



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4684**

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

Amends the Freedom of Information Act. Changes the definition of "commercial purpose". Defines "purposeless mass request". Provides that a public body may designate a request as a purposeless mass request under specified conditions. Establishes procedures for notice, requester response, and a final determination concerning the request. Sets timelines for processing such requests and authorizes responses to them. Prohibits attorney's fees in actions where the public body reasonably determined a request was a purposeless mass request.

LRB104 18832 BDA 32277 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 Section 3.7 as  
6 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 either (i) for sale, resale, or  
10 solicitation or advertisement for sales or services or (ii) to  
11 provide services to a specific customer or client. For  
12 purposes of this definition, requests made by news media and  
13 non-profit, scientific, or academic organizations shall not be  
14 considered to be made for a "commercial purpose" when the  
15 principal purpose of the request is (i) to access and  
16 disseminate information concerning news and current or passing  
17 events, (ii) for articles of opinion or features of interest  
18 to the public, or (iii) for the purpose of academic,  
19 scientific, or public research or education.

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

24 (e) "Head of the public body" means the president, mayor,  
25 chairman, presiding officer, director, superintendent,  
26 manager, supervisor or individual otherwise holding primary

1 executive and administrative authority for the public body, or  
2 such person's duly authorized designee.

3 (f) "News media" means a newspaper or other periodical  
4 issued at regular intervals whether in print or electronic  
5 format, a news service whether in print or electronic format,  
6 a radio station, a television station, a television network, a  
7 community antenna television service, or a person or  
8 corporation engaged in making news reels or other motion  
9 picture news for public showing.

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

25 For the purposes of this subsection (g), "request" means a  
26 written document (or oral request, if the public body chooses

1 to honor oral requests) that is submitted to a public body via  
2 personal delivery, mail, telefax, electronic mail, or other  
3 means available to the public body and that identifies the  
4 particular public record the requester seeks. One request may  
5 identify multiple records to be inspected or copied.

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

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

23 For the purposes of this subsection (h), "request" means a  
24 written document, or oral request, if the public body chooses  
25 to honor oral requests, that is submitted to a public body via  
26 personal delivery, mail, telefax, electronic mail, or other

1 means available to the public body and that identifies the  
2 particular public record or records the requester seeks. One  
3 request may identify multiple individual records to be  
4 inspected or copied.

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

8 (j) "Junk mail" means (i) any unsolicited commercial mail  
9 sent to a public body and not responded to by an official,  
10 employee, or agent of the public body or (ii) any unsolicited  
11 commercial electronic communication sent to a public body and  
12 not responded to by an official, employee, or agent of the  
13 public body.

14 (k) "Purposeless mass request" means a request submitted  
15 by a person by electronic means to at least 7 public bodies  
16 within a period of 30 days without any reasonable intention to  
17 study or use the results.

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

19 (5 ILCS 140/3) (from Ch. 116, par. 203)

20 Sec. 3. (a) Each public body shall make available to any  
21 person for inspection or copying all public records, except as  
22 otherwise provided in Sections 7 and 8.5 of this Act.  
23 Notwithstanding any other law, a public body may not grant to  
24 any person or entity, whether by contract, license, or  
25 otherwise, the exclusive right to access and disseminate any

1 public record as defined in this Act.

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

7 (c) Requests for inspection or copies shall be made in  
8 writing and directed to the public body. Written requests may  
9 be submitted to a public body via personal delivery, mail,  
10 telefax, or other means available to the public body.  
11 Electronic requests under this Section must appear in their  
12 entirety within the body of the electronic submission. As a  
13 cybersecurity measure, no public body shall be required to  
14 open electronically attached files or hyperlinks to view or  
15 access details of a request. A public body that receives a  
16 request that would require the public body to open hyperlinks  
17 or attached files shall, within 5 business days, notify the  
18 requester of the requirement that the entirety of an  
19 electronic request must appear within the body of the  
20 electronic submission. A public body may honor oral requests  
21 for inspection or copying. A public body may not require that a  
22 request be submitted on a standard form or require the  
23 requester to specify the purpose for a request, except to  
24 determine whether the records are requested for a commercial  
25 purpose, ~~or~~ whether to grant a request for a fee waiver, or  
26 whether the request is a purposeless mass request. All

1 requests for inspection and copying received by a public body  
2 shall immediately be forwarded to its Freedom of Information  
3 officer or designee.

4 (d) Each public body shall, promptly, either comply with  
5 or deny a request for public records within 5 business days  
6 after its receipt of the request, unless the time for response  
7 is properly extended under subsection (e) of this Section.  
8 Denial shall be in writing as provided in Section 9 of this  
9 Act. Failure to comply with a written request, extend the time  
10 for response, or deny a request within 5 business days after  
11 its receipt shall be considered a denial of the request. A  
12 public body that fails to respond to a request within the  
13 requisite periods in this Section but thereafter provides the  
14 requester with copies of the requested public records may not  
15 impose a fee for such copies. A public body that fails to  
16 respond to a request received may not treat the request as  
17 unduly burdensome under subsection (g).

