



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5145

Introduced 2/10/2026, by Rep. Suzanne M. Ness

SYNOPSIS AS INTRODUCED:

5 ILCS 140/1	from Ch. 116, par. 201
5 ILCS 140/6	from Ch. 116, par. 206
5 ILCS 140/7	

Amends the Freedom of Information Act. Specifies that the Act is not intended to circumvent the process used by the courts to address whether arrest and booking records, mug shots, body-worn camera footage, in-car camera footage, 9-1-1 audio files, crime scene photographs, or other similar law enforcement records are to be made publicly available, except when those records may be relevant to a current or potential case or claim by the requester. Increases the cap on the fee that may be imposed for black and white copies from 15 cents per page to 25 cents per page. Makes changes to the fees public bodies may charge for time spent by personnel in searching for and retrieving a requested record or examining the record for necessary redactions. Exempts from disclosure under the Act specified law enforcement records, except when those records may be relevant to a current or potential case or claim by the requester.

LRB104 20125 BDA 33576 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 1, 6, and 7 as follows:

6 (5 ILCS 140/1) (from Ch. 116, par. 201)

7 Sec. 1. Pursuant to the fundamental philosophy of the
8 American constitutional form of government, it is declared to
9 be the public policy of the State of Illinois that all persons
10 are entitled to full and complete information regarding the
11 affairs of government and the official acts and policies of
12 those who represent them as public officials and public
13 employees consistent with the terms of this Act. Such access
14 is necessary to enable the people to fulfill their duties of
15 discussing public issues fully and freely, making informed
16 political judgments and monitoring government to ensure that
17 it is being conducted in the public interest.

18 The General Assembly hereby declares that it is the public
19 policy of the State of Illinois that access by all persons to
20 public records promotes the transparency and accountability of
21 public bodies at all levels of government. It is a fundamental
22 obligation of government to operate openly and provide public
23 records as expediently and efficiently as possible in

1 compliance with this Act.

2 This Act is not intended to cause an unwarranted invasion
3 of personal privacy, nor to allow the requests of a commercial
4 enterprise to unduly burden public resources, or to disrupt
5 the duly-undertaken work of any public body independent of the
6 fulfillment of any of the fore-mentioned rights of the people
7 to access to information.

8 This Act is not intended to create an obligation on the
9 part of any public body to maintain or prepare any public
10 record which was not maintained or prepared by such public
11 body at the time when this Act becomes effective, except as
12 otherwise required by applicable local, State or federal law.

13 This Act is not intended to circumvent the process used by
14 the courts to address whether arrest and booking records, mug
15 shots, body-worn camera footage, in-car camera footage, 9-1-1
16 audio files, crime scene photographs, or other similar law
17 enforcement records are to be made publicly available, except
18 as those records may be relevant to a current or potential case
19 or claim by the requester.

20 Restraints on access to information, to the extent
21 permitted by this Act, are limited exceptions to the principle
22 that the people of this State have a right to full disclosure
23 of information relating to the decisions, policies,
24 procedures, rules, standards, and other aspects of government
25 activity that affect the conduct of government and the lives
26 of any or all of the people. The provisions of this Act shall

1 be construed in accordance with this principle. This Act shall
2 be construed to require disclosure of requested information as
3 expediently and efficiently as possible and adherence to the
4 deadlines established in this Act.

5 The General Assembly recognizes that this Act imposes
6 fiscal obligations on public bodies to provide adequate staff
7 and equipment to comply with its requirements. The General
8 Assembly declares that providing records in compliance with
9 the requirements of this Act is a primary duty of public bodies
10 to the people of this State, and this Act should be construed
11 to this end, fiscal obligations notwithstanding.

12 The General Assembly further recognizes that technology
13 may advance at a rate that outpaces its ability to address
14 those advances legislatively. To the extent that this Act may
15 not expressly apply to those technological advances, this Act
16 should nonetheless be interpreted to further the declared
17 policy of this Act that public records shall be made available
18 upon request except when denial of access furthers the public
19 policy underlying a specific exemption.

20 This Act shall be the exclusive State statute on freedom
21 of information, except to the extent that other State statutes
22 might create additional restrictions on disclosure of
23 information or other laws in Illinois might create additional
24 obligations for disclosure of information to the public.

25 (Source: P.A. 96-542, eff. 1-1-10.)

1 (5 ILCS 140/6) (from Ch. 116, par. 206)

2 Sec. 6. Authority to charge fees.

3 (a) When a person requests a copy of a record maintained in
4 an electronic format, the public body shall furnish it in the
5 electronic format specified by the requester, if feasible. If
6 it is not feasible to furnish the public records in the
7 specified electronic format, then the public body shall
8 furnish it in the format in which it is maintained by the
9 public body, or in paper format at the option of the requester.
10 A public body may charge the requester for the actual cost of
11 purchasing the recording medium, whether disc, diskette, tape,
12 or other medium. If a request is not a request for a commercial
13 purpose or a voluminous request, a public body may not charge
14 the requester for the costs of any search for and review of the
15 records or other personnel costs associated with reproducing
16 the records. Except to the extent that the General Assembly
17 expressly provides, statutory fees applicable to copies of
18 public records when furnished in a paper format shall not be
19 applicable to those records when furnished in an electronic
20 format.

