination;

26 (ii) information received by a primary or

1 secondary school, college, or university under its
2 procedures for the evaluation of faculty members by
3 their academic peers;

4 (iii) information concerning a school or
5 university's adjudication of student disciplinary
6 cases, but only to the extent that disclosure would
7 unavoidably reveal the identity of the student; and

8 (iv) course materials or research materials used
9 by faculty members.

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

22 (l) Minutes of meetings of public bodies closed to the
23 public as provided in the Open Meetings Act until the
24 public body makes the minutes available to the public
25 under Section 2.06 of the Open Meetings Act.

26 (m) Communications between a public body and an

1 attorney or auditor representing the public body that
2 would not be subject to discovery in litigation, and
3 materials prepared or compiled by or for a public body in
4 anticipation of a criminal, civil, or administrative
5 proceeding upon the request of an attorney advising the
6 public body, and materials prepared or compiled with
7 respect to internal audits of public bodies.

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

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

22 (p) Records relating to collective negotiating matters
23 between public bodies and their employees or
24 representatives, except that any final contract or
25 agreement shall be subject to inspection and copying.

26 (q) Test questions, scoring keys, and other

1 examination data used to determine the qualifications of
2 an applicant for a license or employment.

3 (r) The records, documents, and information relating
4 to real estate purchase negotiations until those
5 negotiations have been completed or otherwise terminated.
6 With regard to a parcel involved in a pending or actually
7 and reasonably contemplated eminent domain proceeding
8 under the Eminent Domain Act, records, documents, and
9 information relating to that parcel shall be exempt except
10 as may be allowed under discovery rules adopted by the
11 Illinois Supreme Court. The records, documents, and
12 information relating to a real estate sale shall be exempt
13 until a sale is consummated.

14 (s) Any and all proprietary information and records
15 related to the operation of an intergovernmental risk
16 management association or self-insurance pool or jointly
17 self-administered health and accident cooperative or pool.
18 Insurance or self-insurance ~~self-insurance~~ (including any
19 intergovernmental risk management association or
20 self-insurance ~~self-insurance~~ pool) claims, loss or risk
21 management information, records, data, advice, or
22 communications.

23 (t) Information contained in or related to
24 examination, operating, or condition reports prepared by,
25 on behalf of, or for the use of a public body responsible
26 for the regulation or supervision of financial

1 institutions, insurance companies, or pharmacy benefit
2 managers, unless disclosure is otherwise required by State
3 law.

4 (u) Information that would disclose or might lead to
5 the disclosure of secret or confidential information,
6 codes, algorithms, programs, or private keys intended to
7 be used to create electronic signatures under the Uniform
8 Electronic Transactions Act.

9 (v) Vulnerability assessments, security measures, and
10 response policies or plans that are designed to identify,
11 prevent, or respond to potential attacks upon a
12 community's population or systems, facilities, or
13 installations, but only to the extent that disclosure
14 could reasonably be expected to expose the vulnerability
15 or jeopardize the effectiveness of the measures, policies,
16 or plans, or the safety of the personnel who implement
17 them or the public. Information exempt under this item may
18 include such things as details pertaining to the
19 mobilization or deployment of personnel or equipment, to
20 the operation of communication systems or protocols, to
21 cybersecurity vulnerabilities, or to tactical operations.

22 (w) (Blank).

23 (x) Maps and other records regarding the location or
24 security of generation, transmission, distribution,
25 storage, gathering, treatment, or switching facilities
26 owned by a utility, by a power generator, or by the

1 Illinois Power Agency.

2 (y) Information contained in or related to proposals,
3 bids, or negotiations related to electric power
4 procurement under Section 1-75 of the Illinois Power
5 Agency Act and Section 16-111.5 of the Public Utilities
6 Act that is determined to be confidential and proprietary
7 by the Illinois Power Agency or by the Illinois Commerce
8 Commission.

9 (z) Information about students exempted from
10 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
11 the School Code, and information about undergraduate
12 students enrolled at an institution of higher education
13 exempted from disclosure under Section 25 of the Illinois
14 Credit Card Marketing Act of 2009.

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

17 (bb) Records and information provided to a mortality
18 review team and records maintained by a mortality review
19 team appointed under the Department of Juvenile Justice
20 Mortality Review Team Act.

21 (cc) Information regarding interments, entombments, or
22 inurnments of human remains that are submitted to the
23 Cemetery Oversight Database under the Cemetery Care Act or
24 the Cemetery Oversight Act, whichever is applicable.

