



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5608

Introduced 2/13/2026, by Rep. Chris Miller

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02

from Ch. 102, par. 41.02

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Open Meetings Act and the Freedom of Information Act. Changes the definitions of "public body" in the Acts to include a nongovernmental organization that receives the lesser of \$10,000 or 20% of its funding from the State.

LRB104 20771 BDA 34277 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 Open Meetings Act is amended by changing
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering, whether in person or by
9 video or audio conference, telephone call, electronic means
10 (such as, without limitation, electronic mail, electronic
11 chat, and instant messaging), or other means of
12 contemporaneous interactive communication, of a majority of a
13 quorum of the members of a public body held for the purpose of
14 discussing public business or, for a 5-member public body, a
15 quorum of the members of a public body held for the purpose of
16 discussing public business.

17 Accordingly, for a 5-member public body, 3 members of the
18 body constitute a quorum and the affirmative vote of 3 members
19 is necessary to adopt any motion, resolution, or ordinance,
20 unless a greater number is otherwise required.

21 "Public body" includes all legislative, executive,
22 administrative or advisory bodies of the State, counties,
23 townships, cities, villages, incorporated towns, school

1 districts and all other municipal corporations, boards,
2 bureaus, committees or commissions of this State, and any
3 subsidiary bodies of any of the foregoing including but not
4 limited to committees and subcommittees which are supported in
5 whole or in part by tax revenue, or which expend tax revenue,
6 except the General Assembly and committees or commissions
7 thereof. "Public body" includes tourism boards and convention
8 or civic center boards located in counties that are contiguous
9 to the Mississippi River with populations of more than 250,000
10 but less than 300,000. "Public body" includes the Health
11 Facilities and Services Review Board. "Public body" includes a
12 nongovernmental organization that receives the lesser of
13 \$10,000 or 20% of its funding from the State. "Public body"
14 does not include a child death review team or the Illinois
15 Child Death Review Teams Executive Council established under
16 the Child Death Review Team Act, an ethics commission acting
17 under the State Officials and Employees Ethics Act, a regional
18 youth advisory board or the Statewide Youth Advisory Board
19 established under the Department of Children and Family
20 Services Statewide Youth Advisory Board Act, the Illinois
21 Independent Tax Tribunal, or the regional interagency fatality
22 review teams and the Illinois Fatality Review Team Advisory
23 Council established under the Adult Protective Services Act.
24 (Source: P.A. 103-626, eff. 1-1-25.)

25 Section 10. The Freedom of Information Act is amended by

1 changing Section 2 as follows:

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

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

4 (a) "Public body" means all legislative, executive,
5 administrative, or advisory bodies of the State, state
6 universities and colleges, counties, townships, cities,
7 villages, incorporated towns, school districts and all other
8 municipal corporations, boards, bureaus, committees, or
9 commissions of this State, any subsidiary bodies of any of the
10 foregoing including but not limited to committees and
11 subcommittees thereof, and a School Finance Authority created
12 under Article 1E of the School Code. "Public body" includes a
13 nongovernmental organization that receives the lesser of
14 \$10,000 or 20% of its funding from the State. "Public body"
15 does not include a child death review team or the Illinois
16 Child Death Review Teams Executive Council established under
17 the Child Death Review Team Act, or a regional youth advisory
18 board or the Statewide Youth Advisory Board established under
19 the Department of Children and Family Services Statewide Youth
20 Advisory Board Act.

21 (b) "Person" means any individual or any individual acting
22 as an agent of a corporation, partnership, firm, organization
23 or association, acting individually or as a group.

24 (c) "Public records" means all records, reports, forms,
25 writings, letters, memoranda, books, papers, maps,

1 photographs, microfilms, cards, tapes, recordings, electronic
2 data processing records, electronic communications, recorded
3 information and all other documentary materials pertaining to
4 the transaction of public business, regardless of physical
5 form or characteristics, having been prepared by or for, or
6 having been or being used by, received by, in the possession
7 of, or under the control of any public body. "Public records"
8 does not include junk mail.

9 (c-5) "Private information" means unique identifiers,
10 including a person's social security number, driver's license
11 number, employee identification number, biometric identifiers,
12 personal financial information, passwords or other access
13 codes, medical records, home or personal telephone numbers,
14 and personal email addresses. Private information also
15 includes home address and personal license plates, except as
16 otherwise provided by law or when compiled without possibility
17 of attribution to any person. For a public body that is a
18 HIPAA-covered entity, "private information" includes
19 electronic medical records and all information, including
20 demographic information, contained within or extracted from an
21 electronic medical records system operated or maintained by
22 the public body in compliance with State and federal medical
23 privacy laws and regulations, including, but not limited to,
24 the Health Insurance Portability and Accountability Act and
25 its regulations, 45 CFR Parts 160 and 164. As used in this
26 subsection, "HIPAA-covered entity" has the meaning given to

1 the term "covered entity" in 45 CFR 160.103.

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

14 (d) "Copying" means the reproduction of any public record
15 by means of any photographic, electronic, mechanical or other
16 process, device or means now known or hereafter developed and
17 available to the public body.

18 (e) "Head of the public body" means the president, mayor,
19 chairman, presiding officer, director, superintendent,
20 manager, supervisor or individual otherwise holding primary
21 executive and administrative authority for the public body, or
22 such person's duly authorized designee.

23 (f) "News media" means a newspaper or other periodical
24 issued at regular intervals whether in print or electronic
25 format, a news service whether in print or electronic format,
26 a radio station, a television station, a television network, a

1 community antenna television service, or a person or
2 corporation engaged in making news reels or other motion
3 picture news for public showing.

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

19 For the purposes of this subsection (g), "request" means a
20 written document (or oral request, if the public body chooses
21 to honor oral requests) that is submitted to a public body via
22 personal delivery, mail, telefax, electronic mail, or other
23 means available to the public body and that identifies the
24 particular public record the requester seeks. One request may
25 identify multiple records to be inspected or copied.

26 (h) "Voluminous request" means a request that: (i)

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

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

17 For the purposes of this subsection (h), "request" means a
18 written document, or oral request, if the public body chooses
19 to honor oral requests, that is submitted to a public body via
20 personal delivery, mail, telefax, electronic mail, or other
21 means available to the public body and that identifies the
22 particular public record or records the requester seeks. One
23 request may identify multiple individual records to be
24 inspected or copied.

25 (i) "Severance agreement" means a mutual agreement between
26 any public body and its employee for the employee's

1 resignation in exchange for payment by the public body.

2 (j) "Junk mail" means (i) any unsolicited commercial mail
3 sent to a public body and not responded to by an official,
4 employee, or agent of the public body or (ii) any unsolicited
5 commercial electronic communication sent to a public body and
6 not responded to by an official, employee, or agent of the
7 public body.

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