

HB4682



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4682

by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

5 ILCS 140/3

from Ch. 116, par. 203

Amends the Freedom of Information Act. Provides that repeated requests for commercial purposes shall be deemed unduly burdensome if the requests are from the same person and seek similar or updated records.

LRB104 18831 BDA 32276 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 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 shall, promptly, either comply with
19 or deny a request for public records within 5 business days
20 after its receipt of the request, unless the time for response
21 is properly extended under subsection (e) of this Section.
22 Denial shall be in writing as provided in Section 9 of this
23 Act. Failure to comply with a written request, extend the time
24 for response, or deny a request within 5 business days after
25 its receipt shall be considered a denial of the request. A
26 public body that fails to respond to a request within the

1 requisite periods in this Section but thereafter provides the
2 requester with copies of the requested public records may not
3 impose a fee for such copies. A public body that fails to
4 respond to a request received may not treat the request as
5 unduly burdensome under subsection (g).

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

9 (i) the requested records are stored in whole or in
10 part at other locations than the office having charge of
11 the requested records;

12 (ii) the request requires the collection of a
13 substantial number of specified records;

14 (iii) the request is couched in categorical terms and
15 requires an extensive search for the records responsive to
16 it;

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

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

25 (vi) the request for records cannot be complied with
26 by the public body within the time limits prescribed by

1 subsection (d) of this Section without unduly burdening or
2 interfering with the operations of the public body;

3 (vii) there is a need for consultation, which shall be
4 conducted with all practicable speed, with another public
5 body or among 2 or more components of a public body having
6 a substantial interest in the determination or in the
7 subject matter of the request.

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

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

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

17 Repeated requests from the same person for the same
18 records that are unchanged or identical to records previously
19 provided or properly denied under this Act shall be deemed
20 unduly burdensome under this provision. Repeated requests for
21 commercial purposes shall be deemed unduly burdensome under
22 this provision and under Section 3.1 if the requests are from
23 the same person and seek similar or updated records.

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.)