

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 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
17 program. Thereafter, whenever a public body designates an
18 additional employee, officer, or member to receive this
19 training, that person must successfully complete the
20 electronic training curriculum within 30 days after that
21 designation.

22 (b) Except as otherwise provided in this Section, each
23 elected or appointed member of a public body subject to this

1 Act who is such a member on January 1, 2012 (the effective date
2 of Public Act 97-504) must successfully complete the
3 electronic training curriculum developed and administered by
4 the Public Access Counselor. For these members, the training
5 must be completed within one year after January 1, 2012 (the
6 effective date of Public Act 97-504).

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

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

18 (2) otherwise assumes responsibilities as a member of
19 the public body, if the member is not required to take an
20 oath of office to assume the person's duties as a member of
21 the governmental body.

22 Each member successfully completing the electronic
23 training curriculum shall file a copy of the certificate of
24 completion with the public body.

25 Completing the required training as a member of the public
26 body satisfies the requirements of this Section with regard to

1 the member's service on a committee or subcommittee of the
2 public body and the member's ex officio service on any other
3 public body.

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

7 An elected or appointed member of a public body subject to
8 this Act who has successfully completed the training required
9 under this subsection (b) and filed a copy of the certificate
10 of completion with the public body is not required to
11 subsequently complete the training required under this
12 subsection (b).

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

18 (1) the general background of the legal requirements
19 for open meetings;

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

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

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

26 (5) penalties and other consequences for failing to

1 comply with this Act.

2 If an organization created under Article 23 of the School
3 Code provides a course of training under this subsection (c),
4 it must provide a certificate of course completion to each
5 school board member who successfully completes that course of
6 training.

7 (d) A commissioner of a drainage district may satisfy the
8 training requirements of this Section by participating in a
9 course of training sponsored or conducted by an organization
10 that represents the drainage districts created under the
11 Illinois Drainage Code. The course of training shall include,
12 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 drainage districts
24 created under the Illinois Drainage Code provides a course of
25 training under this subsection (d), it must provide a
26 certificate of course completion to each commissioner who

1 successfully completes that course of training.

2 (e) A director of a soil and water conservation district
3 may satisfy the training requirements of this Section by
4 participating in a course of training sponsored or conducted
5 by an organization that represents soil and water conservation
6 districts created under the Soil and Water Conservation
7 Districts Act. The course of training shall include, but not
8 be limited to, instruction in:

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

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

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

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

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

19 If an organization that represents the soil and water
20 conservation districts created under the Soil and Water
21 Conservation Districts Act provides a course of training under
22 this subsection (e), it must provide a certificate of course
23 completion to each director who successfully completes that
24 course of training.

25 (f) An elected or appointed member of a public body of a
26 park district, forest preserve district, or conservation

1 district may satisfy the training requirements of this Section
2 by participating in a course of training sponsored or
3 conducted by an organization that represents the park
4 districts created in the Park District Code. The course of
5 training shall include, but not be limited to, instruction in:

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

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

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

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

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

16 If an organization that represents the park districts
17 created in the Park District Code provides a course of
18 training under this subsection (f), it must provide a
19 certificate of course completion to each elected or appointed
20 member of a public body who successfully completes that course
21 of training.

22 (g) An elected or appointed member of the board of
23 trustees of a fire protection district may satisfy the
24 training requirements of this Section by participating in a
25 course of training sponsored or conducted by an organization
26 that represents fire protection districts created under the

1 Fire Protection District Act. The course of training shall
2 include, but 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 record-keeping 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 fire protection
14 districts organized under the Fire Protection District Act
15 provides a course of training under this subsection (g), it
16 must provide a certificate of course completion to each
17 elected or appointed member of a board of trustees who
18 successfully completes that course of training.

19 (h) An elected or appointed member of a public body of a
20 municipality may satisfy the training requirements of this
21 Section by participating in a course of training sponsored or
22 conducted by an organization that represents municipalities as
23 designated in Section 1-8-1 of the Illinois Municipal Code.
24 The course of training shall include, but not be limited to,
25 instruction in:

26 (1) the general background of the legal requirements

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

10 If an organization that represents municipalities as

11 designated in Section 1-8-1 of the Illinois Municipal Code

12 provides a course of training under this subsection (h), it

13 must provide a certificate of course completion to each

14 elected or appointed member of a public body who successfully

15 completes that course of training.

