

# HB3611



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3611

Introduced 2/18/2025, by Rep. William "Will" Davis

### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7

Amends the Freedom of Information Act. Provides that documents that have been determined to be security sensitive under certain requirements related to the U.S. Nuclear Regulation Commission and National Materials Program are exempt from inspection and copying under the Act.

LRB104 09470 BDA 19531 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 7 as follows:

6 (5 ILCS 140/7)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public  
9 record that contains information that is exempt from  
10 disclosure under this Section, but also contains information  
11 that is not exempt from disclosure, the public body may elect  
12 to redact the information that is exempt. The public body  
13 shall make the remaining information available for inspection  
14 and copying. Subject to this requirement, the following shall  
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from  
17 disclosure by federal or State law or rules and  
18 regulations implementing federal or State law.

19 (b) Private information, unless disclosure is required  
20 by another provision of this Act, a State or federal law,  
21 or a court order.

22 (b-5) Files, documents, and other data or databases  
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or  
2 more law enforcement agencies regarding the physical or  
3 mental status of one or more individual subjects.

4 (c) Personal information contained within public  
5 records, the disclosure of which would constitute a  
6 clearly unwarranted invasion of personal privacy, unless  
7 the disclosure is consented to in writing by the  
8 individual subjects of the information. "Unwarranted  
9 invasion of personal privacy" means the disclosure of  
10 information that is highly personal or objectionable to a  
11 reasonable person and in which the subject's right to  
12 privacy outweighs any legitimate public interest in  
13 obtaining the information. The disclosure of information  
14 that bears on the public duties of public employees and  
15 officials shall not be considered an invasion of personal  
16 privacy.

17 (d) Records in the possession of any public body  
18 created in the course of administrative enforcement  
19 proceedings, and any law enforcement or correctional  
20 agency for law enforcement purposes, but only to the  
21 extent that disclosure would:

22 (i) interfere with pending or actually and  
23 reasonably contemplated law enforcement proceedings  
24 conducted by any law enforcement or correctional  
25 agency that is the recipient of the request;

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body  
2 that is the recipient of the request;

3 (iii) create a substantial likelihood that a  
4 person will be deprived of a fair trial or an impartial  
5 hearing;

6 (iv) unavoidably disclose the identity of a  
7 confidential source, confidential information  
8 furnished only by the confidential source, or persons  
9 who file complaints with or provide information to  
10 administrative, investigative, law enforcement, or  
11 penal agencies; except that the identities of  
12 witnesses to traffic crashes, traffic crash reports,  
13 and rescue reports shall be provided by agencies of  
14 local government, except when disclosure would  
15 interfere with an active criminal investigation  
16 conducted by the agency that is the recipient of the  
17 request;

18 (v) disclose unique or specialized investigative  
19 techniques other than those generally used and known  
20 or disclose internal documents of correctional  
21 agencies related to detection, observation, or  
22 investigation of incidents of crime or misconduct, and  
23 disclosure would result in demonstrable harm to the  
24 agency or public body that is the recipient of the  
25 request;

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or

2 (vii) obstruct an ongoing criminal investigation  
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law  
5 enforcement purposes and contained in a shared electronic  
6 record management system if the law enforcement agency  
7 that is the recipient of the request did not create the  
8 record, did not participate in or have a role in any of the  
9 events which are the subject of the record, and only has  
10 access to the record through the shared electronic record  
11 management system.

12 (d-6) Records contained in the Officer Professional  
13 Conduct Database under Section 9.2 of the Illinois Police  
14 Training Act, except to the extent authorized under that  
15 Section. This includes the documents supplied to the  
16 Illinois Law Enforcement Training Standards Board from the  
17 Illinois State Police and Illinois State Police Merit  
18 Board.

19 (d-7) Information gathered or records created from the  
20 use of automatic license plate readers in connection with  
21 Section 2-130 of the Illinois Vehicle Code.