21 (a-5) If a voluminous request is for electronic records
22 and those records are not in a portable document format (PDF),
23 the public body may charge up to \$20 for not more than 2
24 megabytes of data, up to \$40 for more than 2 but not more than
25 4 megabytes of data, and up to \$100 for more than 4 megabytes
26 of data. If a voluminous request is for electronic records and

1 those records are in a portable document format, the public
2 body may charge up to \$20 for not more than 80 megabytes of
3 data, up to \$40 for more than 80 megabytes but not more than
4 160 megabytes of data, and up to \$100 for more than 160
5 megabytes of data. If the responsive electronic records are in
6 both a portable document format and not in a portable document
7 format, the public body may separate the fees and charge the
8 requester under both fee scales.

9 If a public body imposes a fee pursuant to this subsection
10 (a-5), it must provide the requester with an accounting of all
11 fees, costs, and personnel hours in connection with the
12 request for public records.

13 (b) Except when a fee is otherwise fixed by statute, each
14 public body may charge fees reasonably calculated to reimburse
15 its actual cost for reproducing and certifying public records
16 and for the use, by any person, of the equipment of the public
17 body to copy records. No fees shall be charged for the first 50
18 pages of black and white, letter or legal sized copies
19 requested by a requester. The fee for black and white, letter
20 or legal sized copies shall not exceed 25 ~~15~~ cents per page. If
21 a public body provides copies in color or in a size other than
22 letter or legal, the public body may not charge more than its
23 actual cost for reproducing the records. In calculating its
24 actual cost for reproducing records or for the use of the
25 equipment of the public body to reproduce records, a public
26 body shall not include the costs of any search for and review

1 of the records or other personnel costs associated with
2 reproducing the records, except for commercial requests as
3 provided in subsection (f) of this Section. Such fees shall be
4 imposed according to a standard scale of fees, established and
5 made public by the body imposing them. The cost for certifying
6 a record shall not exceed \$1.

7 (c) Documents shall be furnished without charge or at a
8 reduced charge, as determined by the public body, if the
9 person requesting the documents states the specific purpose
10 for the request and indicates that a waiver or reduction of the
11 fee is in the public interest. Waiver or reduction of the fee
12 is in the public interest if the principal purpose of the
13 request is to access and disseminate information regarding the
14 health, safety and welfare or the legal rights of the general
15 public and is not for the principal purpose of personal or
16 commercial benefit. For purposes of this subsection,
17 "commercial benefit" shall not apply to requests made by news
18 media when the principal purpose of the request is to access
19 and disseminate information regarding the health, safety, and
20 welfare or the legal rights of the general public. In setting
21 the amount of the waiver or reduction, the public body may take
22 into consideration the amount of materials requested and the
23 cost of copying them.

24 (d) The imposition of a fee not consistent with
25 subsections (6) (a) and (b) of this Act constitutes a denial of
26 access to public records for the purposes of judicial review.

1 (e) The fee for each abstract of a driver's record shall be
2 as provided in Section 6-118 of "The Illinois Vehicle Code",
3 approved September 29, 1969, as amended, whether furnished as
4 a paper copy or as an electronic copy.

5 (f) A public body may charge up to one-quarter of the
6 current hourly wage paid by the public body ~~\$10~~ for each
7 quarter hour spent by personnel in searching for and
8 retrieving a requested record or examining the record for
9 necessary redactions. No fees shall be charged for the first
10 hour ~~8 hours~~ spent by personnel in searching for or retrieving
11 a requested record. A public body may charge the actual cost of
12 retrieving and transporting public records from an off-site
13 storage facility when the public records are maintained by a
14 third-party storage company under contract with the public
15 body. If a public body imposes a fee pursuant to this
16 subsection (f), it must provide the requester with an
17 accounting of all fees, costs, and personnel hours in
18 connection with the request for public records. The provisions
19 of this subsection (f) apply only to commercial requests.

20 (Source: P.A. 97-579, eff. 8-26-11; 98-1129, eff. 12-3-14.)

21 (5 ILCS 140/7)

22 (Text of Section before amendment by P.A. 104-300)

23 Sec. 7. Exemptions.

24 (1) When a request is made to inspect or copy a public
25 record that contains information that is exempt from

1 disclosure under this Section, but also contains information
2 that is not exempt from disclosure, the public body may elect
3 to redact the information that is exempt. The public body
4 shall make the remaining information available for inspection
5 and copying. Subject to this requirement, the following shall
6 be exempt from inspection and copying:

7 (a) Information specifically prohibited from
8 disclosure by federal or State law or rules and
9 regulations implementing federal or State law.

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

13 (b-5) Files, documents, and other data or databases
14 maintained by one or more law enforcement agencies and
15 specifically designed to provide information to one or
16 more law enforcement agencies regarding the physical or
17 mental status of one or more individual subjects.