16 (i) An elected or appointed member of a public body of a

17 township may satisfy the training requirements of this Section

18 by participating in a course of training sponsored or

19 conducted by an organization that represents townships created

20 under the Township Code. The course of training shall include,

21 but shall not be limited to, instruction in:

- 22 (1) the general background of the legal requirements
- 23 for open meetings;
- 24 (2) the applicability of this Act to public bodies;
- 25 (3) procedures and requirements regarding quorums,
- 26 notice, and recordkeeping under this Act;

1 (4) procedures and requirements for holding an open
2 meeting and for holding a closed meeting under this Act;
3 and

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

6 If an organization that represents townships created under
7 the Township Code provides a course of training under this
8 subsection, it must provide a certificate of course completion
9 to each elected or appointed member of a public body who
10 successfully completes that course of training.

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

12 (5 ILCS 120/2) (from Ch. 102, par. 42)

13 Sec. 2. Open meetings.

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

17 (b) Construction of exceptions. The exceptions contained
18 in subsection (c) are in derogation of the requirement that
19 public bodies meet in the open, and therefore, the exceptions
20 are to be strictly construed, extending only to subjects
21 clearly within their scope. The exceptions authorize but do
22 not require the holding of a closed meeting to discuss a
23 subject included within an enumerated exception.

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

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

17 (2) Collective negotiating matters between the public
18 body and its employees or their representatives, or
19 deliberations concerning salary schedules for one or more
20 classes of employees.

21 (3) The selection of a person to fill a public office,
22 as defined in this Act, including a vacancy in a public
23 office, when the public body is given power to appoint
24 under law or ordinance, or the discipline, performance or
25 removal of the occupant of a public office, when the
26 public body is given power to remove the occupant under

1 law or ordinance.

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

8 (4.5) Evidence or testimony presented to a school
9 board regarding denial of admission to school events or
10 property pursuant to Section 24-24 of the School Code,
11 provided that the school board prepares and makes
12 available for public inspection a written decision setting
13 forth its determinative reasoning.

14 (5) The purchase or lease of real property for the use
15 of the public body, including meetings held for the
16 purpose of discussing whether a particular parcel should
17 be acquired.

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

20 (7) The sale or purchase of securities, investments,
21 or investment contracts. This exception shall not apply to
22 the investment of assets or income of funds deposited into
23 the Illinois Prepaid Tuition Trust Fund.

24 (8) Security procedures, school building safety and
25 security, and the use of personnel and equipment to
26 respond to an actual, a threatened, or a reasonably

1 potential danger to the safety of employees, students,
2 staff, the public, or public property.

3 (9) Student disciplinary cases.

4 (10) The placement of individual students in special
5 education programs and other matters relating to
6 individual students.

7 (11) Litigation, when an action against, affecting or
8 on behalf of the particular public body has been filed and
9 is pending before a court or administrative tribunal, or
10 when the public body finds that an action is probable or
11 imminent, in which case the basis for the finding shall be
12 recorded and entered into the minutes of the closed
13 meeting.

14 (12) The establishment of reserves or settlement of
15 claims as provided in the Local Governmental and
16 Governmental Employees Tort Immunity Act, if otherwise the
17 disposition of a claim or potential claim might be
18 prejudiced, or the review or discussion of claims, loss or
19 risk management information, records, data, advice or
20 communications from or with respect to any insurer of the
21 public body or any intergovernmental risk management
22 association or self insurance pool of which the public
23 body is a member.

24 (13) Conciliation of complaints of discrimination in
25 the sale or rental of housing, when closed meetings are
26 authorized by the law or ordinance prescribing fair

1 housing practices and creating a commission or
2 administrative agency for their enforcement.

3 (14) Informant sources, the hiring or assignment of
4 undercover personnel or equipment, or ongoing, prior or
5 future criminal investigations, when discussed by a public
6 body with criminal investigatory responsibilities.

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

11 (16) Self evaluation, practices and procedures, or
12 professional ethics, when meeting with a representative of
13 a statewide or regional association of which the public
14 body is a member.

