



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4681

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
5 ILCS 140/3.7 new	
5 ILCS 140/11	from Ch. 116, par. 211
5 ILCS 140/12 new	

Amends the Freedom of Information Act. Changes the definition of "commercial purpose". Defines "business day" or "working day", as well as "mass requester" and "vexatious requester". Requires a public body to respond to a request for records submitted by a mass requester within 21 days after receipt. Sets forth procedures and requirements regarding mass requesters. Provides that it is a violation of the Act to knowingly obtain a public record as a mass requester without disclosing the person's status as a mass requester, if requested to do so by the public body. Requires persons denied access to inspect or copy any public record to first notify the public body of intent to file suit and provide an opportunity to confer orally, within 10 business days after receipt of the notification, about curing or resolving the issue. Requires a court to award a public body attorney's fees and costs against a commercial purpose requester, a recurrent requester, a mass requester, or a vexatious requester. Allows a public body to petition the Public Access Counselor for relief from a requester that the public body alleges is a vexatious requester, including an order that the public body need not comply with the current request and other requests from the vexatious requester for up to one year. Sets forth procedures and requirements regarding vexatious requesters. Makes conforming changes.

LRB104 18834 BDA 32279 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, 3, and 11 and by adding Sections 3.7 and
6 12 as follows:

7 (5 ILCS 140/2) (from Ch. 116, par. 202)

8 Sec. 2. Definitions. As used in this Act:

9 (a) "Public body" means all legislative, executive,
10 administrative, or advisory bodies of the State, state
11 universities and colleges, counties, townships, cities,
12 villages, incorporated towns, school districts and all other
13 municipal corporations, boards, bureaus, committees, or
14 commissions of this State, any subsidiary bodies of any of the
15 foregoing including but not limited to committees and
16 subcommittees thereof, and a School Finance Authority created
17 under Article 1E of the School Code. "Public body" does not
18 include a child death review team or the Illinois Child Death
19 Review Teams Executive Council established under the Child
20 Death Review Team Act, or a regional youth advisory board or
21 the Statewide Youth Advisory Board established under the
22 Department of Children and Family Services Statewide Youth
23 Advisory Board Act.

1 (b) "Person" means any individual or any individual acting
2 as an agent of a corporation, partnership, firm, organization
3 or association, acting individually or as a 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. "Public records"
13 does not include junk mail.

14 (c-5) "Private information" means unique identifiers,
15 including a person's social security number, driver's license
16 number, employee identification number, biometric identifiers,
17 personal financial information, passwords or other access
18 codes, medical records, home or personal telephone numbers,
19 and personal email addresses. Private information also
20 includes home address and personal license plates, except as
21 otherwise provided by law or when compiled without possibility
22 of attribution to any person. For a public body that is a
23 HIPAA-covered entity, "private information" includes
24 electronic medical records and all information, including
25 demographic information, contained within or extracted from an
26 electronic medical records system operated or maintained by

1 the public body in compliance with State and federal medical
2 privacy laws and regulations, including, but not limited to,
3 the Health Insurance Portability and Accountability Act and
4 its regulations, 45 CFR Parts 160 and 164. As used in this
5 subsection, "HIPAA-covered entity" has the meaning given to
6 the term "covered entity" in 45 CFR 160.103.

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

20 (c-15) "Business day" or "working day" means a regular day
21 of the week, Monday through Friday, when public offices and
22 most businesses are open. "Business day" or "working day" does
23 not include Saturdays and Sundays and does not include a State
24 holiday, as described in Section 17 of the Promissory Note and
25 Bank Holiday Act, if the public body is closed on the holiday.
26 "Business day" or "working day" also does not include, for

1 public school districts and other public educational
2 institutions, days during an institution's winter break and
3 spring break, as established by the institution's academic
4 calendar, or the day after Thanksgiving.

5 (d) "Copying" means the reproduction of any public record
6 by means of any photographic, electronic, mechanical or other
7 process, device or means now known or hereafter developed and
8 available to the public body.

9 (e) "Head of the public body" means the president, mayor,
10 chairman, presiding officer, director, superintendent,
11 manager, supervisor or individual otherwise holding primary
12 executive and administrative authority for the public body, or
13 such person's duly authorized designee.

14 (f) "News media" means a newspaper or other periodical
15 issued at regular intervals whether in print or electronic
16 format, a news service whether in print or electronic format,
17 a radio station, a television station, a television network, a
18 community antenna television service, or a person or
19 corporation engaged in making news reels or other motion
20 picture news for public showing.

