



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2887

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

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2
5 ILCS 140/3.2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Reduces the number of record requests that must be made for a person to be considered a recurrent requester under the Act. Provides that public bodies must respond to requests from recurrent requesters with 30 (rather than 21) days after receipt of a request. Specifies that notice that requests are being treated as recurrent requests must be provided only once every 30 days. Provides that it is a violation of the Act for persons designated as recurrent requesters to knowingly obtain a public record without disclosing their status as recurrent requesters.

LRB104 08862 BDA 18917 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 3.2 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 sale, resale, or solicitation or
8 advertisement for sales or services. For purposes of this
9 definition, requests made by news media and non-profit,
10 scientific, or academic organizations shall not be considered
11 to be made for a "commercial purpose" when the principal
12 purpose of the request is (i) to access and disseminate
13 information concerning news and current or passing events,
14 (ii) for articles of opinion or features of interest to the
15 public, or (iii) for the purpose of academic, scientific, or
16 public research or education.

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

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

26 (f) "News media" means a newspaper or other periodical

1 issued at regular intervals whether in print or electronic
2 format, a news service whether in print or electronic format,
3 a radio station, a television station, a television network, a
4 community antenna television service, or a person or
5 corporation engaged in making news reels or other motion
6 picture news for public showing.

7 (g) "Recurrent requester", as used in Section 3.2 of this
8 Act, means a person that, in the 12 months immediately
9 preceding the request, has submitted to the same public body
10 (i) a minimum of 40 ~~50~~ requests for records, (ii) a minimum of
11 10 ~~15~~ requests for records within a 30-day period, or (iii) a
12 minimum of 5 ~~7~~ requests for records within a 7-day period. For
13 purposes of this definition, requests made by news media and
14 non-profit, scientific, or academic organizations shall not be
15 considered in calculating the number of requests made in the
16 time periods in this definition when the principal purpose of
17 the requests is (i) to access and disseminate information
18 concerning news and current or passing events, (ii) for
19 articles of opinion or features of interest to the public, or
20 (iii) for the purpose of academic, scientific, or public
21 research or education.

22 For the purposes of this subsection (g), "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 the requester seeks. One request may
2 identify multiple records to be inspected or copied.

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

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

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

1 inspected or copied.

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

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

6 (5 ILCS 140/3.2)

7 Sec. 3.2. Recurrent requesters.

8 (a) Notwithstanding any provision of this Act to the
9 contrary, a public body shall respond to a request from a
10 recurrent requester, as defined in subsection (g) of Section

11 2, within 21 business days after receipt. The response shall
12 (i) provide to the requester an estimate of the time required
13 by the public body to provide the records requested and an
14 estimate of the fees to be charged, which the public body may
15 require the person to pay in full before copying the requested
16 documents, (ii) deny the request pursuant to one or more of the
17 exemptions set out in this Act, (iii) notify the requester
18 that the request is unduly burdensome and extend an
19 opportunity to the requester to attempt to reduce the request
20 to manageable proportions, or (iv) provide the records
21 requested.

22 (b) Within 5 business days after receiving a request from
23 a recurrent requester, as defined in subsection (g) of Section
24 2, the public body shall notify the requester (i) that the
25 public body is treating the request as a request under

1 subsection (g) of Section 2, (ii) of the reasons why the public
2 body is treating the request as a request under subsection (g)
3 of Section 2, ~~and~~ (iii) that the public body will send an
4 initial response within 30 ~~21~~ business days after receipt in
5 accordance with subsection (a) of this Section, and (iv) that
6 any additional requests received from the requester within the
7 30-day response period shall also be treated as a request
8 under subsection (g) of Section 2. The public body shall also
9 notify the requester of the proposed responses that can be
10 asserted pursuant to subsection (a) of this Section. The
11 notification is required to be sent only once during the
12 30-day response period.

13 (c) Unless the records are exempt from disclosure, a
14 public body shall comply with a request within a reasonable
15 period considering the size and complexity of the request and
16 may reasonably determine the format of the records produced.

17 (d) It is a violation of this Act for a person designated
18 as a recurrent requester under subsection (g) of Section 2 to
19 knowingly obtain a public record without disclosing the
20 person's status as a recurrent requester.

21 (Source: P.A. 97-579, eff. 8-26-11; 98-756, eff. 7-16-14.)