15 (17) The recruitment, credentialing, discipline or
16 formal peer review of physicians or other health care
17 professionals, or for the discussion of matters protected
18 under the federal Patient Safety and Quality Improvement
19 Act of 2005, and the regulations promulgated thereunder,
20 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
21 Health Insurance Portability and Accountability Act of
22 1996, and the regulations promulgated thereunder,
23 including 45 C.F.R. Parts 160, 162, and 164, by a
24 hospital, or other institution providing medical care,
25 that is operated by the public body.

26 (18) Deliberations for decisions of the Prisoner

1 Review Board.

2 (19) Review or discussion of applications received
3 under the Experimental Organ Transplantation Procedures
4 Act.

5 (20) The classification and discussion of matters
6 classified as confidential or continued confidential by
7 the State Government Suggestion Award Board.

8 (21) Discussion of minutes of meetings lawfully closed
9 under this Act, whether for purposes of approval by the
10 body of the minutes or semi-annual review of the minutes
11 as mandated by Section 2.06.

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

14 (23) The operation by a municipality of a municipal
15 utility or the operation of a municipal power agency or
16 municipal natural gas agency when the discussion involves
17 (i) contracts relating to the purchase, sale, or delivery
18 of electricity or natural gas or (ii) the results or
19 conclusions of load forecast studies.

20 (24) Meetings of a residential health care facility
21 resident sexual assault and death review team or the
22 Executive Council under the Abuse Prevention Review Team
23 Act.

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

26 (26) Meetings of a mortality review team appointed

1 under the Department of Juvenile Justice Mortality Review
2 Team Act.

3 (27) (Blank).

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

8 (29) Meetings between internal or external auditors
9 and governmental audit committees, finance committees, and
10 their equivalents, when the discussion involves internal
11 control weaknesses, identification of potential fraud risk
12 areas, known or suspected frauds, and fraud interviews
13 conducted in accordance with generally accepted auditing
14 standards of the United States of America.

15 (30) (Blank).

16 (31) Meetings and deliberations for decisions of the
17 Concealed Carry Licensing Review Board under the Firearm
18 Concealed Carry Act.

19 (32) Meetings between the Regional Transportation
20 Authority Board and its Service Boards when the discussion
21 involves review by the Regional Transportation Authority
22 Board of employment contracts under Section 28d of the
23 Metropolitan Transit Authority Act and Sections 3A.18 and
24 3B.26 of the Regional Transportation Authority Act.

25 (33) Those meetings or portions of meetings of the
26 advisory committee and peer review subcommittee created

1 under Section 320 of the Illinois Controlled Substances
2 Act during which specific controlled substance prescriber,
3 dispenser, or patient information is discussed.

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

7 (35) Meetings of the group established to discuss
8 Medicaid capitation rates under Section 5-30.8 of the
9 Illinois Public Aid Code.

10 (36) Those deliberations or portions of deliberations
11 for decisions of the Illinois Gaming Board in which there
12 is discussed any of the following: (i) personal,
13 commercial, financial, or other information obtained from
14 any source that is privileged, proprietary, confidential,
15 or a trade secret; or (ii) information specifically
16 exempted from the disclosure by federal or State law.

17 (37) Deliberations for decisions of the Illinois Law
18 Enforcement Training Standards Board, the Certification
19 Review Panel, and the Illinois State Police Merit Board
20 regarding certification and decertification.

21 (38) Meetings of the Ad Hoc Statewide Domestic
22 Violence Fatality Review Committee of the Illinois
23 Criminal Justice Information Authority Board that occur in
24 closed executive session under subsection (d) of Section
25 35 of the Domestic Violence Fatality Review Act.

26 (39) Meetings of the regional review teams under

1 subsection (a) of Section 75 of the Domestic Violence
2 Fatality Review Act.

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

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

7 "Employee" means a person employed by a public body whose
8 relationship with the public body constitutes an
9 employer-employee relationship under the usual common law
10 rules, and who is not an independent contractor.

11 "Public office" means a position created by or under the
12 Constitution or laws of this State, the occupant of which is
13 charged with the exercise of some portion of the sovereign
14 power of this State. The term "public office" shall include
15 members of the public body, but it shall not include
16 organizational positions filled by members thereof, whether
17 established by law or by a public body itself, that exist to
18 assist the body in the conduct of its business.