21 (g) "Recurrent requester", as used in Section 3.2 of this
22 Act, means a person that, in the 12 months immediately
23 preceding the request, has submitted to the same public body
24 (i) a minimum of 50 requests for records, (ii) a minimum of 15
25 requests for records within a 30-day period, or (iii) a
26 minimum of 7 requests for records within a 7-day period. For

1 purposes of this definition, requests made by news media and
2 non-profit, scientific, or academic organizations shall not be
3 considered in calculating the number of requests made in the
4 time periods in this definition when the principal purpose of
5 the requests is (i) to access and disseminate information
6 concerning news and current or passing events, (ii) for
7 articles of opinion or features of interest to the public, or
8 (iii) for the purpose of academic, scientific, or public
9 research or education.

10 For the purposes of this subsection (g), "request" means a
11 written document (or oral request, if the public body chooses
12 to honor oral requests) that is submitted to a public body via
13 personal delivery, mail, telefax, electronic mail, or other
14 means available to the public body and that identifies the
15 particular public record the requester seeks. One request may
16 identify multiple records to be inspected or copied.

17 (h) "Voluminous request" means a request that: (i)
18 includes more than 5 individual requests for more than 5
19 different categories of records or a combination of individual
20 requests that total requests for more than 5 different
21 categories of records in a period of 20 business days; or (ii)
22 requires the compilation of more than 500 letter or
23 legal-sized pages of public records unless a single requested
24 record exceeds 500 pages. "Single requested record" may
25 include, but is not limited to, one report, form, e-mail,
26 letter, memorandum, book, map, microfilm, tape, or recording.

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

8 For the purposes of this subsection (h), "request" means a
9 written document, or oral request, if the public body chooses
10 to honor oral requests, that is submitted to a public body via
11 personal delivery, mail, telefax, electronic mail, or other
12 means available to the public body and that identifies the
13 particular public record or records the requester seeks. One
14 request may identify multiple individual records to be
15 inspected or copied.

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

19 (j) "Junk mail" means (i) any unsolicited commercial mail
20 sent to a public body and not responded to by an official,
21 employee, or agent of the public body or (ii) any unsolicited
22 commercial electronic communication sent to a public body and
23 not responded to by an official, employee, or agent of the
24 public body.

25 (k) "Mass requester" means a person or cooperating persons
26 submitting one or more requests that seek identical or

1 substantially similar records from 7 or more public bodies.

2 (1) "Vexatious requester" means a person with a vexatious
3 history of requests as described under Section 12.

4 (Source: P.A. 103-554, eff. 1-1-24; 104-438, eff. 1-1-26.)

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

6 Sec. 3. (a) Each public body shall make available to any
7 person for inspection or copying all public records, except as
8 otherwise provided in this Section and Sections 3.7, 7, 7.5,
9 ~~and 8.5,~~ and 12 of this Act. Notwithstanding any other law, a
10 public body may not grant to any person or entity, whether by
11 contract, license, or otherwise, the exclusive right to access
12 and disseminate any public record as defined in this Act.

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

18 (c) Requests for inspection or copies shall be made in
19 writing and directed to the public body. Written requests may
20 be submitted to a public body via personal delivery, mail,
21 telefax, or other means available to the public body.
22 Electronic requests under this Section must appear in their
23 entirety within the body of the electronic submission. As a
24 cybersecurity measure, no public body shall be required to
25 open electronically attached files or hyperlinks to view or

1 access details of a request. A public body that receives a
2 request that would require the public body to open hyperlinks
3 or attached files shall, within 5 business days, notify the
4 requester of the requirement that the entirety of an
5 electronic request must appear within the body of the
6 electronic submission. A public body may honor oral requests
7 for inspection or copying. A public body may not require that a
8 request be submitted on a standard form or require the
9 requester to specify the purpose for a request, except to
10 determine whether the records are requested for a commercial
11 purpose or whether to grant a request for a fee waiver. All
12 requests for inspection and copying received by a public body
13 shall immediately be forwarded to its Freedom of Information
14 officer or designee.