22 (e) Records that relate to or affect the security of  
23 correctional institutions and detention facilities.

24 (e-5) Records requested by persons committed to the  
25 Department of Corrections, Department of Human Services  
26 Division of Mental Health, or a county jail if those

1 materials are available in the library of the correctional  
2 institution or facility or jail where the inmate is  
3 confined.

4 (e-6) Records requested by persons committed to the  
5 Department of Corrections, Department of Human Services  
6 Division of Mental Health, or a county jail if those  
7 materials include records from staff members' personnel  
8 files, staff rosters, or other staffing assignment  
9 information.

10 (e-7) Records requested by persons committed to the  
11 Department of Corrections or Department of Human Services  
12 Division of Mental Health if those materials are available  
13 through an administrative request to the Department of  
14 Corrections or Department of Human Services Division of  
15 Mental Health.

16 (e-8) Records requested by a person committed to the  
17 Department of Corrections, Department of Human Services  
18 Division of Mental Health, or a county jail, the  
19 disclosure of which would result in the risk of harm to any  
20 person or the risk of an escape from a jail or correctional  
21 institution or facility.

22 (e-9) Records requested by a person in a county jail  
23 or committed to the Department of Corrections or  
24 Department of Human Services Division of Mental Health,  
25 containing personal information pertaining to the person's  
26 victim or the victim's family, including, but not limited

1 to, a victim's home address, home telephone number, work  
2 or school address, work telephone number, social security  
3 number, or any other identifying information, except as  
4 may be relevant to a requester's current or potential case  
5 or claim.

6 (e-10) Law enforcement records of other persons  
7 requested by a person committed to the Department of  
8 Corrections, Department of Human Services Division of  
9 Mental Health, or a county jail, including, but not  
10 limited to, arrest and booking records, mug shots, and  
11 crime scene photographs, except as these records may be  
12 relevant to the requester's current or potential case or  
13 claim.

14 (f) Preliminary drafts, notes, recommendations,  
15 memoranda, and other records in which opinions are  
16 expressed, or policies or actions are formulated, except  
17 that a specific record or relevant portion of a record  
18 shall not be exempt when the record is publicly cited and  
19 identified by the head of the public body. The exemption  
20 provided in this paragraph (f) extends to all those  
21 records of officers and agencies of the General Assembly  
22 that pertain to the preparation of legislative documents.

23 (g) Trade secrets and commercial or financial  
24 information obtained from a person or business where the  
25 trade secrets or commercial or financial information are  
26 furnished under a claim that they are proprietary,

1 privileged, or confidential, and that disclosure of the  
2 trade secrets or commercial or financial information would  
3 cause competitive harm to the person or business, and only  
4 insofar as the claim directly applies to the records  
5 requested.

6 The information included under this exemption includes  
7 all trade secrets and commercial or financial information  
8 obtained by a public body, including a public pension  
9 fund, from a private equity fund or a privately held  
10 company within the investment portfolio of a private  
11 equity fund as a result of either investing or evaluating  
12 a potential investment of public funds in a private equity  
13 fund. The exemption contained in this item does not apply  
14 to the aggregate financial performance information of a  
15 private equity fund, nor to the identity of the fund's  
16 managers or general partners. The exemption contained in  
17 this item does not apply to the identity of a privately  
18 held company within the investment portfolio of a private  
19 equity fund, unless the disclosure of the identity of a  
20 privately held company may cause competitive harm.

21 Nothing contained in this paragraph (g) shall be  
22 construed to prevent a person or business from consenting  
23 to disclosure.

24 (h) Proposals and bids for any contract, grant, or  
25 agreement, including information which if it were  
26 disclosed would frustrate procurement or give an advantage

1 to any person proposing to enter into a contractor  
2 agreement with the body, until an award or final selection  
3 is made. Information prepared by or for the body in  
4 preparation of a bid solicitation shall be exempt until an  
5 award or final selection is made.