25 (dd) Correspondence and records (i) that may not be
26 disclosed under Section 11-9 of the Illinois Public Aid

1 Code or (ii) that pertain to appeals under Section 11-8 of
2 the Illinois Public Aid Code.

3 (ee) The names, addresses, or other personal
4 information of persons who are minors and are also
5 participants and registrants in programs of park
6 districts, forest preserve districts, conservation
7 districts, recreation agencies, and special recreation
8 associations.

9 (ff) The names, addresses, or other personal
10 information of participants and registrants in programs of
11 park districts, forest preserve districts, conservation
12 districts, recreation agencies, and special recreation
13 associations where such programs are targeted primarily to
14 minors.

15 (gg) Confidential information described in Section
16 1-100 of the Illinois Independent Tax Tribunal Act of
17 2012.

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

22 (ii) Records requested by persons committed to or
23 detained by the Department of Human Services under the
24 Sexually Violent Persons Commitment Act or committed to
25 the Department of Corrections under the Sexually Dangerous
26 Persons Act if those materials: (i) are available in the

1 library of the facility where the individual is confined;
2 (ii) include records from staff members' personnel files,
3 staff rosters, or other staffing assignment information;
4 or (iii) are available through an administrative request
5 to the Department of Human Services or the Department of
6 Corrections.

7 (jj) Confidential information described in Section
8 5-535 of the Civil Administrative Code of Illinois.

9 (kk) The public body's credit card numbers, debit card
10 numbers, bank account numbers, Federal Employer
11 Identification Number, security code numbers, passwords,
12 and similar account information, the disclosure of which
13 could result in identity theft or impersonation or defrauding
14 of a governmental entity or a person.

15 (ll) Records concerning the work of the threat
16 assessment team of a school district, including, but not
17 limited to, any threat assessment procedure under the
18 School Safety Drill Act and any information contained in
19 the procedure.

20 (mm) Information prohibited from being disclosed under
21 subsections (a) and (b) of Section 15 of the Student
22 Confidential Reporting Act.

23 (nn) ~~(mm)~~ Proprietary information submitted to the
24 Environmental Protection Agency under the Drug Take-Back
25 Act.

26 (oo) ~~(mm)~~ Records described in subsection (f) of

1 Section 3-5-1 of the Unified Code of Corrections.

2 (1.5) Any information exempt from disclosure under the
3 Judicial Privacy Act shall be redacted from public records
4 prior to disclosure under this Act.

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

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

16 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
17 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
18 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
19 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
20 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
21 12-13-22.)

22 (Text of Section after amendment by P.A. 102-982)

23 Sec. 7. Exemptions.

24 (1) When a request is made to inspect or copy a public
25 record that contains information that is exempt from

1 disclosure under this Section, but also contains information
2 that is not exempt from disclosure, the public body may elect
3 to redact the information that is exempt. The public body
4 shall make the remaining information available for inspection
5 and copying. Subject to this requirement, the following shall
6 be exempt from inspection and copying:

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

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

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

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

1 obtaining the information. The disclosure of information
2 that bears on the public duties of public employees and
3 officials shall not be considered an invasion of personal
4 privacy.

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

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

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

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

20 (iv) unavoidably disclose the identity of a
21 confidential source, confidential information
22 furnished only by the confidential source, or persons
23 who file complaints with or provide information to
24 administrative, investigative, law enforcement, or
25 penal agencies; except that the identities of
26 witnesses to traffic crashes, traffic crash reports,

1 and rescue reports shall be provided by agencies of
2 local government, except when disclosure would
3 interfere with an active criminal investigation
4 conducted by the agency that is the recipient of the
5 request;

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

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

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

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

26 (d-6) Records contained in the Officer Professional

1 Conduct Database under Section 9.2 of the Illinois Police
2 Training Act, except to the extent authorized under that
3 Section. This includes the documents supplied to the
4 Illinois Law Enforcement Training Standards Board from the
5 Illinois State Police and Illinois State Police Merit
6 Board.

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

9 (e-5) Records requested by persons committed to the
10 Department of Corrections, Department of Human Services
11 Division of Mental Health, or a county jail if those
12 materials are available in the library of the correctional
13 institution or facility or jail where the inmate is
14 confined.

15 (e-6) Records requested by persons committed to the
16 Department of Corrections, Department of Human Services
17 Division of Mental Health, or a county jail if those
18 materials include records from staff members' personnel
19 files, staff rosters, or other staffing assignment
20 information.

21 (e-7) Records requested by persons committed to the
22 Department of Corrections or Department of Human Services
23 Division of Mental Health if those materials are available
24 through an administrative request to the Department of
25 Corrections or Department of Human Services Division of
26 Mental Health.

