



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4409**

Introduced 1/14/2026, by Rep. Jackie Haas

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/3

from Ch. 116, par. 203

Amends the Freedom of Information Act. Provides that a law enforcement or correctional agency shall, promptly, either comply with or deny a request for public records within 15 business days (rather than within 5 business days) after its receipt of the request, unless the time for response is properly extended under certain provisions. Allows for an extension for not more than 15 business days from the original due date for the reason that the requested records are records that are partially exempt from disclosure but that require blurring of body camera footage by a law enforcement or correctional agency or other redactions by a law enforcement or correctional agency before making the remaining requested information available for inspection and copying.

LRB104 16848 BDA 30258 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 Section 3 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

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

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

19 (c) Requests for inspection or copies shall be made in  
20 writing and directed to the public body. Written requests may  
21 be submitted to a public body via personal delivery, mail,  
22 telefax, or other means available to the public body.  
23 Electronic requests under this Section must appear in their

1 entirety within the body of the electronic submission. As a  
2 cybersecurity measure, no public body shall be required to  
3 open electronically attached files or hyperlinks to view or  
4 access details of a request. A public body that receives a  
5 request that would require the public body to open hyperlinks  
6 or attached files shall, within 5 business days, notify the  
7 requester of the requirement that the entirety of an  
8 electronic request must appear within the body of the  
9 electronic submission. A public body may honor oral requests  
10 for inspection or copying. A public body may not require that a  
11 request be submitted on a standard form or require the  
12 requester to specify the purpose for a request, except to  
13 determine whether the records are requested for a commercial  
14 purpose or whether to grant a request for a fee waiver. All  
15 requests for inspection and copying received by a public body  
16 shall immediately be forwarded to its Freedom of Information  
17 officer or designee.

18 (d) Each public body, except for a law enforcement or  
19 correctional agency, shall, promptly, either comply with or  
20 deny a request for public records within 5 business days after  
21 its receipt of the request, unless the time for response is  
22 properly extended under subsection (e) of this Section. A law  
23 enforcement or correctional agency shall, promptly, either  
24 comply with or deny a request for public records within 15  
25 business days after its receipt of the request, unless the  
26 time for response is properly extended under subsection (e) of

1 this Section. Denial shall be in writing as provided in  
2 Section 9 of this Act. Failure to comply with a written  
3 request, extend the time for response, or deny a request  
4 within 5 business days after its receipt shall be considered a  
5 denial of the request. A public body that fails to respond to a  
6 request within the requisite periods in this Section but  
7 thereafter provides the requester with copies of the requested  
8 public records may not impose a fee for such copies. A public  
9 body that fails to respond to a request received may not treat  
10 the request as unduly burdensome under subsection (g).

11 (e) The time for response under this Section may be  
12 extended by the public body ~~for not more than 5 business days~~  
13 ~~from the original due date~~ for any of the following reasons for  
14 the following periods of time:

15 (i) an extension for not more than 5 business days  
16 from the original due date for the reason that the  
17 requested records are stored in whole or in part at other  
18 locations than the office having charge of the requested  
19 records;

20 (ii) an extension for not more than 5 business days  
21 from the original due date for the reason that the request  
22 requires the collection of a substantial number of  
23 specified records;

24 (iii) an extension for not more than 5 business days  
25 from the original due date for the reason that the request  
26 is couched in categorical terms and requires an extensive

1 search for the records responsive to it;

2 (iv) an extension for not more than 5 business days  
3 from the original due date for the reason that the  
4 requested records have not been located in the course of  
5 routine search and additional efforts are being made to  
6 locate them;

7 (v) an extension for not more than 5 business days  
8 from the original due date, except as provided under  
9 paragraph (viii) of this subsection (e), for the reason  
10 that the requested records require examination and  
11 evaluation by personnel having the necessary competence  
12 and discretion to determine if they are exempt from  
13 disclosure under Section 7 of this Act or should be  
14 revealed only with appropriate deletions;