6 (i) Valuable formulae, computer geographic systems,  
7 designs, drawings, and research data obtained or produced  
8 by any public body when disclosure could reasonably be  
9 expected to produce private gain or public loss. The  
10 exemption for "computer geographic systems" provided in  
11 this paragraph (i) does not extend to requests made by  
12 news media as defined in Section 2 of this Act when the  
13 requested information is not otherwise exempt and the only  
14 purpose of the request is to access and disseminate  
15 information regarding the health, safety, welfare, or  
16 legal rights of the general public.

17 (j) The following information pertaining to  
18 educational matters:

19 (i) test questions, scoring keys, and other  
20 examination data used to administer an academic  
21 examination;

22 (ii) information received by a primary or  
23 secondary school, college, or university under its  
24 procedures for the evaluation of faculty members by  
25 their academic peers;

26 (iii) information concerning a school or

1 university's adjudication of student disciplinary  
2 cases, but only to the extent that disclosure would  
3 unavoidably reveal the identity of the student; and

4 (iv) course materials or research materials used  
5 by faculty members.

6 (k) Architects' plans, engineers' technical  
7 submissions, and other construction related technical  
8 documents for projects not constructed or developed in  
9 whole or in part with public funds and the same for  
10 projects constructed or developed with public funds,  
11 including, but not limited to, power generating and  
12 distribution stations and other transmission and  
13 distribution facilities, water treatment facilities,  
14 airport facilities, sport stadiums, convention centers,  
15 and all government owned, operated, or occupied buildings,  
16 but only to the extent that disclosure would compromise  
17 security.

18 (l) Minutes of meetings of public bodies closed to the  
19 public as provided in the Open Meetings Act until the  
20 public body makes the minutes available to the public  
21 under Section 2.06 of the Open Meetings Act.

22 (m) Communications between a public body and an  
23 attorney or auditor representing the public body that  
24 would not be subject to discovery in litigation, and  
25 materials prepared or compiled by or for a public body in  
26 anticipation of a criminal, civil, or administrative

1 proceeding upon the request of an attorney advising the  
2 public body, and materials prepared or compiled with  
3 respect to internal audits of public bodies.

4 (n) Records relating to a public body's adjudication  
5 of employee grievances or disciplinary cases; however,  
6 this exemption shall not extend to the final outcome of  
7 cases in which discipline is imposed.

8 (o) Administrative or technical information associated  
9 with automated data processing operations, including, but  
10 not limited to, software, operating protocols, computer  
11 program abstracts, file layouts, source listings, object  
12 modules, load modules, user guides, documentation  
13 pertaining to all logical and physical design of  
14 computerized systems, employee manuals, and any other  
15 information that, if disclosed, would jeopardize the  
16 security of the system or its data or the security of  
17 materials exempt under this Section.

18 (p) Records relating to collective negotiating matters  
19 between public bodies and their employees or  
20 representatives, except that any final contract or  
21 agreement shall be subject to inspection and copying.

22 (q) Test questions, scoring keys, and other  
23 examination data used to determine the qualifications of  
24 an applicant for a license or employment.

25 (r) The records, documents, and information relating  
26 to real estate purchase negotiations until those

1 negotiations have been completed or otherwise terminated.  
2 With regard to a parcel involved in a pending or actually  
3 and reasonably contemplated eminent domain proceeding  
4 under the Eminent Domain Act, records, documents, and  
5 information relating to that parcel shall be exempt except  
6 as may be allowed under discovery rules adopted by the  
7 Illinois Supreme Court. The records, documents, and  
8 information relating to a real estate sale shall be exempt  
9 until a sale is consummated.

10 (s) Any and all proprietary information and records  
11 related to the operation of an intergovernmental risk  
12 management association or self-insurance pool or jointly  
13 self-administered health and accident cooperative or pool.  
14 Insurance or self-insurance (including any  
15 intergovernmental risk management association or  
16 self-insurance pool) claims, loss or risk management  
17 information, records, data, advice, or communications.