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

21 (i) the requested records are stored in whole or in  
22 part at other locations than the office having charge of  
23 the requested records;

24 (ii) the request requires the collection of a  
25 substantial number of specified records;

26 (iii) the request is couched in categorical terms and

1 requires an extensive search for the records responsive to  
2 it;

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

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

11 (vi) the request for records cannot be complied with  
12 by the public body within the time limits prescribed by  
13 subsection (d) of this Section without unduly burdening or  
14 interfering with the operations of the public body;

15 (vii) there is a need for consultation, which shall be  
16 conducted with all practicable speed, with another public  
17 body or among 2 or more components of a public body having  
18 a substantial interest in the determination or in the  
19 subject matter of the request.

20 The person making a request and the public body may agree  
21 in writing to extend the time for compliance for a period to be  
22 determined by the parties. If the requester and the public  
23 body agree to extend the period for compliance, a failure by  
24 the public body to comply with any previous deadlines shall  
25 not be treated as a denial of the request for the records.

26 (f) When additional time is required for any of the above

1 reasons, the public body shall, within 5 business days after  
2 receipt of the request, notify the person making the request  
3 of the reasons for the extension and the date by which the  
4 response will be forthcoming. Failure to respond within the  
5 time permitted for extension shall be considered a denial of  
6 the request. A public body that fails to respond to a request  
7 within the time permitted for extension but thereafter  
8 provides the requester with copies of the requested public  
9 records may not impose a fee for those copies. A public body  
10 that requests an extension and subsequently fails to respond  
11 to the request may not treat the request as unduly burdensome  
12 under subsection (g).

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

1 response shall be treated as a denial of the request for  
2 information.

3 Repeated requests from the same person for the same  
4 records that are unchanged or identical to records previously  
5 provided or properly denied under this Act shall be deemed  
6 unduly burdensome under this provision.

7 (h) Each public body may promulgate rules and regulations  
8 in conformity with the provisions of this Section pertaining  
9 to the availability of records and procedures to be followed,  
10 including:

11 (i) the times and places where such records will be  
12 made available, and

13 (ii) the persons from whom such records may be  
14 obtained.

15 (i) The time periods for compliance or denial of a request  
16 to inspect or copy records set out in this Section shall not  
17 apply to requests for records made for a commercial purpose,  
18 requests by a recurrent requester, ~~or~~ voluminous requests, or  
19 purposeless mass requests. Such requests shall be subject to  
20 the provisions of Sections 3.1, 3.2, ~~and~~ 3.6, and 3.7 of this  
21 Act, as applicable.

22 (j) Within 5 business days after its receipt of the  
23 request, a public body that has a reasonable belief that a  
24 request was not submitted by a person may require the  
25 requester to verify orally or in writing that the requester is  
26 a person. The deadline for the public body to respond to the

1 request shall be tolled until the requester verifies that he  
2 or she is a person. If the requester fails to verify that he or  
3 she is a person within 30 days after the public body requests  
4 such a verification, then the public body may deny the  
5 request. For purposes of this subsection (j), a public body  
6 may not require the requester to submit personal information,  
7 private information, or identifying information to verify that  
8 the requester is a person.

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

10 (5 ILCS 140/3.7 new)

11 Sec. 3.7. Purposeless mass requests.

12 (a) The purpose of this Section is to combat governmental  
13 waste associated with purposeless mass requests, while  
14 recognizing that submitting the same requests to multiple  
15 public bodies can play an important role in journalism and  
16 study. Evidence of a purposeless mass request may include, but  
17 is not limited to, a person's failure to publish or  
18 disseminate the results of a mass request within one year  
19 after the request was submitted, a person's use of shell  
20 corporations, or a person's lack of published articles or  
21 documented personal or professional work. If a public body  
22 reasonably believes that a person has submitted one or more  
23 purposeless mass requests to the public body in the past, and  
24 if the public body receives another request from the same  
25 person that the public body reasonably believes to be another