19 "Quasi-adjudicative body" means an administrative body
20 charged by law or ordinance with the responsibility to conduct
21 hearings, receive evidence or testimony and make
22 determinations based thereon, but does not include local
23 electoral boards when such bodies are considering petition
24 challenges.

25 (e) Final action. No final action may be taken at a closed
26 meeting. Final action shall be preceded by a public recital of

1 the nature of the matter being considered and other
2 information that will inform the public of the business being
3 conducted.

4 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
5 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
6 7-28-23; 103-626, eff. 1-1-25.)

7 (5 ILCS 120/2.07 new)

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

9 (a) A public body may not hold or schedule a regular or
10 special meeting on the day of a general primary election, a
11 general election, a consolidated primary election, or a
12 consolidated election, as defined in the Election Code.

13 (b) A home rule unit may not hold or schedule meetings in a
14 manner inconsistent with this Act. This Section is a denial
15 and limitation of home rule powers and functions in accordance
16 with subsection (i) of Section 6 of Article VII of the Illinois
17 Constitution.

18 (5 ILCS 120/7)

19 Sec. 7. Attendance by a means other than physical
20 presence.

21 (a) If a quorum of the members of the public body is
22 physically present as required by Section 2.01, a majority of
23 the public body may allow a member of that body to attend the
24 meeting by other means if the member is prevented from

1 physically attending because of: (i) personal illness or
2 disability; (ii) employment purposes or the business of the
3 public body; (iii) a family or other emergency; ~~or~~ (iv)
4 unexpected childcare obligations; or (v) performance of active
5 military duty as a service member. "Other means" is by video or
6 audio conference. As used in this subsection:

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

10 "Service member" means a resident of Illinois who is a
11 member of any component of the U.S. Armed Forces or the
12 National Guard of any state, the District of Columbia, a
13 commonwealth, or a territory of the United States.

14 (b) If a member wishes to attend a meeting by other means,
15 the member must notify the recording secretary or clerk of the
16 public body before the meeting unless advance notice is
17 impractical.

18 (c) A majority of the public body may allow a member to
19 attend a meeting by other means only in accordance with and to
20 the extent allowed by rules adopted by the public body. The
21 rules must conform to the requirements and restrictions of
22 this Section, may further limit the extent to which attendance
23 by other means is allowed, and may provide for the giving of
24 additional notice to the public or further facilitate public
25 access to meetings.

26 (d) The limitations of this Section shall not apply to (i)

1 closed meetings of (A) public bodies with statewide
2 jurisdiction, (B) Illinois library systems with jurisdiction
3 over a specific geographic area of more than 4,500 square
4 miles, (C) municipal transit districts with jurisdiction over
5 a specific geographic area of more than 4,500 square miles, or
6 (D) local workforce innovation areas with jurisdiction over a
7 specific geographic area of more than 4,500 square miles or
8 (ii) open or closed meetings of State advisory boards or
9 bodies that do not have authority to make binding
10 recommendations or determinations or to take any other
11 substantive action. State advisory boards or bodies, public
12 bodies with statewide jurisdiction, Illinois library systems
13 with jurisdiction over a specific geographic area of more than
14 4,500 square miles, municipal transit districts with
15 jurisdiction over a specific geographic area of more than
16 4,500 square miles, and local workforce investment areas with
17 jurisdiction over a specific geographic area of more than
18 4,500 square miles, however, may permit members to attend
19 meetings by other means only in accordance with and to the
20 extent allowed by specific procedural rules adopted by the
21 body. For the purposes of this Section, "local workforce
22 innovation area" means any local workforce innovation area or
23 areas designated by the Governor pursuant to the federal
24 Workforce Innovation and Opportunity Act or its reauthorizing
25 legislation.

26 (e) Subject to the requirements of Section 2.06 but

1 notwithstanding any other provision of law, an open or closed
2 meeting subject to this Act may be conducted by audio or video
3 conference, without the physical presence of a quorum of the
4 members, so long as the following conditions are met:

5 (1) the Governor or the Director of the Illinois
6 Department of Public Health has issued a disaster
7 declaration related to public health concerns because of a
8 disaster as defined in Section 4 of the Illinois Emergency
9 Management Agency Act, and all or part of the jurisdiction
10 of the public body is covered by the disaster area;

11 (2) the head of the public body as defined in
12 subsection (e) of Section 2 of the Freedom of Information
13 Act determines that an in-person meeting or a meeting
14 conducted under this Act is not practical or prudent
15 because of a disaster;

