



Rep. Daniel Didech

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LRB104 07181 SPS 27125 a

1 AMENDMENT TO SENATE BILL 243

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 243 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing  
5 Sections 1.05, 2, 2.07, and 7 as follows:

6 (5 ILCS 120/1.05)

7 Sec. 1.05. Training.

8 (a) Every public body shall designate employees, officers,  
9 or members to receive training on compliance with this Act.  
10 Each public body shall submit a list of designated employees,  
11 officers, or members to the Public Access Counselor. Within 6  
12 months after January 1, 2010 (the effective date of Public Act  
13 96-542), the designated employees, officers, and members must  
14 successfully complete an electronic training curriculum,  
15 developed and administered by the Public Access Counselor, and  
16 thereafter must successfully complete an annual training

1 program. Thereafter, whenever a public body designates an  
2 additional employee, officer, or member to receive this  
3 training, that person must successfully complete the  
4 electronic training curriculum within 30 days after that  
5 designation.

6 (b) Except as otherwise provided in this Section, each  
7 elected or appointed member of a public body subject to this  
8 Act who is such a member on January 1, 2012 (the effective date  
9 of Public Act 97-504) must successfully complete the  
10 electronic training curriculum developed and administered by  
11 the Public Access Counselor. For these members, the training  
12 must be completed within one year after January 1, 2012 (the  
13 effective date of Public Act 97-504).

14 Except as otherwise provided in this Section, each elected  
15 or appointed member of a public body subject to this Act who  
16 becomes such a member after January 1, 2012 (the effective  
17 date of Public Act 97-504) shall successfully complete the  
18 electronic training curriculum developed and administered by  
19 the Public Access Counselor. For these members, the training  
20 must be completed not later than the 90th day after the date  
21 the member:

22 (1) takes the oath of office, if the member is  
23 required to take an oath of office to assume the person's  
24 duties as a member of the public body; or

25 (2) otherwise assumes responsibilities as a member of  
26 the public body, if the member is not required to take an

1 oath of office to assume the person's duties as a member of  
2 the governmental body.

3 Each member successfully completing the electronic  
4 training curriculum shall file a copy of the certificate of  
5 completion with the public body.

6 Completing the required training as a member of the public  
7 body satisfies the requirements of this Section with regard to  
8 the member's service on a committee or subcommittee of the  
9 public body and the member's ex officio service on any other  
10 public body.

11 The failure of one or more members of a public body to  
12 complete the training required by this Section does not affect  
13 the validity of an action taken by the public body.

14 An elected or appointed member of a public body subject to  
15 this Act who has successfully completed the training required  
16 under this subsection (b) and filed a copy of the certificate  
17 of completion with the public body is not required to  
18 subsequently complete the training required under this  
19 subsection (b).

20 (c) An elected school board member may satisfy the  
21 training requirements of this Section by participating in a  
22 course of training sponsored or conducted by an organization  
23 created under Article 23 of the School Code. The course of  
24 training shall include, but not be limited to, instruction in:

25 (1) the general background of the legal requirements  
26 for open meetings;

- 1 (2) the applicability of this Act to public bodies;
- 2 (3) procedures and requirements regarding quorums,
- 3 notice, and record-keeping under this Act;
- 4 (4) procedures and requirements for holding an open
- 5 meeting and for holding a closed meeting under this Act;
- 6 and
- 7 (5) penalties and other consequences for failing to
- 8 comply with this Act.

9 If an organization created under Article 23 of the School  
10 Code provides a course of training under this subsection (c),  
11 it must provide a certificate of course completion to each  
12 school board member who successfully completes that course of  
13 training.

14 (d) A commissioner of a drainage district may satisfy the  
15 training requirements of this Section by participating in a  
16 course of training sponsored or conducted by an organization  
17 that represents the drainage districts created under the  
18 Illinois Drainage Code. The course of training shall include,  
19 but not be limited to, instruction in:

- 20 (1) the general background of the legal requirements
- 21 for open meetings;
- 22 (2) the applicability of this Act to public bodies;
- 23 (3) procedures and requirements regarding quorums,
- 24 notice, and record-keeping under this Act;
- 25 (4) procedures and requirements for holding an open
- 26 meeting and for holding a closed meeting under this Act;

1 and

2 (5) penalties and other consequences for failing to  
3 comply with this Act.

4 If an organization that represents the drainage districts  
5 created under the Illinois Drainage Code provides a course of  
6 training under this subsection (d), it must provide a  
7 certificate of course completion to each commissioner who  
8 successfully completes that course of training.

9 (e) A director of a soil and water conservation district  
10 may satisfy the training requirements of this Section by  
11 participating in a course of training sponsored or conducted  
12 by an organization that represents soil and water conservation  
13 districts created under the Soil and Water Conservation  
14 Districts Act. The course of training shall include, but not  
15 be limited to, instruction in:

16 (1) the general background of the legal requirements  
17 for open meetings;

18 (2) the applicability of this Act to public bodies;

19 (3) procedures and requirements regarding quorums,  
20 notice, and record-keeping under this Act;

21 (4) procedures and requirements for holding an open  
22 meeting and for holding a closed meeting under this Act;  
23 and

24 (5) penalties and other consequences for failing to  
25 comply with this Act.

26 If an organization that represents the soil and water

1 conservation districts created under the Soil and Water  
2 Conservation Districts Act provides a course of training under  
3 this subsection (e), it must provide a certificate of course  
4 completion to each director who successfully completes that  
5 course of training.

6 (f) An elected or appointed member of a public body of a  
7 park district, forest preserve district, or conservation  
8 district may satisfy the training requirements of this Section  
9 by participating in a course of training sponsored or  
10 conducted by an organization that represents the park  
11 districts created in the Park District Code. The course of  
12 training shall include, but not be limited to, instruction in:

13 (1) the general background of the legal requirements  
14 for open meetings;

15 (2) the applicability of this Act to public bodies;

16 (3) procedures and requirements regarding quorums,  
17 notice, and record-keeping under this Act;

18 (4) procedures and requirements for holding an open  
19 meeting and for holding a closed meeting under this Act;  
20 and

21 (5) penalties and other consequences for failing to  
22 comply with this Act.