1 (e-8) Records requested by a person committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail, the
4 disclosure of which would result in the risk of harm to any
5 person or the risk of an escape from a jail or correctional
6 institution or facility.

7 (e-9) Records requested by a person in a county jail
8 or committed to the Department of Corrections or
9 Department of Human Services Division of Mental Health,
10 containing personal information pertaining to the person's
11 victim or the victim's family, including, but not limited
12 to, a victim's home address, home telephone number, work
13 or school address, work telephone number, social security
14 number, or any other identifying information, except as
15 may be relevant to a requester's current or potential case
16 or claim.

17 (e-10) Law enforcement records of other persons
18 requested by a person committed to the Department of
19 Corrections, Department of Human Services Division of
20 Mental Health, or a county jail, including, but not
21 limited to, arrest and booking records, mug shots, and
22 crime scene photographs, except as these records may be
23 relevant to the requester's current or potential case or
24 claim.

25 (f) Preliminary drafts, notes, recommendations,
26 memoranda, and other records in which opinions are

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

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

17 The information included under this exemption includes
18 all trade secrets and commercial or financial information
19 obtained by a public body, including a public pension
20 fund, from a private equity fund or a privately held
21 company within the investment portfolio of a private
22 equity fund as a result of either investing or evaluating
23 a potential investment of public funds in a private equity
24 fund. The exemption contained in this item does not apply
25 to the aggregate financial performance information of a
26 private equity fund, nor to the identity of the fund's

1 managers or general partners. The exemption contained in
2 this item does not apply to the identity of a privately
3 held company within the investment portfolio of a private
4 equity fund, unless the disclosure of the identity of a
5 privately held company may cause competitive harm.

6 Nothing contained in this paragraph (g) shall be
7 construed to prevent a person or business from consenting
8 to disclosure.

9 (h) Proposals and bids for any contract, grant, or
10 agreement, including information which if it were
11 disclosed would frustrate procurement or give an advantage
12 to any person proposing to enter into a contractor
13 agreement with the body, until an award or final selection
14 is made. Information prepared by or for the body in
15 preparation of a bid solicitation shall be exempt until an
16 award or final selection is made.

17 (i) Valuable formulae, computer geographic systems,
18 designs, drawings, and research data obtained or produced
19 by any public body when disclosure could reasonably be
20 expected to produce private gain or public loss. The
21 exemption for "computer geographic systems" provided in
22 this paragraph (i) does not extend to requests made by
23 news media as defined in Section 2 of this Act when the
24 requested information is not otherwise exempt and the only
25 purpose of the request is to access and disseminate
26 information regarding the health, safety, welfare, or

1 legal rights of the general public.

2 (j) The following information pertaining to
3 educational matters:

4 (i) test questions, scoring keys, and other
5 examination data used to administer an academic
6 examination;

7 (ii) information received by a primary or
8 secondary school, college, or university under its
9 procedures for the evaluation of faculty members by
10 their academic peers;

11 (iii) information concerning a school or
12 university's adjudication of student disciplinary
13 cases, but only to the extent that disclosure would
14 unavoidably reveal the identity of the student; and

15 (iv) course materials or research materials used
16 by faculty members.

17 (k) Architects' plans, engineers' technical
18 submissions, and other construction related technical
19 documents for projects not constructed or developed in
20 whole or in part with public funds and the same for
21 projects constructed or developed with public funds,
22 including, but not limited to, power generating and
23 distribution stations and other transmission and
24 distribution facilities, water treatment facilities,
25 airport facilities, sport stadiums, convention centers,
26 and all government owned, operated, or occupied buildings,

1 but only to the extent that disclosure would compromise
2 security.

3 (l) Minutes of meetings of public bodies closed to the
4 public as provided in the Open Meetings Act until the
5 public body makes the minutes available to the public
6 under Section 2.06 of the Open Meetings Act.

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

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

19 (o) Administrative or technical information associated
20 with automated data processing operations, including, but
21 not limited to, software, operating protocols, computer
22 program abstracts, file layouts, source listings, object
23 modules, load modules, user guides, documentation
24 pertaining to all logical and physical design of
25 computerized systems, employee manuals, and any other
26 information that, if disclosed, would jeopardize the

1 security of the system or its data or the security of
2 materials exempt under this Section.

3 (p) Records relating to collective negotiating matters
4 between public bodies and their employees or
5 representatives, except that any final contract or
6 agreement shall be subject to inspection and copying.