16 (3) all members of the body participating in the
17 meeting, wherever their physical location, shall be
18 verified and can hear one another and can hear all
19 discussion and testimony;

20 (4) for open meetings, members of the public present
21 at the regular meeting location of the body can hear all
22 discussion and testimony and all votes of the members of
23 the body, unless attendance at the regular meeting
24 location is not feasible due to the disaster, including
25 the issued disaster declaration, in which case the public
26 body must make alternative arrangements and provide notice

1 pursuant to this Section of such alternative arrangements
2 in a manner to allow any interested member of the public
3 access to contemporaneously hear all discussion,
4 testimony, and roll call votes, such as by offering a
5 telephone number or a web-based link;

6 (5) at least one member of the body, chief legal
7 counsel, or chief administrative officer is physically
8 present at the regular meeting location, unless unfeasible
9 due to the disaster, including the issued disaster
10 declaration; and

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

14 (7) Except in the event of a bona fide emergency, 48
15 hours' notice shall be given of a meeting to be held
16 pursuant to this Section. Notice shall be given to all
17 members of the public body, shall be posted on the website
18 of the public body, and shall also be provided to any news
19 media who has requested notice of meetings pursuant to
20 subsection (a) of Section 2.02 of this Act. If the public
21 body declares a bona fide emergency:

22 (A) Notice shall be given pursuant to subsection
23 (a) of Section 2.02 of this Act, and the presiding
24 officer shall state the nature of the emergency at the
25 beginning of the meeting.

26 (B) The public body must comply with the verbatim

1 recording requirements set forth in Section 2.06 of
2 this Act.

3 (8) Each member of the body participating in a meeting
4 by audio or video conference for a meeting held pursuant
5 to this Section is considered present at the meeting for
6 purposes of determining a quorum and participating in all
7 proceedings.

8 (9) In addition to the requirements for open meetings
9 under Section 2.06, public bodies holding open meetings
10 under this subsection (e) must also keep a verbatim record
11 of all their meetings in the form of an audio or video
12 recording. Verbatim records made under this paragraph (9)
13 shall be made available to the public under, and are
14 otherwise subject to, the provisions of Section 2.06.

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

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

18 Section 10. The Freedom of Information Act is amended by
19 changing Sections 2, 3, 4, 7, and 9.5 as follows:

20 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

22 (a) "Public body" means all legislative, executive,
23 administrative, or advisory bodies of the State, state
24 universities and colleges, counties, townships, cities,

1 villages, incorporated towns, school districts and all other
2 municipal corporations, boards, bureaus, committees, or
3 commissions of this State, any subsidiary bodies of any of the
4 foregoing including but not limited to committees and
5 subcommittees thereof, and a School Finance Authority created
6 under Article 1E of the School Code. "Public body" does not
7 include a child death review team or the Illinois Child Death
8 Review Teams Executive Council established under the Child
9 Death Review Team Act, or a regional youth advisory board or
10 the Statewide Youth Advisory Board established under the
11 Department of Children and Family Services Statewide Youth
12 Advisory Board Act.

13 (b) "Person" means any individual or any individual acting
14 as an agent of a corporation, partnership, firm,
15 organization or association, acting individually or as a
16 group.

17 (c) "Public records" means all records, reports, forms,
18 writings, letters, memoranda, books, papers, maps,
19 photographs, microfilms, cards, tapes, recordings, electronic
20 data processing records, electronic communications, recorded
21 information and all other documentary materials pertaining to
22 the transaction of public business, regardless of physical
23 form or characteristics, having been prepared by or for, or
24 having been or being used by, received by, in the possession
25 of, or under the control of any public body. "Public records"
26 does not include junk mail.

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

20 (c-10) "Commercial purpose" means the use of any part of a
21 public record or records, or information derived from public
22 records, in any form for sale, resale, or solicitation or
23 advertisement for sales or services. For purposes of this
24 definition, requests made by news media and non-profit,
25 scientific, or academic organizations shall not be considered
26 to be made for a "commercial purpose" when the principal

1 purpose of the request is (i) to access and disseminate
2 information concerning news and current or passing events,
3 (ii) for articles of opinion or features of interest to the
4 public, or (iii) for the purpose of academic, scientific, or
5 public research or education.

