

HB2334



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2334

Introduced 2/4/2025, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

5 ILCS 140/3

from Ch. 116, par. 203

Amends the Freedom of Information Act. Provides that electronic requests for public records must appear in their entirety within the body of the electronic submission and that no public body shall be required to open electronically attached files or hyperlinks to view or access the details of such a request. Effective immediately.

LRB104 07707 BDA 17752 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 3 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

7 Sec. 3. (a) Each public body shall make available to any
8 person for inspection or copying all public records, except as
9 otherwise provided in Sections 7 and 8.5 of this Act.
10 Notwithstanding any other law, a public body may not grant to
11 any person or entity, whether by contract, license, or
12 otherwise, the exclusive right to access and disseminate any
13 public record as defined in this Act.

14 (b) Subject to the fee provisions of Section 6 of this Act,
15 each public body shall promptly provide, to any person who
16 submits a request, a copy of any public record required to be
17 disclosed by subsection (a) of this Section and shall certify
18 such copy if so requested.

19 (c) Requests for inspection or copies shall be made in
20 writing and directed to the public body. Written requests may
21 be submitted to a public body via personal delivery, mail,
22 telefax, or other means available to the public body.
23 Electronic requests under this Section must appear in their

1 entirety within the body of the electronic submission. As a
2 cybersecurity measure, no public body shall be required to
3 open electronically attached files or hyperlinks to view or
4 access details of a request. A public body may honor oral
5 requests for inspection or copying. A public body may not
6 require that a request be submitted on a standard form or
7 require the requester to specify the purpose for a request,
8 except to determine whether the records are requested for a
9 commercial purpose or whether to grant a request for a fee
10 waiver. All requests for inspection and copying received by a
11 public body shall immediately be forwarded to its Freedom of
12 Information officer or designee.

13 (d) Each public body shall, promptly, either comply with
14 or deny a request for public records within 5 business days
15 after its receipt of the request, unless the time for response
16 is properly extended under subsection (e) of this Section.
17 Denial shall be in writing as provided in Section 9 of this
18 Act. Failure to comply with a written request, extend the time
19 for response, or deny a request within 5 business days after
20 its receipt shall be considered a denial of the request. A
21 public body that fails to respond to a request within the
22 requisite periods in this Section but thereafter provides the
23 requester with copies of the requested public records may not
24 impose a fee for such copies. A public body that fails to
25 respond to a request received may not treat the request as
26 unduly burdensome under subsection (g).

1 (e) The time for response under this Section may be
2 extended by the public body for not more than 5 business days
3 from the original due date for any of the following reasons:

4 (i) the requested records are stored in whole or in
5 part at other locations than the office having charge of
6 the requested records;

7 (ii) the request requires the collection of a
8 substantial number of specified records;

9 (iii) the request is couched in categorical terms and
10 requires an extensive search for the records responsive to
11 it;

12 (iv) the requested records have not been located in
13 the course of routine search and additional efforts are
14 being made to locate them;

15 (v) the requested records require examination and
16 evaluation by personnel having the necessary competence
17 and discretion to determine if they are exempt from
18 disclosure under Section 7 of this Act or should be
19 revealed only with appropriate deletions;

20 (vi) the request for records cannot be complied with
21 by the public body within the time limits prescribed by
22 subsection (d) of this Section without unduly burdening or
23 interfering with the operations of the public body;

24 (vii) there is a need for consultation, which shall be
25 conducted with all practicable speed, with another public
26 body or among 2 or more components of a public body having

1 a substantial interest in the determination or in the
2 subject matter of the request.

3 The person making a request and the public body may agree
4 in writing to extend the time for compliance for a period to be
5 determined by the parties. If the requester and the public
6 body agree to extend the period for compliance, a failure by
7 the public body to comply with any previous deadlines shall
8 not be treated as a denial of the request for the records.

9 (f) When additional time is required for any of the above
10 reasons, the public body shall, within 5 business days after
11 receipt of the request, notify the person making the request
12 of the reasons for the extension and the date by which the
13 response will be forthcoming. Failure to respond within the
14 time permitted for extension shall be considered a denial of
15 the request. A public body that fails to respond to a request
16 within the time permitted for extension but thereafter
17 provides the requester with copies of the requested public
18 records may not impose a fee for those copies. A public body
19 that requests an extension and subsequently fails to respond
20 to the request may not treat the request as unduly burdensome
21 under subsection (g).

22 (g) Requests calling for all records falling within a
23 category shall be complied with unless compliance with the
24 request would be unduly burdensome for the complying public
25 body and there is no way to narrow the request and the burden
26 on the public body outweighs the public interest in the

1 information. Before invoking this exemption, the public body
2 shall extend to the person making the request an opportunity
3 to confer with it in an attempt to reduce the request to
4 manageable proportions. If any public body responds to a
5 categorical request by stating that compliance would unduly
6 burden its operation and the conditions described above are
7 met, it shall do so in writing, specifying the reasons why it
8 would be unduly burdensome and the extent to which compliance
9 will so burden the operations of the public body. Such a
10 response shall be treated as a denial of the request for
11 information.

12 Repeated requests from the same person for the same
13 records that are unchanged or identical to records previously
14 provided or properly denied under this Act shall be deemed
15 unduly burdensome under this provision.

16 (h) Each public body may promulgate rules and regulations
17 in conformity with the provisions of this Section pertaining
18 to the availability of records and procedures to be followed,
19 including:

20 (i) the times and places where such records will be
21 made available, and

22 (ii) the persons from whom such records may be
23 obtained.

24 (i) The time periods for compliance or denial of a request
25 to inspect or copy records set out in this Section shall not
26 apply to requests for records made for a commercial purpose,

1 requests by a recurrent requester, or voluminous requests.
2 Such requests shall be subject to the provisions of Sections
3 3.1, 3.2, and 3.6 of this Act, as applicable.
4 (Source: P.A. 101-81, eff. 7-12-19.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.