23 If an organization that represents the park districts  
24 created in the Park District Code provides a course of  
25 training under this subsection (f), it must provide a  
26 certificate of course completion to each elected or appointed

1 member of a public body who successfully completes that course  
2 of training.

3 (g) An elected or appointed member of the board of  
4 trustees of a fire protection district may satisfy the  
5 training requirements of this Section by participating in a  
6 course of training sponsored or conducted by an organization  
7 that represents fire protection districts created under the  
8 Fire Protection District Act. The course of training shall  
9 include, but not be limited to, instruction in:

10 (1) the general background of the legal requirements  
11 for open meetings;

12 (2) the applicability of this Act to public bodies;

13 (3) procedures and requirements regarding quorums,  
14 notice, and record-keeping under this Act;

15 (4) procedures and requirements for holding an open  
16 meeting and for holding a closed meeting under this Act;  
17 and

18 (5) penalties and other consequences for failing to  
19 comply with this Act.

20 If an organization that represents fire protection  
21 districts organized under the Fire Protection District Act  
22 provides a course of training under this subsection (g), it  
23 must provide a certificate of course completion to each  
24 elected or appointed member of a board of trustees who  
25 successfully completes that course of training.

26 (h) An elected or appointed member of a public body of a

1 municipality may satisfy the training requirements of this  
2 Section by participating in a course of training sponsored or  
3 conducted by an organization that represents municipalities as  
4 designated in Section 1-8-1 of the Illinois Municipal Code.  
5 The course of training shall include, but not be limited to,  
6 instruction in:

7 (1) the general background of the legal requirements  
8 for open meetings;

9 (2) the applicability of this Act to public bodies;

10 (3) procedures and requirements regarding quorums,  
11 notice, and record-keeping under this Act;

12 (4) procedures and requirements for holding an open  
13 meeting and for holding a closed meeting under this Act;  
14 and

15 (5) penalties and other consequences for failing to  
16 comply with this Act.

17 If an organization that represents municipalities as  
18 designated in Section 1-8-1 of the Illinois Municipal Code  
19 provides a course of training under this subsection (h), it  
20 must provide a certificate of course completion to each  
21 elected or appointed member of a public body who successfully  
22 completes that course of training.

23 (i) An elected or appointed member of a public body of a  
24 township may satisfy the training requirements of this Section  
25 by participating in a course of training sponsored or  
26 conducted by an organization that represents townships created



1 under the Township Code. The course of training shall include,  
2 but shall not be limited to, instruction in:

3 (1) the general background of the legal requirements  
4 for open meetings;

5 (2) the applicability of this Act to public bodies;

6 (3) procedures and requirements regarding quorums,  
7 notice, and recordkeeping under this Act;

8 (4) procedures and requirements for holding an open  
9 meeting and for holding a closed meeting under this Act;

10 and

11 (5) penalties and other consequences for failing to  
12 comply with this Act.

13 If an organization that represents townships created under  
14 the Township Code provides a course of training under this  
15 subsection, it must provide a certificate of course completion  
16 to each elected or appointed member of a public body who  
17 successfully completes that course of training.

18 (Source: P.A. 101-233, eff. 1-1-20; 102-558, eff. 8-20-21.)

19 (5 ILCS 120/2) (from Ch. 102, par. 42)

20 Sec. 2. Open meetings.

21 (a) Openness required. All meetings of public bodies shall  
22 be open to the public unless excepted in subsection (c) and  
23 closed in accordance with Section 2a.

24 (b) Construction of exceptions. The exceptions contained  
25 in subsection (c) are in derogation of the requirement that

1 public bodies meet in the open, and therefore, the exceptions  
2 are to be strictly construed, extending only to subjects  
3 clearly within their scope. The exceptions authorize but do  
4 not require the holding of a closed meeting to discuss a  
5 subject included within an enumerated exception.

6 (c) Exceptions. A public body may hold closed meetings to  
7 consider the following subjects:

8 (1) The appointment, employment, compensation,  
9 discipline, performance, or dismissal of specific  
10 employees, specific individuals who serve as independent  
11 contractors in a park, recreational, or educational  
12 setting, or specific volunteers of the public body or  
13 legal counsel for the public body, including hearing  
14 testimony on a complaint lodged against an employee, a  
15 specific individual who serves as an independent  
16 contractor in a park, recreational, or educational  
17 setting, or a volunteer of the public body or against  
18 legal counsel for the public body to determine its  
19 validity. However, a meeting to consider an increase in  
20 compensation to a specific employee of a public body that  
21 is subject to the Local Government Wage Increase  
22 Transparency Act may not be closed and shall be open to the  
23 public and posted and held in accordance with this Act.

24 (2) Collective negotiating matters between the public  
25 body and its employees or their representatives, or  
26 deliberations concerning salary schedules for one or more

1 classes of employees.

2 (3) The selection of a person to fill a public office,  
3 as defined in this Act, including a vacancy in a public  
4 office, when the public body is given power to appoint  
5 under law or ordinance, or the discipline, performance or  
6 removal of the occupant of a public office, when the  
7 public body is given power to remove the occupant under  
8 law or ordinance.

9 (4) Evidence or testimony presented in open hearing,  
10 or in closed hearing where specifically authorized by law,  
11 to a quasi-adjudicative body, as defined in this Act,  
12 provided that the body prepares and makes available for  
13 public inspection a written decision setting forth its  
14 determinative reasoning.

15 (4.5) Evidence or testimony presented to a school  
16 board regarding denial of admission to school events or  
17 property pursuant to Section 24-24 of the School Code,  
18 provided that the school board prepares and makes  
19 available for public inspection a written decision setting  
20 forth its determinative reasoning.