6 (d) "Copying" means the reproduction of any public record
7 by means of any photographic, electronic, mechanical or other
8 process, device or means now known or hereafter developed and
9 available to the public body.

10 (e) "Head of the public body" means the president, mayor,
11 chairman, presiding officer, director, superintendent,
12 manager, supervisor or individual otherwise holding primary
13 executive and administrative authority for the public body, or
14 such person's duly authorized designee.

15 (f) "News media" means a newspaper or other periodical
16 issued at regular intervals whether in print or electronic
17 format, a news service whether in print or electronic format,
18 a radio station, a television station, a television network, a
19 community antenna television service, or a person or
20 corporation engaged in making news reels or other motion
21 picture news for public showing.

22 (g) "Recurrent requester", as used in Section 3.2 of this
23 Act, means a person that, in the 12 months immediately
24 preceding the request, has submitted to the same public body
25 (i) a minimum of 50 requests for records, (ii) a minimum of 15
26 requests for records within a 30-day period, or (iii) a

1 minimum of 7 requests for records within a 7-day period. For
2 purposes of this definition, requests made by news media and
3 non-profit, scientific, or academic organizations shall not be
4 considered in calculating the number of requests made in the
5 time periods in this definition when the principal purpose of
6 the requests is (i) to access and disseminate information
7 concerning news and current or passing events, (ii) for
8 articles of opinion or features of interest to the public, or
9 (iii) for the purpose of academic, scientific, or public
10 research or education.

11 For the purposes of this subsection (g), "request" means a
12 written document (or oral request, if the public body chooses
13 to honor oral requests) that is submitted to a public body via
14 personal delivery, mail, telefax, electronic mail, or other
15 means available to the public body and that identifies the
16 particular public record the requester seeks. One request may
17 identify multiple records to be inspected or copied.

18 (h) "Voluminous request" means a request that: (i)
19 includes more than 5 individual requests for more than 5
20 different categories of records or a combination of individual
21 requests that total requests for more than 5 different
22 categories of records in a period of 20 business days; or (ii)
23 requires the compilation of more than 500 letter or
24 legal-sized pages of public records unless a single requested
25 record exceeds 500 pages. "Single requested record" may
26 include, but is not limited to, one report, form, e-mail,

1 letter, memorandum, book, map, microfilm, tape, or recording.

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

9 For the purposes of this subsection (h), "request" means a
10 written document, or oral request, if the public body chooses
11 to honor oral requests, that is submitted to a public body via
12 personal delivery, mail, telefax, electronic mail, or other
13 means available to the public body and that identifies the
14 particular public record or records the requester seeks. One
15 request may identify multiple individual records to be
16 inspected or copied.

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

20 (j) "Junk mail" means (i) any unsolicited commercial mail
21 sent to a public body and not responded to by an official,
22 employee, or agent of the public body or (ii) any unsolicited
23 commercial electronic communication sent to a public body and
24 not responded to by an official, employee, or agent of the
25 public body.

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

1 (5 ILCS 140/3) (from Ch. 116, par. 203)

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

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

14 (c) Requests for inspection or copies shall be made in
15 writing and directed to the public body. Written requests may
16 be submitted to a public body via personal delivery, mail,
17 telefax, or other means available to the public body.
18 Electronic requests under this Section must appear in their
19 entirety within the body of the electronic submission. As a
20 cybersecurity measure, no public body shall be required to
21 open electronically attached files or hyperlinks to view or
22 access details of a request. A public body that receives a
23 request that would require the public body to open hyperlinks
24 or attached files shall, within 5 business days, notify the
25 requester of the requirement that the entirety of an

1 electronic request must appear within the body of the
2 electronic submission. A public body may honor oral requests
3 for inspection or copying. A public body may not require that a
4 request be submitted on a standard form or require the
5 requester to specify the purpose for a request, except to
6 determine whether the records are requested for a commercial
7 purpose or whether to grant a request for a fee waiver. All
8 requests for inspection and copying received by a public body
9 shall immediately be forwarded to its Freedom of Information
10 officer or designee.

