

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****HB2578**

Introduced 2/6/2025, by Rep. Daniel Didech

**SYNOPSIS AS INTRODUCED:**

5 ILCS 140/2  
5 ILCS 140/3

from Ch. 116, par. 202  
from Ch. 116, par. 203

Amends the Freedom of Information Act. Changes the definition of "person". Allows, within 5 business days after its receipt of the request, a public body that has a reasonable belief that a request was not submitted by a person to require the requester to verify orally or in writing that the requester is a person. Provides that the deadline for the public body to respond to the request shall be tolled until the requester verifies that he or she is a person. Provides that, if the requester fails to verify that he or she is a person within 30 days after the public body requests such a verification, then the public body may deny the request.

LRB104 09349 BDA 19407 b

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 Sections 2 and 3 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  
17          include a child death review team or the Illinois Child Death  
18          Review Teams Executive Council established under the Child  
19          Death Review Team Act, or a regional youth advisory board or  
20          the Statewide Youth Advisory Board established under the  
21          Department of Children and Family Services Statewide Youth  
22          Advisory Board Act.

23           (b) "Person" means any individual or any individual acting

1       as an agent of a ~~or~~ corporation, partnership, firm,  
2 organization or association, ~~acting individually or as a~~  
3 ~~group.~~

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

13           (c-5) "Private information" means unique identifiers,  
14 including a person's social security number, driver's license  
15 number, employee identification number, biometric identifiers,  
16 personal financial information, passwords or other access  
17 codes, medical records, home or personal telephone numbers,  
18 and personal email addresses. Private information also  
19 includes home address and personal license plates, except as  
20 otherwise provided by law or when compiled without possibility  
21 of attribution to any person. For a public body that is a  
22 HIPAA-covered entity, "private information" includes  
23 electronic medical records and all information, including  
24 demographic information, contained within or extracted from an  
25 electronic medical records system operated or maintained by  
26 the public body in compliance with State and federal medical

1 privacy laws and regulations, including, but not limited to,  
2 the Health Insurance Portability and Accountability Act and  
3 its regulations, 45 CFR Parts 160 and 164. As used in this  
4 subsection, "HIPAA-covered entity" has the meaning given to  
5 the term "covered entity" in 45 CFR 160.103.

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

18 (d) "Copying" means the reproduction of any public record  
19 by means of any photographic, electronic, mechanical or other  
20 process, device or means now known or hereafter developed and  
21 available to the public body.

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

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

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

For the purposes of this subsection (g), "request" means a written document (or oral request, if the public body chooses to honor oral requests) that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other

1 means available to the public body and that identifies the  
2 particular public record the requester seeks. One request may  
3 identify multiple records to be inspected or copied.

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

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

21 For the purposes of this subsection (h), "request" means a  
22 written document, or oral request, if the public body chooses  
23 to honor oral requests, that is submitted to a public body via  
24 personal delivery, mail, telefax, electronic mail, or other  
25 means available to the public body and that identifies the  
26 particular public record or records the requester seeks. One

1 request may identify multiple individual records to be  
2 inspected or copied.

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

6 (Source: P.A. 103-554, eff. 1-1-24.)

7 (5 ILCS 140/3) (from Ch. 116, par. 203)

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

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

20 (c) Requests for inspection or copies shall be made in  
21 writing and directed to the public body. Written requests may  
22 be submitted to a public body via personal delivery, mail,  
23 telefax, or other means available to the public body. A public  
24 body may honor oral requests for inspection or copying. A  
25 public body may not require that a request be submitted on a

1 standard form or require the requester to specify the purpose  
2 for a request, except to determine whether the records are  
3 requested for a commercial purpose or whether to grant a  
4 request for a fee waiver. All requests for inspection and  
5 copying received by a public body shall immediately be  
6 forwarded to its Freedom of Information officer or designee.

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

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

24 (i) the requested records are stored in whole or in  
25 part at other locations than the office having charge of  
26 the requested records;

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

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

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

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

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

(vii) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among 2 or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

The person making a request and the public body may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the public body agree to extend the period for compliance, a failure by

1 the public body to comply with any previous deadlines shall  
2 not be treated as a denial of the request for the records.

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

16 (g) Requests calling for all records falling within a  
17 category shall be complied with unless compliance with the  
18 request would be unduly burdensome for the complying public  
19 body and there is no way to narrow the request and the burden  
20 on the public body outweighs the public interest in the  
21 information. Before invoking this exemption, the public body  
22 shall extend to the person making the request an opportunity  
23 to confer with it in an attempt to reduce the request to  
24 manageable proportions. If any public body responds to a  
25 categorical request by stating that compliance would unduly  
26 burden its operation and the conditions described above are

1 met, it shall do so in writing, specifying the reasons why it  
2 would be unduly burdensome and the extent to which compliance  
3 will so burden the operations of the public body. Such a  
4 response shall be treated as a denial of the request for  
5 information.

6 Repeated requests from the same person for the same  
7 records that are unchanged or identical to records previously  
8 provided or properly denied under this Act shall be deemed  
9 unduly burdensome under this provision.

10 (h) Each public body may promulgate rules and regulations  
11 in conformity with the provisions of this Section pertaining  
12 to the availability of records and procedures to be followed,  
13 including:

14 (i) the times and places where such records will be  
15 made available, and

16 (ii) the persons from whom such records may be  
17 obtained.

18 (i) The time periods for compliance or denial of a request  
19 to inspect or copy records set out in this Section shall not  
20 apply to requests for records made for a commercial purpose,  
21 requests by a recurrent requester, or voluminous requests.  
22 Such requests shall be subject to the provisions of Sections  
23 3.1, 3.2, and 3.6 of this Act, as applicable.

24 (j) Within 5 business days after its receipt of the  
25 request, a public body that has a reasonable belief that a  
26 request was not submitted by a person may require the

1 requester to verify orally or in writing that the requester is  
2 a person. The deadline for the public body to respond to the  
3 request shall be tolled until the requester verifies that he  
4 or she is a person. If the requester fails to verify that he or  
5 she is a person within 30 days after the public body requests  
6 such a verification, then the public body may deny the  
7 request.

8 (Source: P.A. 101-81, eff. 7-12-19.)