21 (5) The purchase or lease of real property for the use  
22 of the public body, including meetings held for the  
23 purpose of discussing whether a particular parcel should  
24 be acquired.

25 (6) The setting of a price for sale or lease of  
26 property owned by the public body.

1           (7) The sale or purchase of securities, investments,  
2           or investment contracts. This exception shall not apply to  
3           the investment of assets or income of funds deposited into  
4           the Illinois Prepaid Tuition Trust Fund.

5           (8) Security procedures, school building safety and  
6           security, and the use of personnel and equipment to  
7           respond to an actual, a threatened, or a reasonably  
8           potential danger to the safety of employees, students,  
9           staff, the public, or public property.

10          (9) Student disciplinary cases.

11          (10) The placement of individual students in special  
12          education programs and other matters relating to  
13          individual students.

14          (11) Litigation, when an action against, affecting or  
15          on behalf of the particular public body has been filed and  
16          is pending before a court or administrative tribunal, or  
17          when the public body finds that an action is probable or  
18          imminent, in which case the basis for the finding shall be  
19          recorded and entered into the minutes of the closed  
20          meeting.

21          (12) The establishment of reserves or settlement of  
22          claims as provided in the Local Governmental and  
23          Governmental Employees Tort Immunity Act, if otherwise the  
24          disposition of a claim or potential claim might be  
25          prejudiced, or the review or discussion of claims, loss or  
26          risk management information, records, data, advice or

1 communications from or with respect to any insurer of the  
2 public body or any intergovernmental risk management  
3 association or self insurance pool of which the public  
4 body is a member.

5 (13) Conciliation of complaints of discrimination in  
6 the sale or rental of housing, when closed meetings are  
7 authorized by the law or ordinance prescribing fair  
8 housing practices and creating a commission or  
9 administrative agency for their enforcement.

10 (14) Informant sources, the hiring or assignment of  
11 undercover personnel or equipment, or ongoing, prior or  
12 future criminal investigations, when discussed by a public  
13 body with criminal investigatory responsibilities.

14 (15) Professional ethics or performance when  
15 considered by an advisory body appointed to advise a  
16 licensing or regulatory agency on matters germane to the  
17 advisory body's field of competence.

18 (16) Self evaluation, practices and procedures, or  
19 professional ethics, when meeting with a representative of  
20 a statewide or regional association of which the public  
21 body is a member.

22 (17) The recruitment, credentialing, discipline or  
23 formal peer review of physicians or other health care  
24 professionals, or for the discussion of matters protected  
25 under the federal Patient Safety and Quality Improvement  
26 Act of 2005, and the regulations promulgated thereunder,

1 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
2 Health Insurance Portability and Accountability Act of  
3 1996, and the regulations promulgated thereunder,  
4 including 45 C.F.R. Parts 160, 162, and 164, by a  
5 hospital, or other institution providing medical care,  
6 that is operated by the public body.

7 (18) Deliberations for decisions of the Prisoner  
8 Review Board.

9 (19) Review or discussion of applications received  
10 under the Experimental Organ Transplantation Procedures  
11 Act.

12 (20) The classification and discussion of matters  
13 classified as confidential or continued confidential by  
14 the State Government Suggestion Award Board.

15 (21) Discussion of minutes of meetings lawfully closed  
16 under this Act, whether for purposes of approval by the  
17 body of the minutes or semi-annual review of the minutes  
18 as mandated by Section 2.06.

19 (22) Deliberations for decisions of the State  
20 Emergency Medical Services Disciplinary Review Board.

21 (23) The operation by a municipality of a municipal  
22 utility or the operation of a municipal power agency or  
23 municipal natural gas agency when the discussion involves  
24 (i) contracts relating to the purchase, sale, or delivery  
25 of electricity or natural gas or (ii) the results or  
26 conclusions of load forecast studies.

1           (24) Meetings of a residential health care facility  
2           resident sexual assault and death review team or the  
3           Executive Council under the Abuse Prevention Review Team  
4           Act.

5           (25) Meetings of an independent team of experts under  
6           Brian's Law.

7           (26) Meetings of a mortality review team appointed  
8           under the Department of Juvenile Justice Mortality Review  
9           Team Act.

10          (27) (Blank).

11          (28) 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          (29) Meetings between internal or external auditors  
16          and governmental audit committees, finance committees, and  
17          their equivalents, when the discussion involves internal  
18          control weaknesses, identification of potential fraud risk  
19          areas, known or suspected frauds, and fraud interviews  
20          conducted in accordance with generally accepted auditing  
21          standards of the United States of America.

22          (30) (Blank).

23          (31) Meetings and deliberations for decisions of the  
24          Concealed Carry Licensing Review Board under the Firearm  
25          Concealed Carry Act.

26          (32) Meetings between the Regional Transportation

1 Authority Board and its Service Boards when the discussion  
2 involves review by the Regional Transportation Authority  
3 Board of employment contracts under Section 28d of the  
4 Metropolitan Transit Authority Act and Sections 3A.18 and  
5 3B.26 of the Regional Transportation Authority Act.

6 (33) Those meetings or portions of meetings of the  
7 advisory committee and peer review subcommittee created  
8 under Section 320 of the Illinois Controlled Substances  
9 Act during which specific controlled substance prescriber,  
10 dispenser, or patient information is discussed.

11 (34) Meetings of the Tax Increment Financing Reform  
12 Task Force under Section 2505-800 of the Department of  
13 Revenue Law of the Civil Administrative Code of Illinois.

14 (35) Meetings of the group established to discuss  
15 Medicaid capitation rates under Section 5-30.8 of the  
16 Illinois Public Aid Code.

17 (36) Those deliberations or portions of deliberations  
18 for decisions of the Illinois Gaming Board in which there  
19 is discussed any of the following: (i) personal,  
20 commercial, financial, or other information obtained from  
21 any source that is privileged, proprietary, confidential,  
22 or a trade secret; or (ii) information specifically  
23 exempted from the disclosure by federal or State law.