15 (vi) an extension for not more than 5 business days  
16 from the original due date for the reason that the request  
17 for records cannot be complied with by the public body  
18 within the time limits prescribed by subsection (d) of  
19 this Section without unduly burdening or interfering with  
20 the operations of the public body;

21 (vii) an extension for not more than 5 business days  
22 from the original due date for the reason that there is a  
23 need for consultation, which shall be conducted with all  
24 practicable speed, with another public body or among 2 or  
25 more components of a public body having a substantial  
26 interest in the determination or in the subject matter of

1 the request; or -

2 (viii) an extension for not more than 15 business days  
3 from the original due date for the reason that the  
4 requested records are records that are partially exempt  
5 from disclosure under Section 7 of this Act but that  
6 require blurring of body camera footage by a law  
7 enforcement or correctional agency or other redactions by  
8 a law enforcement or correctional agency before making the  
9 remaining requested information available for inspection  
10 and copying.

11 The person making a request and the public body may agree  
12 in writing to extend the time for compliance for a period to be  
13 determined by the parties. If the requester and the public  
14 body agree to extend the period for compliance, a failure by  
15 the public body to comply with any previous deadlines shall  
16 not be treated as a denial of the request for the records.

17 (f) When additional time is required for any of the above  
18 reasons, the public body shall, within 5 business days after  
19 receipt of the request, notify the person making the request  
20 of the reasons for the extension and the date by which the  
21 response will be forthcoming. Failure to respond within the  
22 time permitted for extension shall be considered a denial of  
23 the request. A public body that fails to respond to a request  
24 within the time permitted for extension but thereafter  
25 provides the requester with copies of the requested public  
26 records may not impose a fee for those copies. A public body

1 that requests an extension and subsequently fails to respond  
2 to the request may not treat the request as unduly burdensome  
3 under subsection (g).

4 (g) Requests calling for all records falling within a  
5 category shall be complied with unless compliance with the  
6 request would be unduly burdensome for the complying public  
7 body and there is no way to narrow the request and the burden  
8 on the public body outweighs the public interest in the  
9 information. Before invoking this exemption, the public body  
10 shall extend to the person making the request an opportunity  
11 to confer with it in an attempt to reduce the request to  
12 manageable proportions. If any public body responds to a  
13 categorical request by stating that compliance would unduly  
14 burden its operation and the conditions described above are  
15 met, it shall do so in writing, specifying the reasons why it  
16 would be unduly burdensome and the extent to which compliance  
17 will so burden the operations of the public body. Such a  
18 response shall be treated as a denial of the request for  
19 information.

20 Repeated requests from the same person for the same  
21 records that are unchanged or identical to records previously  
22 provided or properly denied under this Act shall be deemed  
23 unduly burdensome under this provision.

24 (h) Each public body may promulgate rules and regulations  
25 in conformity with the provisions of this Section pertaining  
26 to the availability of records and procedures to be followed,

1 including:

2 (i) the times and places where such records will be  
3 made available, and

4 (ii) the persons from whom such records may be  
5 obtained.

6 (i) The time periods for compliance or denial of a request  
7 to inspect or copy records set out in this Section shall not  
8 apply to requests for records made for a commercial purpose,  
9 requests by a recurrent requester, or voluminous requests.  
10 Such requests shall be subject to the provisions of Sections  
11 3.1, 3.2, and 3.6 of this Act, as applicable.

12 (j) Within 5 business days after its receipt of the  
13 request, a public body that has a reasonable belief that a  
14 request was not submitted by a person may require the  
15 requester to verify orally or in writing that the requester is  
16 a person. The deadline for the public body to respond to the  
17 request shall be tolled until the requester verifies that he  
18 or she is a person. If the requester fails to verify that he or  
19 she is a person within 30 days after the public body requests  
20 such a verification, then the public body may deny the  
21 request. For purposes of this subsection (j), a public body  
22 may not require the requester to submit personal information,  
23 private information, or identifying information to verify that  
24 the requester is a person.

25 (Source: P.A. 104-438, eff. 1-1-26.)