18 (t) Information contained in or related to  
19 examination, operating, or condition reports prepared by,  
20 on behalf of, or for the use of a public body responsible  
21 for the regulation or supervision of financial  
22 institutions, insurance companies, or pharmacy benefit  
23 managers, unless disclosure is otherwise required by State  
24 law.

25 (u) Information that would disclose or might lead to  
26 the disclosure of secret or confidential information,

1 codes, algorithms, programs, or private keys intended to  
2 be used to create electronic signatures under the Uniform  
3 Electronic Transactions Act.

4 (v) Vulnerability assessments, security measures, and  
5 response policies or plans that are designed to identify,  
6 prevent, or respond to potential attacks upon a  
7 community's population or systems, facilities, or  
8 installations, but only to the extent that disclosure  
9 could reasonably be expected to expose the vulnerability  
10 or jeopardize the effectiveness of the measures, policies,  
11 or plans, or the safety of the personnel who implement  
12 them or the public. Information exempt under this item may  
13 include such things as details pertaining to the  
14 mobilization or deployment of personnel or equipment, to  
15 the operation of communication systems or protocols, to  
16 cybersecurity vulnerabilities, or to tactical operations.

17 (w) (Blank).

18 (x) Maps and other records regarding the location or  
19 security of generation, transmission, distribution,  
20 storage, gathering, treatment, or switching facilities  
21 owned by a utility, by a power generator, or by the  
22 Illinois Power Agency.

23 (y) Information contained in or related to proposals,  
24 bids, or negotiations related to electric power  
25 procurement under Section 1-75 of the Illinois Power  
26 Agency Act and Section 16-111.5 of the Public Utilities

1 Act that is determined to be confidential and proprietary  
2 by the Illinois Power Agency or by the Illinois Commerce  
3 Commission.

4 (z) Information about students exempted from  
5 disclosure under Section 10-20.38 or 34-18.29 of the  
6 School Code, and information about undergraduate students  
7 enrolled at an institution of higher education exempted  
8 from disclosure under Section 25 of the Illinois Credit  
9 Card Marketing Act of 2009.

10 (aa) Information the disclosure of which is exempted  
11 under the Viatical Settlements Act of 2009.

12 (bb) Records and information provided to a mortality  
13 review team and records maintained by a mortality review  
14 team appointed under the Department of Juvenile Justice  
15 Mortality Review Team Act.

16 (cc) Information regarding interments, entombments, or  
17 inurnments of human remains that are submitted to the  
18 Cemetery Oversight Database under the Cemetery Care Act or  
19 the Cemetery Oversight Act, whichever is applicable.

20 (dd) Correspondence and records (i) that may not be  
21 disclosed under Section 11-9 of the Illinois Public Aid  
22 Code or (ii) that pertain to appeals under Section 11-8 of  
23 the Illinois Public Aid Code.

24 (ee) The names, addresses, or other personal  
25 information of persons who are minors and are also  
26 participants and registrants in programs of park

1 districts, forest preserve districts, conservation  
2 districts, recreation agencies, and special recreation  
3 associations.

4 (ff) The names, addresses, or other personal  
5 information of participants and registrants in programs of  
6 park districts, forest preserve districts, conservation  
7 districts, recreation agencies, and special recreation  
8 associations where such programs are targeted primarily to  
9 minors.

10 (gg) Confidential information described in Section  
11 1-100 of the Illinois Independent Tax Tribunal Act of  
12 2012.

13 (hh) The report submitted to the State Board of  
14 Education by the School Security and Standards Task Force  
15 under item (8) of subsection (d) of Section 2-3.160 of the  
16 School Code and any information contained in that report.