18 (c) Personal information contained within public
19 records, the disclosure of which would constitute a
20 clearly unwarranted invasion of personal privacy, unless
21 the disclosure is consented to in writing by the
22 individual subjects of the information. "Unwarranted
23 invasion of personal privacy" means the disclosure of
24 information that is highly personal or objectionable to a
25 reasonable person and in which the subject's right to
26 privacy outweighs any legitimate public interest in

1 obtaining the information. The disclosure of information
2 that bears on the public duties of public employees and
3 officials shall not be considered an invasion of personal
4 privacy.

5 (d) Records in the possession of any public body
6 created in the course of administrative enforcement
7 proceedings, and any law enforcement or correctional
8 agency for law enforcement purposes, but only to the
9 extent that disclosure would:

10 (i) interfere with pending or actually and
11 reasonably contemplated law enforcement proceedings
12 conducted by any law enforcement or correctional
13 agency that is the recipient of the request;

14 (ii) interfere with active administrative
15 enforcement proceedings conducted by the public body
16 that is the recipient of the request;

17 (iii) create a substantial likelihood that a
18 person will be deprived of a fair trial or an impartial
19 hearing;

20 (iv) unavoidably disclose the identity of a
21 confidential source, confidential information
22 furnished only by the confidential source, or persons
23 who file complaints with or provide information to
24 administrative, investigative, law enforcement, or
25 penal agencies; except that the identities of
26 witnesses to traffic crashes, traffic crash reports,

1 and rescue reports shall be provided by agencies of
2 local government, except when disclosure would
3 interfere with an active criminal investigation
4 conducted by the agency that is the recipient of the
5 request;

6 (v) disclose unique or specialized investigative
7 techniques other than those generally used and known
8 or disclose internal documents of correctional
9 agencies related to detection, observation, or
10 investigation of incidents of crime or misconduct, and
11 disclosure would result in demonstrable harm to the
12 agency or public body that is the recipient of the
13 request;

14 (vi) endanger the life or physical safety of law
15 enforcement personnel or any other person; or

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

18 (d-5) A law enforcement record created for law
19 enforcement purposes and contained in a shared electronic
20 record management system if the law enforcement agency or
21 criminal justice agency that is the recipient of the
22 request did not create the record, did not participate in
23 or have a role in any of the events which are the subject
24 of the record, and only has access to the record through
25 the shared electronic record management system. As used in
26 this subsection (d-5), "criminal justice agency" means the

1 Illinois Criminal Justice Information Authority or the
2 Illinois Sentencing Policy Advisory Council.

3 (d-6) Records contained in the Officer Professional
4 Conduct Database under Section 9.2 of the Illinois Police
5 Training Act, except to the extent authorized under that
6 Section. This includes the documents supplied to the
7 Illinois Law Enforcement Training Standards Board from the
8 Illinois State Police and Illinois State Police Merit
9 Board.

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

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

15 (e-5) Records requested by persons committed to the
16 Department of Corrections, Department of Human Services
17 Division of Mental Health, or a county jail if those
18 materials are available in the library of the correctional
19 institution or facility or jail where the inmate is
20 confined.

21 (e-6) Records requested by persons committed to the
22 Department of Corrections, Department of Human Services
23 Division of Mental Health, or a county jail if those
24 materials include records from staff members' personnel
25 files, staff rosters, or other staffing assignment
26 information.

1 (e-7) Records requested by persons committed to the
2 Department of Corrections or Department of Human Services
3 Division of Mental Health if those materials are available
4 through an administrative request to the Department of
5 Corrections or Department of Human Services Division of
6 Mental Health.

7 (e-8) Records requested by a person committed to the
8 Department of Corrections, Department of Human Services
9 Division of Mental Health, or a county jail, the
10 disclosure of which would result in the risk of harm to any
11 person or the risk of an escape from a jail or correctional
12 institution or facility.

13 (e-9) Records requested by a person in a county jail
14 or committed to the Department of Corrections or
15 Department of Human Services Division of Mental Health,
16 containing personal information pertaining to the person's
17 victim or the victim's family, including, but not limited
18 to, a victim's home address, home telephone number, work
19 or school address, work telephone number, social security
20 number, or any other identifying information, except as
21 may be relevant to a requester's current or potential case
22 or claim.

23 (e-10) Law enforcement records of other persons
24 requested by a person committed to the Department of
25 Corrections, Department of Human Services Division of
26 Mental Health, or a county jail, including, but not

1 limited to, arrest and booking records, mug shots, police
2 reports, body-worn camera footage, in-car camera footage,
3 and crime scene photographs, except as these records may
4 be relevant to the requester's current or potential case
5 or claim.

6 (e-11) Law enforcement records of other persons
7 requested by a person or news media, including, but not
8 limited to, arrest and booking records if published
9 publicly, mug shots if published publicly, body-worn
10 camera footage, in-car camera footage, 9-1-1 audio files,
11 crime scene photographs, or other similar law enforcement
12 records, except as these records may be relevant to the
13 requester's current or potential case or claim.

14 (e-12) Law enforcement records requested by a person
15 in a manner that circumvents the process used by the
16 courts to address whether arrest and booking records, mug
17 shots, body-worn camera footage, in-car camera footage,
18 911 audio files, crime scene photographs, or other similar
19 law enforcement records are to be made publicly available,
20 except as these records may be relevant to the requester's
21 current or potential case or claim.