15 (d) Each public body shall, promptly, either comply with
16 or deny a request for public records within 5 business days
17 after its receipt of the request, unless the time for response
18 is properly extended under subsection (e) of this Section.
19 Denial shall be in writing as provided in Section 9 of this
20 Act. Failure to comply with a written request, extend the time
21 for response, or deny a request within 5 business days after
22 its receipt shall be considered a denial of the request. A
23 public body that fails to respond to a request within the
24 requisite periods in this Section but thereafter provides the
25 requester with copies of the requested public records may not
26 impose a fee for such copies. A public body that fails to

1 respond to a request received may not treat the request as
2 unduly burdensome under subsection (g).

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

6 (i) the requested records are stored in whole or in
7 part at other locations than the office having charge of
8 the requested records;

9 (ii) the request requires the collection of a
10 substantial number of specified records;

11 (iii) the request is couched in categorical terms and
12 requires an extensive search for the records responsive to
13 it;

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

17 (v) the requested records require examination and
18 evaluation by personnel having the necessary competence
19 and discretion to determine if they are exempt from
20 disclosure under Section 7 of this Act or should be
21 revealed only with appropriate deletions;

22 (vi) the request for records cannot be complied with
23 by the public body within the time limits prescribed by
24 subsection (d) of this Section without unduly burdening or
25 interfering with the operations of the public body;

26 (vii) there is a need for consultation, which shall be

1 conducted with all practicable speed, with another public
2 body or among 2 or more components of a public body having
3 a substantial interest in the determination or in the
4 subject matter of the request.

5 The person making a request and the public body may agree
6 in writing to extend the time for compliance for a period to be
7 determined by the parties. If the requester and the public
8 body agree to extend the period for compliance, a failure by
9 the public body to comply with any previous deadlines shall
10 not be treated as a denial of the request for the records.

11 (f) When additional time is required for any of the above
12 reasons, the public body shall, within 5 business days after
13 receipt of the request, notify the person making the request
14 of the reasons for the extension and the date by which the
15 response will be forthcoming. Failure to respond within the
16 time permitted for extension shall be considered a denial of
17 the request. A public body that fails to respond to a request
18 within the time permitted for extension but thereafter
19 provides the requester with copies of the requested public
20 records may not impose a fee for those copies. A public body
21 that requests an extension and subsequently fails to respond
22 to the request may not treat the request as unduly burdensome
23 under subsection (g).

24 (g) Requests calling for all records falling within a
25 category shall be complied with unless compliance with the
26 request would be unduly burdensome for the complying public

1 body and there is no way to narrow the request and the burden
2 on the public body outweighs the public interest in the
3 information. Before invoking this exemption, the public body
4 shall extend to the person making the request an opportunity
5 to confer with it in an attempt to reduce the request to
6 manageable proportions. If any public body responds to a
7 categorical request by stating that compliance would unduly
8 burden its operation and the conditions described above are
9 met, it shall do so in writing, specifying the reasons why it
10 would be unduly burdensome and the extent to which compliance
11 will so burden the operations of the public body. Such a
12 response shall be treated as a denial of the request for
13 information.

14 Repeated requests from the same person for the same
15 records that are unchanged or identical to records previously
16 provided or properly denied under this Act shall be deemed
17 unduly burdensome under this provision.

18 (h) Each public body may promulgate rules and regulations
19 in conformity with the provisions of this Section pertaining
20 to the availability of records and procedures to be followed,
21 including:

22 (i) the times and places where such records will be
23 made available, and

24 (ii) the persons from whom such records may be
25 obtained.

26 (i) The time periods for compliance or denial of a request

1 to inspect or copy records set out in this Section shall not
2 apply to requests for records made for a commercial purpose,
3 requests by a recurrent requester or mass requester, or
4 voluminous requests. Such requests shall be subject to the
5 provisions of Sections 3.1, 3.2, ~~and 3.6,~~ and 3.7 of this Act,
6 as applicable.

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

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

21 (5 ILCS 140/3.7 new)

22 Sec. 3.7. Mass requesters.

23 (a) A public body shall respond to a request for records
24 submitted by a mass requester within 21 business days after
25 receipt. The response shall (i) provide to the requester an

1 estimate of the time required by the public body to provide the
2 records requested and an estimate of the fees to be charged,
3 which the public body may require the person to pay in full
4 before copying the requested documents, (ii) deny the request
5 pursuant to one or more of the exemptions set out in this Act,
6 (iii) notify the requester that the request is unduly
7 burdensome and extend an opportunity to the requester to
8 attempt to reduce the request to manageable proportions, or
9 (iv) provide the records requested.