24 (37) Deliberations for decisions of the Illinois Law  
25 Enforcement Training Standards Board, the Certification  
26 Review Panel, and the Illinois State Police Merit Board



1 regarding certification and decertification.

2 (38) Meetings of the Ad Hoc Statewide Domestic  
3 Violence Fatality Review Committee of the Illinois  
4 Criminal Justice Information Authority Board that occur in  
5 closed executive session under subsection (d) of Section  
6 35 of the Domestic Violence Fatality Review Act.

7 (39) Meetings of the regional review teams under  
8 subsection (a) of Section 75 of the Domestic Violence  
9 Fatality Review Act.

10 (40) Meetings of the Firearm Owner's Identification  
11 Card Review Board under Section 10 of the Firearm Owners  
12 Identification Card Act.

13 (d) Definitions. For purposes of this Section:

14 "Employee" means a person employed by a public body whose  
15 relationship with the public body constitutes an  
16 employer-employee relationship under the usual common law  
17 rules, and who is not an independent contractor.

18 "Public office" means a position created by or under the  
19 Constitution or laws of this State, the occupant of which is  
20 charged with the exercise of some portion of the sovereign  
21 power of this State. The term "public office" shall include  
22 members of the public body, but it shall not include  
23 organizational positions filled by members thereof, whether  
24 established by law or by a public body itself, that exist to  
25 assist the body in the conduct of its business.

26 "Quasi-judicative body" means an administrative body

1 charged by law or ordinance with the responsibility to conduct  
2 hearings, receive evidence or testimony and make  
3 determinations based thereon, but does not include local  
4 electoral boards when such bodies are considering petition  
5 challenges.

6 (e) Final action. No final action may be taken at a closed  
7 meeting. Final action shall be preceded by a public recital of  
8 the nature of the matter being considered and other  
9 information that will inform the public of the business being  
10 conducted.

11 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;  
12 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.  
13 7-28-23; 103-626, eff. 1-1-25.)

14 (5 ILCS 120/2.07 new)

15 Sec. 2.07. Meetings on election days; prohibited.

16 (a) A public body may not hold or schedule a regular or  
17 special meeting on the day of a general primary election, a  
18 general election, a consolidated primary election, or a  
19 consolidated election, as defined in the Election Code.

20 (b) A home rule unit may not hold or schedule meetings in a  
21 manner inconsistent with this Act. This Section is a denial  
22 and limitation of home rule powers and functions in accordance  
23 with subsection (i) of Section 6 of Article VII of the Illinois  
24 Constitution.

1 (5 ILCS 120/7)

2 Sec. 7. Attendance by a means other than physical  
3 presence.

4 (a) If a quorum of the members of the public body is  
5 physically present as required by Section 2.01, a majority of  
6 the public body may allow a member of that body to attend the  
7 meeting by other means if the member is prevented from  
8 physically attending because of: (i) personal illness or  
9 disability; (ii) employment purposes or the business of the  
10 public body; (iii) a family or other emergency; ~~or~~ (iv)  
11 unexpected childcare obligations; or (v) performance of active  
12 military duty as a service member. "Other means" is by video or  
13 audio conference. As used in this subsection:

14 "Active military duty" has the meaning given to "active  
15 service" in Section 1-10 of the Service Member Employment and  
16 Reemployment Rights Act.

17 "Service member" means a resident of Illinois who is a  
18 member of any component of the U.S. Armed Forces or the  
19 National Guard of any state, the District of Columbia, a  
20 commonwealth, or a territory of the United States.

21 (b) If a member wishes to attend a meeting by other means,  
22 the member must notify the recording secretary or clerk of the  
23 public body before the meeting unless advance notice is  
24 impractical.

25 (c) A majority of the public body may allow a member to  
26 attend a meeting by other means only in accordance with and to

1 the extent allowed by rules adopted by the public body. The  
2 rules must conform to the requirements and restrictions of  
3 this Section, may further limit the extent to which attendance  
4 by other means is allowed, and may provide for the giving of  
5 additional notice to the public or further facilitate public  
6 access to meetings.

7 (d) The limitations of this Section shall not apply to (i)  
8 closed meetings of (A) public bodies with statewide  
9 jurisdiction, (B) Illinois library systems with jurisdiction  
10 over a specific geographic area of more than 4,500 square  
11 miles, (C) municipal transit districts with jurisdiction over  
12 a specific geographic area of more than 4,500 square miles, or  
13 (D) local workforce innovation areas with jurisdiction over a  
14 specific geographic area of more than 4,500 square miles or  
15 (ii) open or closed meetings of State advisory boards or  
16 bodies that do not have authority to make binding  
17 recommendations or determinations or to take any other  
18 substantive action. State advisory boards or bodies, public  
19 bodies with statewide jurisdiction, Illinois library systems  
20 with jurisdiction over a specific geographic area of more than  
21 4,500 square miles, municipal transit districts with  
22 jurisdiction over a specific geographic area of more than  
23 4,500 square miles, and local workforce investment areas with  
24 jurisdiction over a specific geographic area of more than  
25 4,500 square miles, however, may permit members to attend  
26 meetings by other means only in accordance with and to the

1 extent allowed by specific procedural rules adopted by the  
2 body. For the purposes of this Section, "local workforce  
3 innovation area" means any local workforce innovation area or  
4 areas designated by the Governor pursuant to the federal  
5 Workforce Innovation and Opportunity Act or its reauthorizing  
6 legislation.