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

25 (e) The time for response under this Section may be
26 extended by the public body for not more than 5 business days

1 from the original due date for any of the following reasons:

2 (i) the requested records are stored in whole or in
3 part at other locations than the office having charge of
4 the requested records;

5 (ii) the request requires the collection of a
6 substantial number of specified records;

7 (iii) the request is couched in categorical terms and
8 requires an extensive search for the records responsive to
9 it;

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

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

18 (vi) the request for records cannot be complied with
19 by the public body within the time limits prescribed by
20 subsection (d) of this Section without unduly burdening or
21 interfering with the operations of the public body;

22 (vii) there is a need for consultation, which shall be
23 conducted with all practicable speed, with another public
24 body or among 2 or more components of a public body having
25 a substantial interest in the determination or in the
26 subject matter of the request.

1 The person making a request and the public body may agree
2 in writing to extend the time for compliance for a period to be
3 determined by the parties. If the requester and the public
4 body agree to extend the period for compliance, a failure by
5 the public body to comply with any previous deadlines shall
6 not be treated as a denial of the request for the records.

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

20 (g) Requests calling for all records falling within a
21 category shall be complied with unless compliance with the
22 request would be unduly burdensome for the complying public
23 body and there is no way to narrow the request and the burden
24 on the public body outweighs the public interest in the
25 information. Before invoking this exemption, the public body
26 shall extend to the person making the request an opportunity

1 to confer with it in an attempt to reduce the request to
2 manageable proportions. If any public body responds to a
3 categorical request by stating that compliance would unduly
4 burden its operation and the conditions described above are
5 met, it shall do so in writing, specifying the reasons why it
6 would be unduly burdensome and the extent to which compliance
7 will so burden the operations of the public body. Such a
8 response shall be treated as a denial of the request for
9 information.

10 Repeated requests from the same person for the same
11 records that are unchanged or identical to records previously
12 provided or properly denied under this Act shall be deemed
13 unduly burdensome under this provision.

14 (h) Each public body may promulgate rules and regulations
15 in conformity with the provisions of this Section pertaining
16 to the availability of records and procedures to be followed,
17 including:

18 (i) the times and places where such records will be
19 made available, and

20 (ii) the persons from whom such records may be
21 obtained.

22 (i) The time periods for compliance or denial of a request
23 to inspect or copy records set out in this Section shall not
24 apply to requests for records made for a commercial purpose,
25 requests by a recurrent requester, or voluminous requests.
26 Such requests shall be subject to the provisions of Sections

1 3.1, 3.2, and 3.6 of this Act, as applicable.

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

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

16 (5 ILCS 140/4) (from Ch. 116, par. 204)

17 Sec. 4. Each public body shall prominently display on its
18 website ~~at each of its administrative or regional offices,~~
19 make available for inspection and copying, and send through
20 the mail if requested, each of the following:

21 (a) A brief description of itself, which will include,
22 but not be limited to, a short summary of its purpose, a
23 block diagram giving its functional subdivisions, the
24 total amount of its operating budget, the number and
25 location of all of its separate offices, the approximate

1 number of full and part-time employees, and the
2 identification and membership of any board, commission,
3 committee, or council which operates in an advisory
4 capacity relative to the operation of the public body, or
5 which exercises control over its policies or procedures,
6 or to which the public body is required to report and be
7 answerable for its operations; and

8 (b) A brief description of the methods whereby the
9 public may request information and public records, a
10 directory designating the Freedom of Information officer
11 or officers, the address where requests for public records
12 should be directed, and any fees allowable under Section 6
13 of this Act.

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

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

18 (5 ILCS 140/7)

19 Sec. 7. Exemptions.

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

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

3 (a) Information specifically prohibited from
4 disclosure by federal or State law or rules and
5 regulations implementing federal or State law.

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

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

14 (c) Personal information contained within public
15 records, the disclosure of which would constitute a
16 clearly unwarranted invasion of personal privacy, unless
17 the disclosure is consented to in writing by the
18 individual subjects of the information. "Unwarranted
19 invasion of personal privacy" means the disclosure of
20 information that is highly personal or objectionable to a
21 reasonable person and in which the subject's right to
22 privacy outweighs any legitimate public interest in
23 obtaining the information. The disclosure of information
24 that bears on the public duties of public employees and
25 officials shall not be considered an invasion of personal
26 privacy.