10 (b) Within 5 business days after its receipt of a request,
11 a public body that has a reasonable belief that a request was
12 submitted by a mass requester may require the requester to
13 verify whether the requester is a mass requester, if the
14 request does not already verify whether the requester is a
15 mass requester. The deadline for the public body to respond to
16 the request under subsection (a) of this Section shall be
17 tolled until the requester verifies whether or not the request
18 was submitted by a mass requester. If the requester fails to
19 verify that he or she is a mass requester within 30 calendar
20 days after the public body requests such a verification, then
21 the public body may deny the request.

22 (c) It is a violation of this Act for a person to knowingly
23 obtain a public record as a mass requester without disclosing
24 the person's status as a mass requester, if requested to do so
25 by the public body.

1 (5 ILCS 140/11) (from Ch. 116, par. 211)

2 Sec. 11. (a) Any person denied access to inspect or copy
3 any public record by a public body may file suit for injunctive
4 or declaratory relief, provided that the person first notifies
5 the public body in writing of his or her intent to file suit
6 and provides an opportunity for the public body to confer
7 orally, within 10 business days after receipt of the notice,
8 about curing or resolving the issue. The written notice and
9 opportunity to confer about curing or resolving the issue is a
10 condition precedent to filing suit and must be attached to the
11 complaint along with any response from the public body.

12 (a-5) In accordance with Section 11.6 of this Act, a
13 requester may file an action to enforce a binding opinion
14 issued under Section 9.5 of this Act.

15 (b) Where the denial is from a public body of the State,
16 suit may be filed in the circuit court for the county where the
17 public body has its principal office or where the person
18 denied access resides.

19 (c) Where the denial is from a municipality or other
20 public body, except as provided in subsection (b) of this
21 Section, suit may be filed in the circuit court for the county
22 where the public body is located.

23 (d) The circuit court shall have the jurisdiction to
24 enjoin the public body from withholding public records and to
25 order the production of any public records improperly withheld
26 from the person seeking access. If the public body can show

1 that exceptional circumstances exist, and that the body is
2 exercising due diligence in responding to the request, the
3 court may retain jurisdiction and allow the agency additional
4 time to complete its review of the records.

5 (e) On motion of the plaintiff, prior to or after in camera
6 inspection, the court shall order the public body to provide
7 an index of the records to which access has been denied. The
8 index shall include the following:

9 (i) A description of the nature or contents of each
10 document withheld, or each deletion from a released
11 document, provided, however, that the public body shall
12 not be required to disclose the information which it
13 asserts is exempt; and

14 (ii) A statement of the exemption or exemptions
15 claimed for each such deletion or withheld document.

16 (f) In any action considered by the court, the court shall
17 consider the matter de novo, and shall conduct such in camera
18 examination of the requested records as it finds appropriate
19 to determine if such records or any part thereof may be
20 withheld under any provision of this Act. The burden shall be
21 on the public body to establish that its refusal to permit
22 public inspection or copying is in accordance with the
23 provisions of this Act. Any public body that asserts that a
24 record is exempt from disclosure has the burden of proving
25 that it is exempt by clear and convincing evidence.

26 (g) In the event of noncompliance with an order of the

1 court to disclose, the court may enforce its order against any
2 public official or employee so ordered or primarily
3 responsible for such noncompliance through the court's
4 contempt powers.

5 (h) Except as to causes the court considers to be of
6 greater importance, proceedings arising under this Section
7 shall take precedence on the docket over all other causes and
8 be assigned for hearing and trial at the earliest practicable
9 date and expedited in every way.

10 (i) If a person seeking the right to inspect or receive a
11 copy of a public record prevails in a proceeding under this
12 Section, the court shall award such person reasonable
13 attorney's fees and costs. In determining what amount of
14 attorney's fees is reasonable, the court shall consider the
15 degree to which the relief obtained relates to the relief
16 sought. The changes contained in this subsection apply to an
17 action filed on or after January 1, 2010 (the effective date of
18 Public Act 96-542). If the public body prevails in its defense
19 of a proceeding under this Section brought by a commercial
20 purpose requester, a recurrent requester, a mass requester, or
21 a vexatious requester, the court shall award the public body
22 reasonable attorney's fees and costs to be paid by the
23 requester.