22 (f) Preliminary drafts, notes, recommendations,
23 memoranda, and other records in which opinions are
24 expressed, or policies or actions are formulated, except
25 that a specific record or relevant portion of a record
26 shall not be exempt when the record is publicly cited and

1 identified by the head of the public body. The exemption
2 provided in this paragraph (f) extends to all those
3 records of officers and agencies of the General Assembly
4 that pertain to the preparation of legislative documents.

5 (g) Trade secrets and commercial or financial
6 information obtained from a person or business where the
7 trade secrets or commercial or financial information are
8 furnished under a claim that they are proprietary,
9 privileged, or confidential, and that disclosure of the
10 trade secrets or commercial or financial information would
11 cause competitive harm to the person or business, and only
12 insofar as the claim directly applies to the records
13 requested.

14 The information included under this exemption includes
15 all trade secrets and commercial or financial information
16 obtained by a public body, including a public pension
17 fund, from a private equity fund or a privately held
18 company within the investment portfolio of a private
19 equity fund as a result of either investing or evaluating
20 a potential investment of public funds in a private equity
21 fund. The exemption contained in this item does not apply
22 to the aggregate financial performance information of a
23 private equity fund, nor to the identity of the fund's
24 managers or general partners. The exemption contained in
25 this item does not apply to the identity of a privately
26 held company within the investment portfolio of a private

1 equity fund, unless the disclosure of the identity of a
2 privately held company may cause competitive harm.

3 Nothing contained in this paragraph (g) shall be
4 construed to prevent a person or business from consenting
5 to disclosure.

6 (h) Proposals and bids for any contract, grant, or
7 agreement, including information which if it were
8 disclosed would frustrate procurement or give an advantage
9 to any person proposing to enter into a contractor
10 agreement with the body, until an award or final selection
11 is made. Information prepared by or for the body in
12 preparation of a bid solicitation shall be exempt until an
13 award or final selection is made.

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

25 (j) The following information pertaining to
26 educational matters:

1 (i) test questions, scoring keys, and other
2 examination data used to administer an academic
3 examination;

4 (ii) information received by a primary or
5 secondary school, college, or university under its
6 procedures for the evaluation of faculty members by
7 their academic peers;

8 (iii) information concerning a school or
9 university's adjudication of student disciplinary
10 cases, but only to the extent that disclosure would
11 unavoidably reveal the identity of the student; and

12 (iv) course materials or research materials used
13 by faculty members.

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

26 (1) Minutes of meetings of public bodies closed to the

1 public as provided in the Open Meetings Act until the
2 public body makes the minutes available to the public
3 under Section 2.06 of the Open Meetings Act.

4 (m) Communications between a public body and an
5 attorney or auditor representing the public body that
6 would not be subject to discovery in litigation, and
7 materials prepared or compiled by or for a public body in
8 anticipation of a criminal, civil, or administrative
9 proceeding upon the request of an attorney advising the
10 public body, and materials prepared or compiled with
11 respect to internal audits of public bodies.

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

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

26 (p) Records relating to collective negotiating matters

1 between public bodies and their employees or
2 representatives, except that any final contract or
3 agreement shall be subject to inspection and copying.

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

7 (r) The records, documents, and information relating
8 to real estate purchase negotiations until those
9 negotiations have been completed or otherwise terminated.
10 With regard to a parcel involved in a pending or actually
11 and reasonably contemplated eminent domain proceeding
12 under the Eminent Domain Act, records, documents, and
13 information relating to that parcel shall be exempt except
14 as may be allowed under discovery rules adopted by the
15 Illinois Supreme Court. The records, documents, and
16 information relating to a real estate sale shall be exempt
17 until a sale is consummated.

18 (s) Any and all proprietary information and records
19 related to the operation of an intergovernmental risk
20 management association or self-insurance pool or jointly
21 self-administered health and accident cooperative or pool.
22 Insurance or self-insurance (including any
23 intergovernmental risk management association or
24 self-insurance pool) claims, loss or risk management
25 information, records, data, advice, or communications.

26 (t) Information contained in or related to

1 examination, operating, or condition reports prepared by,
2 on behalf of, or for the use of a public body responsible
3 for the regulation or supervision of financial
4 institutions, insurance companies, or pharmacy benefit
5 managers, unless disclosure is otherwise required by State
6 law.

7 (u) Information that would disclose or might lead to
8 the disclosure of secret or confidential information,
9 codes, algorithms, programs, or private keys intended to
10 be used to create electronic signatures under the Uniform
11 Electronic Transactions Act.

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

25 (w) (Blank).

26 (x) Maps and other records regarding the location or

1 security of generation, transmission, distribution,
2 storage, gathering, treatment, or switching facilities
3 owned by a utility, by a power generator, or by the
4 Illinois Power Agency.

5 (y) Information contained in or related to proposals,
6 bids, or negotiations related to electric power
7 procurement under Section 1-75 of the Illinois Power
8 Agency Act and Section 16-111.5 of the Public Utilities
9 Act that is determined to be confidential and proprietary
10 by the Illinois Power Agency or by the Illinois Commerce
11 Commission.