7 (e) Subject to the requirements of Section 2.06 but  
8 notwithstanding any other provision of law, an open or closed  
9 meeting subject to this Act may be conducted by audio or video  
10 conference, without the physical presence of a quorum of the  
11 members, so long as the following conditions are met:

12 (1) the Governor or the Director of the Illinois  
13 Department of Public Health has issued a disaster  
14 declaration related to public health concerns because of a  
15 disaster as defined in Section 4 of the Illinois Emergency  
16 Management Agency Act, and all or part of the jurisdiction  
17 of the public body is covered by the disaster area;

18 (2) the head of the public body as defined in  
19 subsection (e) of Section 2 of the Freedom of Information  
20 Act determines that an in-person meeting or a meeting  
21 conducted under this Act is not practical or prudent  
22 because of a disaster;

23 (3) all members of the body participating in the  
24 meeting, wherever their physical location, shall be  
25 verified and can hear one another and can hear all  
26 discussion and testimony;

1           (4) for open meetings, members of the public present  
2           at the regular meeting location of the body can hear all  
3           discussion and testimony and all votes of the members of  
4           the body, unless attendance at the regular meeting  
5           location is not feasible due to the disaster, including  
6           the issued disaster declaration, in which case the public  
7           body must make alternative arrangements and provide notice  
8           pursuant to this Section of such alternative arrangements  
9           in a manner to allow any interested member of the public  
10          access to contemporaneously hear all discussion,  
11          testimony, and roll call votes, such as by offering a  
12          telephone number or a web-based link;

13          (5) at least one member of the body, chief legal  
14          counsel, or chief administrative officer is physically  
15          present at the regular meeting location, unless unfeasible  
16          due to the disaster, including the issued disaster  
17          declaration; and

18          (6) all votes are conducted by roll call, so each  
19          member's vote on each issue can be identified and  
20          recorded.

21          (7) Except in the event of a bona fide emergency, 48  
22          hours' notice shall be given of a meeting to be held  
23          pursuant to this Section. Notice shall be given to all  
24          members of the public body, shall be posted on the website  
25          of the public body, and shall also be provided to any news  
26          media who has requested notice of meetings pursuant to

1 subsection (a) of Section 2.02 of this Act. If the public  
2 body declares a bona fide emergency:

3 (A) Notice shall be given pursuant to subsection  
4 (a) of Section 2.02 of this Act, and the presiding  
5 officer shall state the nature of the emergency at the  
6 beginning of the meeting.

7 (B) The public body must comply with the verbatim  
8 recording requirements set forth in Section 2.06 of  
9 this Act.

10 (8) Each member of the body participating in a meeting  
11 by audio or video conference for a meeting held pursuant  
12 to this Section is considered present at the meeting for  
13 purposes of determining a quorum and participating in all  
14 proceedings.

15 (9) In addition to the requirements for open meetings  
16 under Section 2.06, public bodies holding open meetings  
17 under this subsection (e) must also keep a verbatim record  
18 of all their meetings in the form of an audio or video  
19 recording. Verbatim records made under this paragraph (9)  
20 shall be made available to the public under, and are  
21 otherwise subject to, the provisions of Section 2.06.

22 (10) The public body shall bear all costs associated  
23 with compliance with this subsection (e).

24 (Source: P.A. 103-311, eff. 7-28-23.)

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

1 changing Sections 2, 3, 4, 7, and 9.5 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" does not  
13 include a child death review team or the Illinois Child Death  
14 Review Teams Executive Council established under the Child  
15 Death Review Team Act, or a regional youth advisory board or  
16 the Statewide Youth Advisory Board established under the  
17 Department of Children and Family Services Statewide Youth  
18 Advisory Board Act.

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

23 (c) "Public records" means all records, reports, forms,  
24 writings, letters, memoranda, books, papers, maps,  
25 photographs, microfilms, cards, tapes, recordings, electronic



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

8 (c-5) "Private information" means unique identifiers,  
9 including a person's social security number, driver's license  
10 number, employee identification number, biometric identifiers,  
11 personal financial information, passwords or other access  
12 codes, medical records, home or personal telephone numbers,  
13 and personal email addresses. Private information also  
14 includes home address and personal license plates, except as  
15 otherwise provided by law or when compiled without possibility  
16 of attribution to any person. For a public body that is a  
17 HIPAA-covered entity, "private information" includes  
18 electronic medical records and all information, including  
19 demographic information, contained within or extracted from an  
20 electronic medical records system operated or maintained by  
21 the public body in compliance with State and federal medical  
22 privacy laws and regulations, including, but not limited to,  
23 the Health Insurance Portability and Accountability Act and  
24 its regulations, 45 CFR Parts 160 and 164. As used in this  
25 subsection, "HIPAA-covered entity" has the meaning given to  
26 the term "covered entity" in 45 CFR 160.103.

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

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

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

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

1 corporation engaged in making news reels or other motion  
2 picture news for public showing.

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

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

25 (h) "Voluminous request" means a request that: (i)  
26 includes more than 5 individual requests for more than 5

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

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

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

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

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

7       (Source: P.A. 103-554, eff. 1-1-24.)

8       (5 ILCS 140/3) (from Ch. 116, par. 203)

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

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

21       (c) Requests for inspection or copies shall be made in  
22 writing and directed to the public body. Written requests may  
23 be submitted to a public body via personal delivery, mail,  
24 telefax, or other means available to the public body.  
25 Electronic requests under this Section must appear in their

1 entirety within the body of the electronic submission. As a  
2 cybersecurity measure, no public body shall be required to  
3 open electronically attached files or hyperlinks to view or  
4 access details of a request. A public body that receives a  
5 request that would require the public body to open hyperlinks  
6 or attached files shall, within 5 business days, notify the  
7 requester of the requirement that the entirety of an  
8 electronic request must appear within the body of the  
9 electronic submission. A public body may honor oral requests  
10 for inspection or copying. A public body may not require that a  
11 request be submitted on a standard form or require the  
12 requester to specify the purpose for a request, except to  
13 determine whether the records are requested for a commercial  
14 purpose or whether to grant a request for a fee waiver. All  
15 requests for inspection and copying received by a public body  
16 shall immediately be forwarded to its Freedom of Information  
17 officer or designee.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

25                   (i) the times and places where such records will be  
26                   made available, and

1 (ii) the persons from whom such records may be  
2 obtained.