24 (j) If the court determines that a public body willfully
25 and intentionally failed to comply with this Act, or otherwise
26 acted in bad faith, the court shall also impose upon the public

1 body a civil penalty of not less than \$2,500 nor more than
2 \$5,000 for each occurrence. In assessing the civil penalty,
3 the court shall consider in aggravation or mitigation the
4 budget of the public body and whether the public body has
5 previously been assessed penalties for violations of this Act.
6 The court may impose an additional penalty of up to \$1,000 for
7 each day the violation continues if:

8 (1) the public body fails to comply with the court's
9 order after 30 days;

10 (2) the court's order is not on appeal or stayed; and

11 (3) the court does not grant the public body
12 additional time to comply with the court's order to
13 disclose public records.

14 The changes contained in this subsection made by Public
15 Act 96-542 apply to an action filed on or after January 1, 2010
16 (the effective date of Public Act 96-542).

17 (k) The changes to this Section made by this amendatory
18 Act of the 99th General Assembly apply to actions filed on or
19 after the effective date of this amendatory Act of the 99th
20 General Assembly.

21 (Source: P.A. 99-586, eff. 1-1-17; 99-642, eff. 7-28-16.)

22 (5 ILCS 140/12 new)

23 Sec. 12. Petition for relief from a vexatious requester.

24 (a) A public body may petition the Public Access Counselor
25 for relief from a requester that the public body alleges is a

1 vexatious requester. Such petition shall be a sworn and
2 notarized statement and shall detail the conduct which the
3 public body alleges demonstrates a vexatious history of
4 requests, which may include, but is not limited to:

5 (1) the number of requests filed;

6 (2) the scope of the requests;

7 (3) the nature, content, language, or subject matter
8 of the requests;

9 (4) the nature, content, language, or subject matter
10 of other oral and written communications to the public
11 body from the requester; and

12 (5) a pattern of conduct that amounts to an abuse of
13 the right to access information under the Freedom of
14 Information Act or an interference with the operation of
15 the public body.

16 (b) A requester's history of requests need not include any
17 particular number of requests or categories of records in
18 order to be deemed vexatious under this Section, and a
19 requester who is not a recurrent requester still may be
20 vexatious. However, the Public Access Counselor shall deem a
21 requester vexatious if the requester has submitted to a single
22 public body:

23 (1) within a period of 12 months, any combination of
24 requests seeking 60 categories of records;

25 (2) within a period of 30 calendar days, any
26 combination of requests seeking 20 categories of records;

1 or

2 (3) within a period of 7 calendar days, any
3 combination of requests seeking 15 categories of records.

4 (c) A petition under this Section must be submitted no
5 later than 7 business days after receipt of the most recent
6 request at issue. The Public Access Counselor may consolidate
7 petitions by multiple public bodies related to the same
8 requester or coordinating requesters. Upon receipt of such
9 petition, the Public Access Counselor shall review the
10 petition and, if the Public Access Counselor determines that
11 further inquiry is warranted, shall provide the alleged
12 vexatious requester with an opportunity to respond and provide
13 further information within 7 business days. If a response is
14 filed, the public body shall be provided with 5 business days
15 to submit a reply to the Public Access Counselor. The Public
16 Access Counselor shall issue a binding opinion on the petition
17 or dismiss the petition within 30 calendar days after receipt
18 of the public body's reply or the final date to submit a reply,
19 whichever date is earlier. Upon a grant of such petition, the
20 Public Access Counselor may provide appropriate relief
21 commensurate with the vexatious conduct, including, but not
22 limited to, an order that the public body need not comply with
23 the current request and other requests from the vexatious
24 requester for a specified period of time, not to exceed one
25 year.

26 (d) Any party aggrieved by the Public Access Counselor's

1 granting of such petition may file an action for
2 administrative review of the binding opinion under the
3 Administrative Review Law in Cook or Sangamon County, not
4 later than 35 days after the binding opinion is received. If a
5 petition is filed, the public body's time for response to the
6 Freedom of Information Act Request and any additional requests
7 from the same requester is tolled until the Public Access
8 Counselor issues a determination that no further inquiry is
9 warranted or a binding opinion. If the petition is granted,
10 the public body's response, if any, shall be determined by the
11 opinion or determination. If the petition is denied, the
12 public body shall respond to the request within 7 business
13 days after receipt of the binding opinion.

14 (e) For purposes of this Section, a request made by news
15 media shall not be considered in determining whether a
16 requester is a vexatious requester when the principal purpose
17 of the request is for investigative reporting by the news
18 media regarding the health, safety, and welfare or the legal
19 rights of the general public. The requester has the burden of
20 proving the principal purpose of the request.