12 (z) Information about students exempted from
13 disclosure under Section 10-20.38 or 34-18.29 of the
14 School Code, and information about undergraduate students
15 enrolled at an institution of higher education exempted
16 from disclosure under Section 25 of the Illinois Credit
17 Card Marketing Act of 2009.

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

20 (bb) Records and information provided to a mortality
21 review team and records maintained by a mortality review
22 team appointed under the Department of Juvenile Justice
23 Mortality Review Team Act.

24 (cc) Information regarding interments, entombments, or
25 inurnments of human remains that are submitted to the
26 Cemetery Oversight Database under the Cemetery Care Act or

1 the Cemetery Oversight Act, whichever is applicable.

2 (dd) Correspondence and records (i) that may not be
3 disclosed under Section 11-9 of the Illinois Public Aid
4 Code or (ii) that pertain to appeals under Section 11-8 of
5 the Illinois Public Aid Code.

6 (ee) The names, addresses, or other personal
7 information of persons who are minors and are also
8 participants and registrants in programs of park
9 districts, forest preserve districts, conservation
10 districts, recreation agencies, and special recreation
11 associations.

12 (ff) The names, addresses, or other personal
13 information of participants and registrants in programs of
14 park districts, forest preserve districts, conservation
15 districts, recreation agencies, and special recreation
16 associations where such programs are targeted primarily to
17 minors.

18 (gg) Confidential information described in Section
19 1-100 of the Illinois Independent Tax Tribunal Act of
20 2012.

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

25 (ii) Records requested by persons committed to or
26 detained by the Department of Human Services under the

1 Sexually Violent Persons Commitment Act or committed to
2 the Department of Corrections under the Sexually Dangerous
3 Persons Act if those materials: (i) are available in the
4 library of the facility where the individual is confined;
5 (ii) include records from staff members' personnel files,
6 staff rosters, or other staffing assignment information;
7 or (iii) are available through an administrative request
8 to the Department of Human Services or the Department of
9 Corrections.

10 (jj) Confidential information described in Section
11 5-535 of the Civil Administrative Code of Illinois.

12 (kk) The public body's credit card numbers, debit card
13 numbers, bank account numbers, Federal Employer
14 Identification Number, security code numbers, passwords,
15 and similar account information, the disclosure of which
16 could result in identity theft or impression or defrauding
17 of a governmental entity or a person.

18 (ll) Records concerning the work of the threat
19 assessment team of a school district, including, but not
20 limited to, any threat assessment procedure under the
21 School Safety Drill Act and any information contained in
22 the procedure.

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

26 (nn) Proprietary information submitted to the

1 Environmental Protection Agency under the Drug Take-Back
2 Act.

3 (oo) Records described in subsection (f) of Section
4 3-5-1 of the Unified Code of Corrections.

5 (pp) Any and all information regarding burials,
6 interments, or entombments of human remains as required to
7 be reported to the Department of Natural Resources
8 pursuant either to the Archaeological and Paleontological
9 Resources Protection Act or the Human Remains Protection
10 Act.

11 (qq) Reports described in subsection (e) of Section
12 16-15 of the Abortion Care Clinical Training Program Act.

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

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

1 160.103.

2 (tt) Proposals or bids submitted by engineering
3 consultants in response to requests for proposal or other
4 competitive bidding requests by the Department of
5 Transportation or the Illinois Toll Highway Authority.

6 (uu) Documents that, pursuant to the State of
7 Illinois' 1987 Agreement with the U.S. Nuclear Regulatory
8 Commission and the corresponding requirement to maintain
9 compatibility with the National Materials Program, have
10 been determined to be security sensitive. These documents
11 include information classified as safeguards,
12 safeguards-modified, and sensitive unclassified
13 nonsafeguards information, as identified in U.S. Nuclear
14 Regulatory Commission regulatory information summaries,
15 security advisories, and other applicable communications
16 or regulations related to the control and distribution of
17 security sensitive information.

18 (1.5) Any information exempt from disclosure under the
19 Judicial Privacy Act shall be redacted from public records
20 prior to disclosure under this Act.

21 (1.6) Any information exempt from disclosure under the
22 Public Official Safety and Privacy Act shall be redacted from
23 public records prior to disclosure under this Act.

24 (1.7) Any information exempt from disclosure under
25 paragraph (3.5) of Section 9-15 of the Election Code shall be
26 redacted from public records prior to disclosure under this

1 Act.

2 (2) A public record that is not in the possession of a
3 public body but is in the possession of a party with whom the
4 agency has contracted to perform a governmental function on
5 behalf of the public body, and that directly relates to the
6 governmental function and is not otherwise exempt under this
7 Act, shall be considered a public record of the public body,
8 for purposes of this Act.

9 (3) This Section does not authorize withholding of
10 information or limit the availability of records to the
11 public, except as stated in this Section or otherwise provided
12 in this Act.

13 (Source: P.A. 103-154, eff. 6-30-23; 103-423, eff. 1-1-24;
14 103-446, eff. 8-4-23; 103-462, eff. 8-4-23; 103-540, eff.
15 1-1-24; 103-554, eff. 1-1-24; 103-605, eff. 7-1-24; 103-865,
16 eff. 1-1-25; 104-438, eff. 1-1-26; 104-443, eff. 1-1-26;
17 revised 1-7-26.)