3 (i) The time periods for compliance or denial of a request  
4 to inspect or copy records set out in this Section shall not  
5 apply to requests for records made for a commercial purpose,  
6 requests by a recurrent requester, or voluminous requests.  
7 Such requests shall be subject to the provisions of Sections  
8 3.1, 3.2, and 3.6 of this Act, as applicable.

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

22 (Source: P.A. 101-81, eff. 7-12-19.)

23 (5 ILCS 140/4) (from Ch. 116, par. 204)

24 Sec. 4. Each public body shall prominently display on its  
25 website ~~at each of its administrative or regional offices,~~

1 make available for inspection and copying, and send through  
2 the mail if requested, each of the following:

3 (a) A brief description of itself, which will include,  
4 but not be limited to, a short summary of its purpose, a  
5 block diagram giving its functional subdivisions, the  
6 total amount of its operating budget, the number and  
7 location of all of its separate offices, the approximate  
8 number of full and part-time employees, and the  
9 identification and membership of any board, commission,  
10 committee, or council which operates in an advisory  
11 capacity relative to the operation of the public body, or  
12 which exercises control over its policies or procedures,  
13 or to which the public body is required to report and be  
14 answerable for its operations; and

15 (b) A brief description of the methods whereby the  
16 public may request information and public records, a  
17 directory designating the Freedom of Information officer  
18 or officers, the address where requests for public records  
19 should be directed, and any fees allowable under Section 6  
20 of this Act.

21 If a public body does not maintain ~~that maintains~~ a  
22 website, it shall also post this information at each of its  
23 administrative or regional offices ~~on its website.~~

24 (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10.)

1           Sec. 7. Exemptions.

2           (1) When a request is made to inspect or copy a public  
3 record that contains information that is exempt from  
4 disclosure under this Section, but also contains information  
5 that is not exempt from disclosure, the public body may elect  
6 to redact the information that is exempt. The public body  
7 shall make the remaining information available for inspection  
8 and copying. Subject to this requirement, the following shall  
9 be exempt from inspection and copying:

10           (a) Information specifically prohibited from  
11 disclosure by federal or State law or rules and  
12 regulations implementing federal or State law.

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

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

21           (c) Personal information contained within public  
22 records, the disclosure of which would constitute a  
23 clearly unwarranted invasion of personal privacy, unless  
24 the disclosure is consented to in writing by the  
25 individual subjects of the information. "Unwarranted  
26 invasion of personal privacy" means the disclosure of

1 information that is highly personal or objectionable to a  
2 reasonable person and in which the subject's right to  
3 privacy outweighs any legitimate public interest in  
4 obtaining the information. The disclosure of information  
5 that bears on the public duties of public employees and  
6 officials shall not be considered an invasion of personal  
7 privacy.

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

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

17 (ii) interfere with active administrative  
18 enforcement proceedings conducted by the public body  
19 that is the recipient of the request;

20 (iii) create a substantial likelihood that a  
21 person will be deprived of a fair trial or an impartial  
22 hearing;

23 (iv) unavoidably disclose the identity of a  
24 confidential source, confidential information  
25 furnished only by the confidential source, or persons  
26 who file complaints with or provide information to

1 administrative, investigative, law enforcement, or  
2 penal agencies; except that the identities of  
3 witnesses to traffic crashes, traffic crash reports,  
4 and rescue reports shall be provided by agencies of  
5 local government, except when disclosure would  
6 interfere with an active criminal investigation  
7 conducted by the agency that is the recipient of the  
8 request;

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

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

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

21 (d-5) A law enforcement record created for law  
22 enforcement purposes and contained in a shared electronic  
23 record management system if the law enforcement agency or  
24 criminal justice agency that is the recipient of the  
25 request did not create the record, did not participate in  
26 or have a role in any of the events which are the subject

1 of the record, and only has access to the record through  
2 the shared electronic record management system. As used in  
3 this subsection (d-5), "criminal justice agency" means the  
4 Illinois Criminal Justice Information Authority or the  
5 Illinois Sentencing Policy Advisory Council.

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

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

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

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

24 (e-6) 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 include records from staff members' personnel  
2 files, staff rosters, or other staffing assignment  
3 information.

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

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

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

26 (e-10) Law enforcement records of other persons



1 requested by a person committed to the Department of  
2 Corrections, Department of Human Services Division of  
3 Mental Health, or a county jail, including, but not  
4 limited to, arrest and booking records, mug shots, and  
5 crime scene photographs, except as these records may be  
6 relevant to the requester's current or potential case or  
7 claim.

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

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

26 The information included under this exemption includes

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

15 Nothing contained in this paragraph (g) shall be  
16 construed to prevent a person or business from consenting  
17 to disclosure.

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

26 (i) Valuable formulae, computer geographic systems,

1 designs, drawings, and research data obtained or produced  
2 by any public body when disclosure could reasonably be  
3 expected to produce private gain or public loss. The  
4 exemption for "computer geographic systems" provided in  
5 this paragraph (i) does not extend to requests made by  
6 news media as defined in Section 2 of this Act when the  
7 requested information is not otherwise exempt and the only  
8 purpose of the request is to access and disseminate  
9 information regarding the health, safety, welfare, or  
10 legal rights of the general public.

11 (j) The following information pertaining to  
12 educational matters:

13 (i) test questions, scoring keys, and other  
14 examination data used to administer an academic  
15 examination;

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

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

24 (iv) course materials or research materials used  
25 by faculty members.

26 (k) Architects' plans, engineers' technical

1 submissions, and other construction related technical  
2 documents for projects not constructed or developed in  
3 whole or in part with public funds and the same for  
4 projects constructed or developed with public funds,  
5 including, but not limited to, power generating and  
6 distribution stations and other transmission and  
7 distribution facilities, water treatment facilities,  
8 airport facilities, sport stadiums, convention centers,  
9 and all government owned, operated, or occupied buildings,  
10 but only to the extent that disclosure would compromise  
11 security.

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

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

24 (n) Records relating to a public body's adjudication  
25 of employee grievances or disciplinary cases; however,  
26 this exemption shall not extend to the final outcome of

1 cases in which discipline is imposed.

