



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

from Ch. 116, par. 202

5 ILCS 140/3

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 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.

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

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

23 For the purposes of this subsection (g), "request" means a
24 written document (or oral request, if the public body chooses
25 to honor oral requests) that is submitted to a public body via
26 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;

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

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

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

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

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

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

23 The person making a request and the public body may agree
24 in writing to extend the time for compliance for a period to be
25 determined by the parties. If the requester and the public
26 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.)