18 (Text of Section after amendment by P.A. 104-300)

19 Sec. 7. Exemptions.

20 (1) When a request is made to inspect or copy a public
21 record that contains information that is exempt from
22 disclosure under this Section, but also contains information
23 that is not exempt from disclosure, the public body may elect
24 to redact the information that is exempt. The public body
25 shall make the remaining information available for inspection

1 and copying. Subject to this requirement, the following shall
2 be exempt from inspection and copying:

3 (a) Records created or compiled by a State public
4 defender agency or commission subject to the State Public
5 Defender Act that contain: individual client identity;
6 individual case file information; individual investigation
7 records and other records that are otherwise subject to
8 attorney-client privilege; records that would not be
9 discoverable in litigation; records under Section 2.15;
10 training materials; records related to attorney
11 consultation and representation strategy; or any of the
12 above concerning clients of county public defenders or
13 other defender agencies and firms. This exclusion does not
14 apply to deidentified, aggregated, administrative records,
15 such as general case processing and workload information.

16 (a-5) 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
24 specifically designed to provide information to one or
25 more law enforcement agencies regarding the physical or
26 mental status of one or more individual subjects.

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

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

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

23 (ii) interfere with active administrative
24 enforcement proceedings conducted by the public body
25 that is the recipient of the request;

26 (iii) create a substantial likelihood that a

1 person will be deprived of a fair trial or an impartial
2 hearing;

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

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

23 (vi) endanger the life or physical safety of law
24 enforcement personnel or any other person; or

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

1 (d-5) A law enforcement record created for law
2 enforcement purposes and contained in a shared electronic
3 record management system if the law enforcement agency or
4 criminal justice agency that is the recipient of the
5 request did not create the record, did not participate in
6 or have a role in any of the events which are the subject
7 of the record, and only has access to the record through
8 the shared electronic record management system. As used in
9 this subsection (d-5), "criminal justice agency" means the
10 Illinois Criminal Justice Information Authority or the
11 Illinois Sentencing Policy Advisory Council.

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, police
11 reports, body-worn camera footage, in-car camera footage,
12 and crime scene photographs, except as these records may
13 be relevant to the requester's current or potential case
14 or claim.

15 (e-11) Law enforcement records of other persons
16 requested by a person or news media, including, but not
17 limited to, arrest and booking records if published
18 publicly, mug shots if published publicly, body-worn
19 camera footage, in-car camera footage, 911 audio files,
20 crime scene photographs, or other similar law enforcement
21 records, except as these records may be relevant to the
22 requester's current or potential case or claim.

23 (e-12) Law enforcement records requested by a person
24 in a manner that circumvents the process used by the
25 courts to address whether arrest and booking records, mug
26 shots, body-worn camera footage, in-car camera footage,

1 911 audio files, crime scene photographs, or other similar
2 law enforcement records are to be made publicly available,
3 except as these records may be relevant to the requester's
4 current or potential case or claim.

5 (f) Preliminary drafts, notes, recommendations,
6 memoranda, and other records in which opinions are
7 expressed, or policies or actions are formulated, except
8 that a specific record or relevant portion of a record
9 shall not be exempt when the record is publicly cited and
10 identified by the head of the public body. The exemption
11 provided in this paragraph (f) extends to all those
12 records of officers and agencies of the General Assembly
13 that pertain to the preparation of legislative documents.

14 (g) Trade secrets and commercial or financial
15 information obtained from a person or business where the
16 trade secrets or commercial or financial information are
17 furnished under a claim that they are proprietary,
18 privileged, or confidential, and that disclosure of the
19 trade secrets or commercial or financial information would
20 cause competitive harm to the person or business, and only
21 insofar as the claim directly applies to the records
22 requested.

23 The information included under this exemption includes
24 all trade secrets and commercial or financial information
25 obtained by a public body, including a public pension
26 fund, from a private equity fund or a privately held

1 company within the investment portfolio of a private
2 equity fund as a result of either investing or evaluating
3 a potential investment of public funds in a private equity
4 fund. The exemption contained in this item does not apply
5 to the aggregate financial performance information of a
6 private equity fund, nor to the identity of the fund's
7 managers or general partners. The exemption contained in
8 this item does not apply to the identity of a privately
9 held company within the investment portfolio of a private
10 equity fund, unless the disclosure of the identity of a
11 privately held company may cause competitive harm.

12 Nothing contained in this paragraph (g) shall be
13 construed to prevent a person or business from consenting
14 to disclosure.

15 (h) Proposals and bids for any contract, grant, or
16 agreement, including information which if it were
17 disclosed would frustrate procurement or give an advantage
18 to any person proposing to enter into a contractor
19 agreement with the body, until an award or final selection
20 is made. Information prepared by or for the body in
21 preparation of a bid solicitation shall be exempt until an
22 award or final selection is made.