2 (o) Administrative or technical information associated  
3 with automated data processing operations, including, but  
4 not limited to, software, operating protocols, computer  
5 program abstracts, file layouts, source listings, object  
6 modules, load modules, user guides, documentation  
7 pertaining to all logical and physical design of  
8 computerized systems, employee manuals, and any other  
9 information that, if disclosed, would jeopardize the  
10 security of the system or its data or the security of  
11 materials exempt under this Section.

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

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

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

1 Illinois Supreme Court. The records, documents, and  
2 information relating to a real estate sale shall be exempt  
3 until a sale is consummated.

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

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

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

24 (v) Vulnerability assessments, security measures, and  
25 response policies or plans that are designed to identify,  
26 prevent, or respond to potential attacks upon a

1 community's population or systems, facilities, or  
2 installations, but only to the extent that disclosure  
3 could reasonably be expected to expose the vulnerability  
4 or jeopardize the effectiveness of the measures, policies,  
5 or plans, or the safety of the personnel who implement  
6 them or the public. Information exempt under this item may  
7 include such things as details pertaining to the  
8 mobilization or deployment of personnel or equipment, to  
9 the operation of communication systems or protocols, to  
10 cybersecurity vulnerabilities, or to tactical operations.

11 (w) (Blank).

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

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

24 (z) Information about students exempted from  
25 disclosure under Section 10-20.38 or 34-18.29 of the  
26 School Code, and information about undergraduate students

1 enrolled at an institution of higher education exempted  
2 from disclosure under Section 25 of the Illinois Credit  
3 Card Marketing Act of 2009.

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

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

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

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

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

24 (ff) The names, addresses, or other personal  
25 information of participants and registrants in programs of  
26 park districts, forest preserve districts, conservation



1 districts, recreation agencies, and special recreation  
2 associations where such programs are targeted primarily to  
3 minors.

4 (gg) Confidential information described in Section  
5 1-100 of the Illinois Independent Tax Tribunal Act of  
6 2012.

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

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

22 (jj) Confidential information described in Section  
23 5-535 of the Civil Administrative Code of Illinois.

24 (kk) The public body's credit card numbers, debit card  
25 numbers, bank account numbers, Federal Employer  
26 Identification Number, security code numbers, passwords,

1 and similar account information, the disclosure of which  
2 could result in identity theft or impression or defrauding  
3 of a governmental entity or a person.

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

9 (mm) Information prohibited from being disclosed under  
10 subsections (a) and (b) of Section 15 of the Student  
11 Confidential Reporting Act.

12 (nn) Proprietary information submitted to the  
13 Environmental Protection Agency under the Drug Take-Back  
14 Act.

15 (oo) Records described in subsection (f) of Section  
16 3-5-1 of the Unified Code of Corrections.

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

23 (qq) Reports described in subsection (e) of Section  
24 16-15 of the Abortion Care Clinical Training Program Act.

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

1           (ss) For a request directed to a public body that is  
2 also a HIPAA-covered entity, all information that is  
3 protected health information, including demographic  
4 information, that may be contained within or extracted  
5 from any record held by the public body in compliance with  
6 State and federal medical privacy laws and regulations,  
7 including, but not limited to, the Health Insurance  
8 Portability and Accountability Act and its regulations, 45  
9 CFR Parts 160 and 164. As used in this paragraph,  
10 "HIPAA-covered entity" has the meaning given to the term  
11 "covered entity" in 45 CFR 160.103 and "protected health  
12 information" has the meaning given to that term in 45 CFR  
13 160.103.

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

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

1       security advisories, and other applicable communications  
2       or regulations related to the control and distribution of  
3       security sensitive information.

4       (1.5) Any information exempt from disclosure under the  
5       Judicial Privacy Act shall be redacted from public records  
6       prior to disclosure under this Act.

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

14      (3) This Section does not authorize withholding of  
15      information or limit the availability of records to the  
16      public, except as stated in this Section or otherwise provided  
17      in this Act.

18      (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
19      102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
20      1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,  
21      eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
22      103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
23      8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,  
24      eff. 7-1-24; 103-865, eff. 1-1-25.)

1           Sec. 9.5. Public Access Counselor; opinions.

2           (a) A person whose request to inspect or copy a public  
3 record is denied by a public body, except the General Assembly  
4 and committees, commissions, and agencies thereof, may file a  
5 request for review with the Public Access Counselor  
6 established in the Office of the Attorney General not later  
7 than 60 days after the date of the final denial. The request  
8 for review must be in writing, signed by the requester, and  
9 include (i) a copy of the request for access to records and  
10 (ii) any responses from the public body.

11           (b) A person whose request to inspect or copy a public  
12 record is made for a commercial purpose as defined in  
13 subsection (c-10) of Section 2 of this Act may not file a  
14 request for review with the Public Access Counselor. A person  
15 whose request to inspect or copy a public record was treated by  
16 the public body as a request for a commercial purpose under  
17 Section 3.1 of this Act may file a request for review with the  
18 Public Access Counselor for the limited purpose of reviewing  
19 whether the public body properly determined that the request  
20 was made for a commercial purpose.

21           (b-5) A person whose request to inspect or copy a public  
22 record was treated by a public body, except the General  
23 Assembly and committees, commissions, and agencies thereof, as  
24 a voluminous request under Section 3.6 of this Act may file a  
25 request for review with the Public Access Counselor for the  
26 purpose of reviewing whether the public body properly

1 determined that the request was a voluminous request.

