



Sen. John F. Curran

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10100SB1929sam002

LRB101 09975 HEP 59295 a

1 AMENDMENT TO SENATE BILL 1929

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1929, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. 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:

1           (a) Information specifically prohibited from  
2 disclosure by federal or State law or rules and regulations  
3 implementing federal or State law.

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

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

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

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

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

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

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

18 (d-6) Materials gathered in connection with a grand  
19 jury proceeding or documents contained within the  
20 prosecution trial file, except as may be allowed under  
21 discovery rules adopted by the Illinois Supreme Court.

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

24 (e-5) Records requested by persons committed to the  
25 Department of Corrections, Department of Human Services  
26 Division of Mental Health, or a county jail if those

1 materials are available in the library of the correctional  
2 institution or facility or jail where the inmate is  
3 confined.

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

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

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

22 (e-9) Records requested by a person in a county jail or  
23 committed to the Department of Corrections or Department of  
24 Human Services Division of Mental Health, containing  
25 personal information pertaining to the person's victim or  
26 the victim's family, including, but not limited to, a

1 victim's home address, home telephone number, work or  
2 school address, work telephone number, social security  
3 number, or any other identifying information, except as may  
4 be relevant to a requester's current or potential case or  
5 claim.

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

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

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

1 trade secrets or commercial or financial information would  
2 cause competitive harm to the person or business, and only  
3 insofar as the claim directly applies to the records  
4 requested.

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

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

23 (h) Proposals and bids for any contract, grant, or  
24 agreement, including information which if it were  
25 disclosed would frustrate procurement or give an advantage  
26 to any person proposing to enter into a contractor

1 agreement with the body, until an award or final selection  
2 is made. Information prepared by or for the body in  
3 preparation of a bid solicitation shall be exempt until an  
4 award or final selection is made.

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

16 (j) The following information pertaining to  
17 educational matters:

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

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

25 (iii) information concerning a school or  
26 university's adjudication of student disciplinary



1 cases, but only to the extent that disclosure would  
2 unavoidably reveal the identity of the student; and

3 (iv) course materials or research materials used  
4 by faculty members.

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

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

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

1 public body, and materials prepared or compiled with  
2 respect to internal audits of public bodies.

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

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

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

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

24 (r) The records, documents, and information relating  
25 to real estate purchase negotiations until those  
26 negotiations have been completed or otherwise terminated.

1 With regard to a parcel involved in a pending or actually  
2 and reasonably contemplated eminent domain proceeding  
3 under the Eminent Domain Act, records, documents and  
4 information relating to that parcel shall be exempt except  
5 as may be allowed under discovery rules adopted by the  
6 Illinois Supreme Court. The records, documents and  
7 information relating to a real estate sale shall be exempt  
8 until a sale is consummated.

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

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

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

1 Electronic Commerce Security Act.

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

16 (w) (Blank).

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

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

1 Illinois Power Agency or by the Illinois Commerce  
2 Commission.

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

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

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

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

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

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

1 districts, recreation agencies, and special recreation  
2 associations.

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

9 (gg) Confidential information described in Section  
10 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

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

15 (ii) Records requested by persons committed to or  
16 detained by the Department of Human Services under the  
17 Sexually Violent Persons Commitment Act or committed to the  
18 Department of Corrections under the Sexually Dangerous  
19 Persons Act if those materials: (i) are available in the  
20 library of the facility where the individual is confined;  
21 (ii) include records from staff members' personnel files,  
22 staff rosters, or other staffing assignment information;  
23 or (iii) are available through an administrative request to  
24 the Department of Human Services or the Department of  
25 Corrections.

26 (jj) Confidential information described in Section

1           5-535 of the Civil Administrative Code of Illinois.

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 public,  
14 except as stated in this Section or otherwise provided in this  
15 Act.

16           (Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642,  
17 eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;  
18 100-732, eff. 8-3-18.)".