23 (i) Valuable formulae, computer geographic systems,
24 designs, drawings, and research data obtained or produced
25 by any public body when disclosure could reasonably be
26 expected to produce private gain or public loss. The

1 exemption for "computer geographic systems" provided in
2 this paragraph (i) does not extend to requests made by
3 news media as defined in Section 2 of this Act when the
4 requested information is not otherwise exempt and the only
5 purpose of the request is to access and disseminate
6 information regarding the health, safety, welfare, or
7 legal rights of the general public.

8 (j) The following information pertaining to
9 educational matters:

10 (i) test questions, scoring keys, and other
11 examination data used to administer an academic
12 examination;

13 (ii) information received by a primary or
14 secondary school, college, or university under its
15 procedures for the evaluation of faculty members by
16 their academic peers;

17 (iii) information concerning a school or
18 university's adjudication of student disciplinary
19 cases, but only to the extent that disclosure would
20 unavoidably reveal the identity of the student; and

21 (iv) course materials or research materials used
22 by faculty members.

23 (k) Architects' plans, engineers' technical
24 submissions, and other construction related technical
25 documents for projects not constructed or developed in
26 whole or in part with public funds and the same for

1 projects constructed or developed with public funds,
2 including, but not limited to, power generating and
3 distribution stations and other transmission and
4 distribution facilities, water treatment facilities,
5 airport facilities, sport stadiums, convention centers,
6 and all government owned, operated, or occupied buildings,
7 but only to the extent that disclosure would compromise
8 security.

9 (l) Minutes of meetings of public bodies closed to the
10 public as provided in the Open Meetings Act until the
11 public body makes the minutes available to the public
12 under Section 2.06 of the Open Meetings Act.

13 (m) Communications between a public body and an
14 attorney or auditor representing the public body that
15 would not be subject to discovery in litigation, and
16 materials prepared or compiled by or for a public body in
17 anticipation of a criminal, civil, or administrative
18 proceeding upon the request of an attorney advising the
19 public body, and materials prepared or compiled with
20 respect to internal audits of public bodies.

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

25 (o) Administrative or technical information associated
26 with automated data processing operations, including, but

1 not limited to, software, operating protocols, computer
2 program abstracts, file layouts, source listings, object
3 modules, load modules, user guides, documentation
4 pertaining to all logical and physical design of
5 computerized systems, employee manuals, and any other
6 information that, if disclosed, would jeopardize the
7 security of the system or its data or the security of
8 materials exempt under this Section.

9 (p) Records relating to collective negotiating matters
10 between public bodies and their employees or
11 representatives, except that any final contract or
12 agreement shall be subject to inspection and copying.

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

16 (r) The records, documents, and information relating
17 to real estate purchase negotiations until those
18 negotiations have been completed or otherwise terminated.
19 With regard to a parcel involved in a pending or actually
20 and reasonably contemplated eminent domain proceeding
21 under the Eminent Domain Act, records, documents, and
22 information relating to that parcel shall be exempt except
23 as may be allowed under discovery rules adopted by the
24 Illinois Supreme Court. The records, documents, and
25 information relating to a real estate sale shall be exempt
26 until a sale is consummated.

1 (s) Any and all proprietary information and records
2 related to the operation of an intergovernmental risk
3 management association or self-insurance pool or jointly
4 self-administered health and accident cooperative or pool.
5 Insurance or self-insurance (including any
6 intergovernmental risk management association or
7 self-insurance pool) claims, loss or risk management
8 information, records, data, advice, or communications.

9 (t) Information contained in or related to
10 examination, operating, or condition reports prepared by,
11 on behalf of, or for the use of a public body responsible
12 for the regulation or supervision of financial
13 institutions, insurance companies, or pharmacy benefit
14 managers, unless disclosure is otherwise required by State
15 law.

16 (u) Information that would disclose or might lead to
17 the disclosure of secret or confidential information,
18 codes, algorithms, programs, or private keys intended to
19 be used to create electronic signatures under the Uniform
20 Electronic Transactions Act.

21 (v) Vulnerability assessments, security measures, and
22 response policies or plans that are designed to identify,
23 prevent, or respond to potential attacks upon a
24 community's population or systems, facilities, or
25 installations, but only to the extent that disclosure
26 could reasonably be expected to expose the vulnerability

1 or jeopardize the effectiveness of the measures, policies,
2 or plans, or the safety of the personnel who implement
3 them or the public. Information exempt under this item may
4 include such things as details pertaining to the
5 mobilization or deployment of personnel or equipment, to
6 the operation of communication systems or protocols, to
7 cybersecurity vulnerabilities, or to tactical operations.

8 (w) (Blank).

9 (x) Maps and other records regarding the location or
10 security of generation, transmission, distribution,
11 storage, gathering, treatment, or switching facilities
12 owned by a utility, by a power generator, or by the
13 Illinois Power Agency.

14 (y) Information contained in or related to proposals,
15 bids, or negotiations related to electric power
16 procurement under Section 1-75 of the Illinois Power
17 Agency Act and Section 16-111.5 of the Public Utilities
18 Act that is determined to be confidential and proprietary
19 by the Illinois Power Agency or by the Illinois Commerce
20 Commission.