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

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

21 (s) Any and all proprietary information and records
22 related to the operation of an intergovernmental risk
23 management association or self-insurance pool or jointly
24 self-administered health and accident cooperative or pool.
25 Insurance or self-insurance ~~self-insurance~~ (including any
26 intergovernmental risk management association or

1 self-insurance ~~self-insurance~~ pool) claims, loss or risk
2 management information, records, data, advice, or
3 communications.

4 (t) Information contained in or related to
5 examination, operating, or condition reports prepared by,
6 on behalf of, or for the use of a public body responsible
7 for the regulation or supervision of financial
8 institutions, insurance companies, or pharmacy benefit
9 managers, unless disclosure is otherwise required by State
10 law.

11 (u) Information that would disclose or might lead to
12 the disclosure of secret or confidential information,
13 codes, algorithms, programs, or private keys intended to
14 be used to create electronic signatures under the Uniform
15 Electronic Transactions Act.

16 (v) Vulnerability assessments, security measures, and
17 response policies or plans that are designed to identify,
18 prevent, or respond to potential attacks upon a
19 community's population or systems, facilities, or
20 installations, but only to the extent that disclosure
21 could reasonably be expected to expose the vulnerability
22 or jeopardize the effectiveness of the measures, policies,
23 or plans, or the safety of the personnel who implement
24 them or the public. Information exempt under this item may
25 include such things as details pertaining to the
26 mobilization or deployment of personnel or equipment, to

1 the operation of communication systems or protocols, to
2 cybersecurity vulnerabilities, or to tactical operations.

3 (w) (Blank).

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

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

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

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

24 (bb) Records and information provided to a mortality
25 review team and records maintained by a mortality review
26 team appointed under the Department of Juvenile Justice

1 Mortality Review Team Act.

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

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

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

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

22 (gg) Confidential information described in Section
23 1-100 of the Illinois Independent Tax Tribunal Act of
24 2012.

25 (hh) The report submitted to the State Board of
26 Education by the School Security and Standards Task Force

1 under item (8) of subsection (d) of Section 2-3.160 of the
2 School Code and any information contained in that report.

3 (ii) Records requested by persons committed to or
4 detained by the Department of Human Services under the
5 Sexually Violent Persons Commitment Act or committed to
6 the Department of Corrections under the Sexually Dangerous
7 Persons Act if those materials: (i) are available in the
8 library of the facility where the individual is confined;
9 (ii) include records from staff members' personnel files,
10 staff rosters, or other staffing assignment information;
11 or (iii) are available through an administrative request
12 to the Department of Human Services or the Department of
13 Corrections.

14 (jj) Confidential information described in Section
15 5-535 of the Civil Administrative Code of Illinois.

16 (kk) The public body's credit card numbers, debit card
17 numbers, bank account numbers, Federal Employer
18 Identification Number, security code numbers, passwords,
19 and similar account information, the disclosure of which
20 could result in identity theft or impersonation or defrauding
21 of a governmental entity or a person.

22 (ll) Records concerning the work of the threat
23 assessment team of a school district, including, but not
24 limited to, any threat assessment procedure under the
25 School Safety Drill Act and any information contained in
26 the procedure.

1 (mm) Information prohibited from being disclosed under
2 subsections (a) and (b) of Section 15 of the Student
3 Confidential Reporting Act.

4 (nn) ~~(mm)~~ Proprietary information submitted to the
5 Environmental Protection Agency under the Drug Take-Back
6 Act.

7 (oo) ~~(mm)~~ Records described in subsection (f) of
8 Section 3-5-1 of the Unified Code of Corrections.

9 (pp) For a request directed to a public body that is
10 also a HIPAA-covered entity, all information that is
11 protected health information, including demographic
12 information, that may be contained within or extracted
13 from any record held by the public body in compliance with
14 State and federal medical privacy laws and regulations,
15 including, but not limited to, the Health Insurance
16 Portability and Accountability Act and its regulations, 45
17 CFR Parts 160 and 164. As used in this paragraph,
18 "HIPAA-covered entity" has the meaning given to the term
19 "covered entity" in 45 CFR 160.103 and "protected health
20 information" has the meaning given to that term in 45 CFR
21 160.103.

22 (1.5) Any information exempt from disclosure under the
23 Judicial Privacy Act shall be redacted from public records
24 prior to disclosure under this Act.

25 (2) A public record that is not in the possession of a
26 public body but is in the possession of a party with whom the

1 agency has contracted to perform a governmental function on
2 behalf of the public body, and that directly relates to the
3 governmental function and is not otherwise exempt under this
4 Act, shall be considered a public record of the public body,
5 for purposes of this Act.

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

10 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
11 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
12 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
13 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
14 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
15 6-10-22; revised 12-13-22.)

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