2 (c) Upon receipt of a request for review, the Public  
3 Access Counselor shall determine whether further action is  
4 warranted. If the Public Access Counselor determines that the  
5 alleged violation is unfounded, he or she shall so advise the  
6 requester and the public body and no further action shall be  
7 undertaken. In all other cases, the Public Access Counselor  
8 shall forward a copy of the request for review to the public  
9 body within 7 business days after receipt and shall specify  
10 the records or other documents that the public body shall  
11 furnish to facilitate the review. Within 7 business days after  
12 receipt of the request for review, the public body shall  
13 provide copies of records requested and shall otherwise fully  
14 cooperate with the Public Access Counselor. If a public body  
15 fails to furnish specified records pursuant to this Section,  
16 or if otherwise necessary, the Attorney General may issue a  
17 subpoena to any person or public body having knowledge of or  
18 records pertaining to a request for review of a denial of  
19 access to records under the Act. Records or documents obtained  
20 by the Public Access Counselor from a public body for the  
21 purpose of addressing a request for review under this Section  
22 may not be disclosed to the public, including the requester,  
23 by the Public Access Counselor. These records, while in the  
24 possession of the Public Access Counselor, are exempt under  
25 this Act from disclosure by the Public Access Counselor.

26 (d) Within 7 business days after it receives a copy of a

1 request for review and request for production of records from  
2 the Public Access Counselor, the public body may, but is not  
3 required to, answer the allegations of the request for review.  
4 The answer may take the form of a letter, brief, or memorandum.  
5 The Public Access Counselor shall forward a copy of the answer  
6 to the person submitting the request for review, with any  
7 alleged confidential information to which the request pertains  
8 redacted from the copy. The requester may, but is not required  
9 to, respond in writing to the answer within 7 business days and  
10 shall provide a copy of the response to the public body.

11 (e) In addition to the request for review, and the answer  
12 and the response thereto, if any, a requester or a public body  
13 may furnish affidavits or records concerning any matter  
14 germane to the review.

15 (f) Unless the Public Access Counselor extends the time by  
16 no more than 30 business days by sending written notice to the  
17 requester and the public body that includes a statement of the  
18 reasons for the extension in the notice, or decides to address  
19 the matter without the issuance of a binding opinion, the  
20 Attorney General shall examine the issues and the records,  
21 shall make findings of fact and conclusions of law, and shall  
22 issue to the requester and the public body an opinion in  
23 response to the request for review within 60 days after its  
24 receipt. The opinion shall be binding upon both the requester  
25 and the public body, subject to administrative review under  
26 Section 11.5.

1           In responding to any request under this Section 9.5, the  
2 Attorney General may exercise his or her discretion and choose  
3 to resolve a request for review by mediation or by a means  
4 other than the issuance of a binding opinion. The decision not  
5 to issue a binding opinion shall not be reviewable.

6           Upon receipt of a binding opinion concluding that a  
7 violation of this Act has occurred, the public body shall  
8 either take necessary action immediately to comply with the  
9 directive of the opinion or shall initiate administrative  
10 review under Section 11.5. If the opinion concludes that no  
11 violation of the Act has occurred, the requester may initiate  
12 administrative review under Section 11.5.

13           A public body and any officer or employee of a public body  
14 that discloses records in accordance with an opinion of the  
15 Attorney General is immune from all liabilities by reason  
16 thereof and shall not be liable for penalties under this Act.

17           (g) If the requester files suit under Section 11 with  
18 respect to the same denial that is the subject of a pending  
19 request for review, the requester shall notify the Public  
20 Access Counselor, and the Public Access Counselor shall take  
21 no further action with respect to the request for review and  
22 shall so notify the public body.

23           (h) The Attorney General may also issue advisory opinions  
24 to public bodies regarding compliance with this Act. A review  
25 may be initiated upon receipt of a written request from the  
26 head of the public body or its attorney, which shall contain



1 sufficient accurate facts from which a determination can be  
2 made. The Public Access Counselor may request additional  
3 information from the public body in order to assist in the  
4 review. A public body that relies in good faith on an advisory  
5 opinion of the Attorney General in responding to a request is  
6 not liable for penalties under this Act, so long as the facts  
7 upon which the opinion is based have been fully and fairly  
8 disclosed to the Public Access Counselor.

9 (Source: P.A. 103-69, eff. 1-1-24.)

10 Section 15. The Local Records Act is amended by changing  
11 Section 3 as follows:

12 (50 ILCS 205/3) (from Ch. 116, par. 43.103)

13 Sec. 3. Except where the context indicates otherwise, the  
14 terms used in this Act are defined as follows:

15 "Agency" means any court, and all parts, boards,  
16 departments, bureaus and commissions of any county, municipal  
17 corporation or political subdivision.

18 "Archivist" means the Secretary of State.

19 "Born-digital electronic material" means electronic  
20 material created in digital form rather than converted from  
21 print or analog form to digital form.

22 "Commission" means a Local Records Commission.

23 "Court" means a court, other than the Supreme Court.

24 "Digitized electronic material" means electronic material

1 converted from print or analog form to digital form.

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

8 "Officer" means any elected or appointed official of a  
9 court, county, municipal corporation or political subdivision.

10 "Public record" means any book, paper, map, photograph,  
11 born-digital electronic material, digitized electronic  
12 material, electronic material with a combination of digitized  
13 and born-digital material, or other official documentary  
14 material, regardless of physical form or characteristics,  
15 made, produced, executed or received by any agency or officer  
16 pursuant to law or in connection with the transaction of  
17 public business and preserved or appropriate for preservation  
18 by such agency or officer, or any successor thereof, as  
19 evidence of the organization, function, policies, decisions,  
20 procedures, or other activities thereof, or because of the  
21 informational data contained therein. Library and museum  
22 material made or acquired and preserved solely for reference  
23 or exhibition purposes, extra copies of documents preserved  
24 only for convenience of reference, ~~and~~ stocks of publications  
25 and of processed documents, and junk mail are not included  
26 within the definition of public record. Paper copies of

1 registration records, as defined in Section 1 of the Library  
2 Records Confidentiality Act (75 ILCS 70/1), shall not be  
3 considered public records once the information contained in  
4 the paper registration records is transferred into a secure  
5 electronic format and checked for accuracy.

6 (Source: P.A. 99-147, eff. 1-1-16.)

7 Section 99. Effective date. This Act takes effect January  
8 1, 2026."