

HB2881



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2881

Introduced 2/6/2025, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that, as used in the Act, the term "commercial purpose" means, among other things, the use of any part of a public record or records, or information derived from public records, in any form for any use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

LRB104 08861 BDA 18916 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 2 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, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

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

12 (c-5) "Private information" means unique identifiers,
13 including a person's social security number, driver's license
14 number, employee identification number, biometric identifiers,
15 personal financial information, passwords or other access
16 codes, medical records, home or personal telephone numbers,
17 and personal email addresses. Private information also
18 includes home address and personal license plates, except as
19 otherwise provided by law or when compiled without possibility
20 of attribution to any person. For a public body that is a
21 HIPAA-covered entity, "private information" includes
22 electronic medical records and all information, including
23 demographic information, contained within or extracted from an
24 electronic medical records system operated or maintained by
25 the public body in compliance with State and federal medical
26 privacy laws and regulations, including, but not limited to,

1 the Health Insurance Portability and Accountability Act and
2 its regulations, 45 CFR Parts 160 and 164. As used in this
3 subsection, "HIPAA-covered entity" has the meaning given to
4 the term "covered entity" in 45 CFR 160.103.

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

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

23 (e) "Head of the public body" means the president, mayor,
24 chairman, presiding officer, director, superintendent,
25 manager, supervisor or individual otherwise holding primary
26 executive and administrative authority for the public body, or

1 such person's duly authorized designee.

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

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

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

1 personal delivery, mail, telefax, electronic mail, or other
2 means available to the public body and that identifies the
3 particular public record the requester seeks. One request may
4 identify multiple records to be inspected or copied.

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

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

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

1 particular public record or records the requester seeks. One
2 request may identify multiple individual records to be
3 inspected or copied.

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

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