1 purposeless mass request, the public body may designate the  
2 request as a purposeless mass request according to this  
3 Section. Within 5 business days after receipt of a purposeless  
4 mass request, the public body shall notify the requester that  
5 it has tentatively designated the request under this Section,  
6 which shall toll all other deadlines for the public body to  
7 respond to the request. The notice shall state the reasons why  
8 the request is being considered a purposeless mass request and  
9 that the requester may, but is not required to, provide any  
10 evidence to the public body within 5 business days thereafter  
11 concerning the reasonable purpose for the current and past  
12 mass requests, such as any plan for studying the results that  
13 follows journalistic, scientific or other research standards  
14 or any other reasonable documented plan for any actual use of  
15 the results other than sheer curiosity or to harass or file  
16 lawsuits against public bodies. Within 5 business days after  
17 the receipt of any such evidence, or within 5 business days  
18 after the expiration of the requester's deadline to submit  
19 evidence, whichever is later, the public body shall determine  
20 whether or not the request is a purposeless mass request and  
21 notify the requester whether it will continue to process the  
22 request as a purposeless mass request or whether it will  
23 proceed to process the request under the other provisions of  
24 this Act. If the public body continues to process the request  
25 as a purposeless mass request, the public body's notice to the  
26 requester shall state that the public body will respond to the

1 purposeless mass request within 21 business days and that the  
2 response shall (i) provide to the requester an estimate of the  
3 time required by the public body to provide the records  
4 requested and an estimate of the fees to be charged, which the  
5 public body may require the person to pay in full before  
6 copying the requested documents, (ii) deny the request  
7 pursuant to one or more of the exemptions set out in this Act,  
8 (iii) notify the requester that the request is unduly  
9 burdensome under subsection (g) of Section 3 and extend an  
10 opportunity to the requester to attempt to reduce the request  
11 to manageable proportions, or (iv) provide the records  
12 requested.

13 (b) Unless the records are exempt from disclosure, a  
14 public body shall comply with a purposeless mass request  
15 within a reasonable period considering the size and complexity  
16 of the request, and giving priority to records requested for  
17 genuine purposes.

18 (5 ILCS 140/11) (from Ch. 116, par. 211)

19 Sec. 11. (a) Any person denied access to inspect or copy  
20 any public record by a public body may file suit for injunctive  
21 or declaratory relief.

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

25 (b) Where the denial is from a public body of the State,

1 suit may be filed in the circuit court for the county where the  
2 public body has its principal office or where the person  
3 denied access resides.

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

8 (d) The circuit court shall have the jurisdiction to  
9 enjoin the public body from withholding public records and to  
10 order the production of any public records improperly withheld  
11 from the person seeking access. If the public body can show  
12 that exceptional circumstances exist, and that the body is  
13 exercising due diligence in responding to the request, the  
14 court may retain jurisdiction and allow the agency additional  
15 time to complete its review of the records.

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

20 (i) A description of the nature or contents of each  
21 document withheld, or each deletion from a released  
22 document, provided, however, that the public body shall  
23 not be required to disclose the information which it  
24 asserts is exempt; and

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

1           (f) In any action considered by the court, the court shall  
2 consider the matter de novo, and shall conduct such in camera  
3 examination of the requested records as it finds appropriate  
4 to determine if such records or any part thereof may be  
5 withheld under any provision of this Act. The burden shall be  
6 on the public body to establish that its refusal to permit  
7 public inspection or copying is in accordance with the  
8 provisions of this Act. Any public body that asserts that a  
9 record is exempt from disclosure has the burden of proving  
10 that it is exempt by clear and convincing evidence.

11           (g) In the event of noncompliance with an order of the  
12 court to disclose, the court may enforce its order against any  
13 public official or employee so ordered or primarily  
14 responsible for such noncompliance through the court's  
15 contempt powers.

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

21           (i) If a person seeking the right to inspect or receive a  
22 copy of a public record prevails in a proceeding under this  
23 Section, the court shall award such person reasonable  
24 attorney's fees and costs. In determining what amount of  
25 attorney's fees is reasonable, the court shall consider the  
26 degree to which the relief obtained relates to the relief

1 sought. No attorney's fees shall be awarded if the public body  
2 reasonably determined that the request was a purposeless mass  
3 request under Section 3.7. ~~The changes contained in this~~  
4 ~~subsection apply to an action filed on or after January 1, 2010~~  
5 ~~(the effective date of Public Act 96-542).~~

6 (j) If the court determines that a public body willfully  
7 and intentionally failed to comply with this Act, or otherwise  
8 acted in bad faith, the court shall also impose upon the public  
9 body a civil penalty of not less than \$2,500 nor more than  
10 \$5,000 for each occurrence. In assessing the civil penalty,  
11 the court shall consider in aggravation or mitigation the  
12 budget of the public body and whether the public body has  
13 previously been assessed penalties for violations of this Act.  
14 The court may impose an additional penalty of up to \$1,000 for  
15 each day the violation continues if:

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

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

19 (3) the court does not grant the public body  
20 additional time to comply with the court's order to  
21 disclose public records.

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

25 ~~(k) The changes to this Section made by this amendatory~~  
26 ~~Act of the 99th General Assembly apply to actions filed on or~~

1 ~~after the effective date of this amendatory Act of the 99th~~  
2 ~~General Assembly.~~

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