17 (ii) Records requested by persons committed to or  
18 detained by the Department of Human Services under the  
19 Sexually Violent Persons Commitment Act or committed to  
20 the Department of Corrections under the Sexually Dangerous  
21 Persons Act if those materials: (i) are available in the  
22 library of the facility where the individual is confined;  
23 (ii) include records from staff members' personnel files,  
24 staff rosters, or other staffing assignment information;  
25 or (iii) are available through an administrative request  
26 to the Department of Human Services or the Department of

1 Corrections.

2 (jj) Confidential information described in Section  
3 5-535 of the Civil Administrative Code of Illinois.

4 (kk) The public body's credit card numbers, debit card  
5 numbers, bank account numbers, Federal Employer  
6 Identification Number, security code numbers, passwords,  
7 and similar account information, the disclosure of which  
8 could result in identity theft or impression or defrauding  
9 of a governmental entity or a person.

10 (ll) Records concerning the work of the threat  
11 assessment team of a school district, including, but not  
12 limited to, any threat assessment procedure under the  
13 School Safety Drill Act and any information contained in  
14 the procedure.

15 (mm) Information prohibited from being disclosed under  
16 subsections (a) and (b) of Section 15 of the Student  
17 Confidential Reporting Act.

18 (nn) Proprietary information submitted to the  
19 Environmental Protection Agency under the Drug Take-Back  
20 Act.

21 (oo) Records described in subsection (f) of Section  
22 3-5-1 of the Unified Code of Corrections.

23 (pp) Any and all information regarding burials,  
24 interments, or entombments of human remains as required to  
25 be reported to the Department of Natural Resources  
26 pursuant either to the Archaeological and Paleontological

1 Resources Protection Act or the Human Remains Protection  
2 Act.

3 (qq) Reports described in subsection (e) of Section  
4 16-15 of the Abortion Care Clinical Training Program Act.

5 (rr) Information obtained by a certified local health  
6 department under the Access to Public Health Data Act.

7 (ss) For a request directed to a public body that is  
8 also a HIPAA-covered entity, all information that is  
9 protected health information, including demographic  
10 information, that may be contained within or extracted  
11 from any record held by the public body in compliance with  
12 State and federal medical privacy laws and regulations,  
13 including, but not limited to, the Health Insurance  
14 Portability and Accountability Act and its regulations, 45  
15 CFR Parts 160 and 164. As used in this paragraph,  
16 "HIPAA-covered entity" has the meaning given to the term  
17 "covered entity" in 45 CFR 160.103 and "protected health  
18 information" has the meaning given to that term in 45 CFR  
19 160.103.

20 (tt) Proposals or bids submitted by engineering  
21 consultants in response to requests for proposal or other  
22 competitive bidding requests by the Department of  
23 Transportation or the Illinois Toll Highway Authority.

24 (uu) Documents that, pursuant to the State of  
25 Illinois' 1987 Agreement with the U.S. Nuclear Regulatory  
26 Commission and the corresponding requirement to maintain

1 compatibility with the National Materials Program, have  
2 been determined to be security sensitive. These documents  
3 include information classified as safeguards,  
4 safeguards-modified, and sensitive unclassified  
5 nonsafeguards information, as identified in U.S. Nuclear  
6 Regulatory Commission regulatory information summaries,  
7 security advisories, and other applicable communications  
8 or regulations related to the control and distribution of  
9 security sensitive information.

10 (1.5) Any information exempt from disclosure under the  
11 Judicial Privacy Act shall be redacted from public records  
12 prior to disclosure under this Act.

13 (2) A public record that is not in the possession of a  
14 public body but is in the possession of a party with whom the  
15 agency has contracted to perform a governmental function on  
16 behalf of the public body, and that directly relates to the  
17 governmental function and is not otherwise exempt under this  
18 Act, shall be considered a public record of the public body,  
19 for purposes of this Act.

20 (3) This Section does not authorize withholding of  
21 information or limit the availability of records to the  
22 public, except as stated in this Section or otherwise provided  
23 in this Act.

24 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
25 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
26 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,

1 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
2 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
3 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,  
4 eff. 7-1-24; 103-865, eff. 1-1-25.)