21 (z) Information about students exempted from
22 disclosure under Section 10-20.38 or 34-18.29 of the
23 School Code, and information about undergraduate students
24 enrolled at an institution of higher education exempted
25 from disclosure under Section 25 of the Illinois Credit
26 Card Marketing Act of 2009.

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

3 (bb) Records and information provided to a mortality
4 review team and records maintained by a mortality review
5 team appointed under the Department of Juvenile Justice
6 Mortality Review Team Act.

7 (cc) Information regarding interments, entombments, or
8 inurnments of human remains that are submitted to the
9 Cemetery Oversight Database under the Cemetery Care Act or
10 the Cemetery Oversight Act, whichever is applicable.

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

15 (ee) The names, addresses, or other personal
16 information of persons who are minors and are also
17 participants and registrants in programs of park
18 districts, forest preserve districts, conservation
19 districts, recreation agencies, and special recreation
20 associations.

21 (ff) The names, addresses, or other personal
22 information of participants and registrants in programs of
23 park districts, forest preserve districts, conservation
24 districts, recreation agencies, and special recreation
25 associations where such programs are targeted primarily to
26 minors.

1 (gg) Confidential information described in Section
2 1-100 of the Illinois Independent Tax Tribunal Act of
3 2012.

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

8 (ii) Records requested by persons committed to or
9 detained by the Department of Human Services under the
10 Sexually Violent Persons Commitment Act or committed to
11 the Department of Corrections under the Sexually Dangerous
12 Persons Act if those materials: (i) are available in the
13 library of the facility where the individual is confined;
14 (ii) include records from staff members' personnel files,
15 staff rosters, or other staffing assignment information;
16 or (iii) are available through an administrative request
17 to the Department of Human Services or the Department of
18 Corrections.

19 (jj) Confidential information described in Section
20 5-535 of the Civil Administrative Code of Illinois.

21 (kk) The public body's credit card numbers, debit card
22 numbers, bank account numbers, Federal Employer
23 Identification Number, security code numbers, passwords,
24 and similar account information, the disclosure of which
25 could result in identity theft or impression or defrauding
26 of a governmental entity or a person.

1 (ll) Records concerning the work of the threat
2 assessment team of a school district, including, but not
3 limited to, any threat assessment procedure under the
4 School Safety Drill Act and any information contained in
5 the procedure.

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

9 (nn) Proprietary information submitted to the
10 Environmental Protection Agency under the Drug Take-Back
11 Act.

12 (oo) Records described in subsection (f) of Section
13 3-5-1 of the Unified Code of Corrections.

14 (pp) Any and all information regarding burials,
15 interments, or entombments of human remains as required to
16 be reported to the Department of Natural Resources
17 pursuant either to the Archaeological and Paleontological
18 Resources Protection Act or the Human Remains Protection
19 Act.

20 (qq) Reports described in subsection (e) of Section
21 16-15 of the Abortion Care Clinical Training Program Act.

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

24 (ss) For a request directed to a public body that is
25 also a HIPAA-covered entity, all information that is
26 protected health information, including demographic

1 information, that may be contained within or extracted
2 from any record held by the public body in compliance with
3 State and federal medical privacy laws and regulations,
4 including, but not limited to, the Health Insurance
5 Portability and Accountability Act and its regulations, 45
6 CFR Parts 160 and 164. As used in this paragraph,
7 "HIPAA-covered entity" has the meaning given to the term
8 "covered entity" in 45 CFR 160.103 and "protected health
9 information" has the meaning given to that term in 45 CFR
10 160.103.

11 (tt) Proposals or bids submitted by engineering
12 consultants in response to requests for proposal or other
13 competitive bidding requests by the Department of
14 Transportation or the Illinois Toll Highway Authority.

15 (uu) Documents that, pursuant to the State of
16 Illinois' 1987 Agreement with the U.S. Nuclear Regulatory
17 Commission and the corresponding requirement to maintain
18 compatibility with the National Materials Program, have
19 been determined to be security sensitive. These documents
20 include information classified as safeguards,
21 safeguards-modified, and sensitive unclassified
22 nonsafeguards information, as identified in U.S. Nuclear
23 Regulatory Commission regulatory information summaries,
24 security advisories, and other applicable communications
25 or regulations related to the control and distribution of
26 security sensitive information.

1 (1.5) Any information exempt from disclosure under the
2 Judicial Privacy Act shall be redacted from public records
3 prior to disclosure under this Act.

4 (1.6) Any information exempt from disclosure under the
5 Public Official Safety and Privacy Act shall be redacted from
6 public records prior to disclosure under this Act.

7 (1.7) Any information exempt from disclosure under
8 paragraph (3.5) of Section 9-15 of the Election Code shall be
9 redacted from public records prior to disclosure under this
10 Act.

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

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

22 (Source: P.A. 103-154, eff. 6-30-23; 103-423, eff. 1-1-24;
23 103-446, eff. 8-4-23; 103-462, eff. 8-4-23; 103-540, eff.
24 1-1-24; 103-554, eff. 1-1-24; 103-605, eff. 7-1-24; 103-865,
25 eff. 1-1-25; 104-300, eff. 1-1-27; 104-438, eff. 1-1-26;
26 104-443, eff. 1-1-26; revised 1-7-26.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.