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

6 (i) interfere with pending or actually and
7 reasonably contemplated law enforcement proceedings
8 conducted by any law enforcement or correctional
9 agency that is the recipient of the request;

10 (ii) interfere with active administrative
11 enforcement proceedings conducted by the public body
12 that is the recipient of the request;

13 (iii) create a substantial likelihood that a
14 person will be deprived of a fair trial or an impartial
15 hearing;

16 (iv) unavoidably disclose the identity of a
17 confidential source, confidential information
18 furnished only by the confidential source, or persons
19 who file complaints with or provide information to
20 administrative, investigative, law enforcement, or
21 penal agencies; except that the identities of
22 witnesses to traffic crashes, traffic crash reports,
23 and rescue reports shall be provided by agencies of
24 local government, except when disclosure would
25 interfere with an active criminal investigation
26 conducted by the agency that is the recipient of the

1 request;

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

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

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

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

25 (d-6) Records contained in the Officer Professional
26 Conduct Database under Section 9.2 of the Illinois Police

1 Training Act, except to the extent authorized under that
2 Section. This includes the documents supplied to the
3 Illinois Law Enforcement Training Standards Board from the
4 Illinois State Police and Illinois State Police Merit
5 Board.

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

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

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

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

23 (e-7) Records requested by persons committed to the
24 Department of Corrections or Department of Human Services
25 Division of Mental Health if those materials are available
26 through an administrative request to the Department of

1 Corrections or Department of Human Services Division of
2 Mental Health.

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

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

19 (e-10) Law enforcement records of other persons
20 requested by a person committed to the Department of
21 Corrections, Department of Human Services Division of
22 Mental Health, or a county jail, including, but not
23 limited to, arrest and booking records, mug shots, and
24 crime scene photographs, except as these records may be
25 relevant to the requester's current or potential case or
26 claim.

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

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

19 The information included under this exemption includes
20 all trade secrets and commercial or financial information
21 obtained by a public body, including a public pension
22 fund, from a private equity fund or a privately held
23 company within the investment portfolio of a private
24 equity fund as a result of either investing or evaluating
25 a potential investment of public funds in a private equity
26 fund. The exemption contained in this item does not apply

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

8 Nothing contained in this paragraph (g) shall be
9 construed to prevent a person or business from consenting
10 to disclosure.

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

19 (i) Valuable formulae, computer geographic systems,
20 designs, drawings, and research data obtained or produced
21 by any public body when disclosure could reasonably be
22 expected to produce private gain or public loss. The
23 exemption for "computer geographic systems" provided in
24 this paragraph (i) does not extend to requests made by
25 news media as defined in Section 2 of this Act when the
26 requested information is not otherwise exempt and the only

1 purpose of the request is to access and disseminate
2 information regarding the health, safety, welfare, or
3 legal rights of the general public.

4 (j) The following information pertaining to
5 educational matters:

6 (i) test questions, scoring keys, and other
7 examination data used to administer an academic
8 examination;

9 (ii) information received by a primary or
10 secondary school, college, or university under its
11 procedures for the evaluation of faculty members by
12 their academic peers;

13 (iii) information concerning a school or
14 university's adjudication of student disciplinary
15 cases, but only to the extent that disclosure would
16 unavoidably reveal the identity of the student; and

17 (iv) course materials or research materials used
18 by faculty members.

19 (k) Architects' plans, engineers' technical
20 submissions, and other construction related technical
21 documents for projects not constructed or developed in
22 whole or in part with public funds and the same for
23 projects constructed or developed with public funds,
24 including, but not limited to, power generating and
25 distribution stations and other transmission and
26 distribution facilities, water treatment facilities,

1 airport facilities, sport stadiums, convention centers,
2 and all government owned, operated, or occupied buildings,
3 but only to the extent that disclosure would compromise
4 security.

5 (l) Minutes of meetings of public bodies closed to the
6 public as provided in the Open Meetings Act until the
7 public body makes the minutes available to the public
8 under Section 2.06 of the Open Meetings Act.

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

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

21 (o) Administrative or technical information associated
22 with automated data processing operations, including, but
23 not limited to, software, operating protocols, computer
24 program abstracts, file layouts, source listings, object
25 modules, load modules, user guides, documentation
26 pertaining to all logical and physical design of

1 computerized systems, employee manuals, and any other
2 information that, if disclosed, would jeopardize the
3 security of the system or its data or the security of
4 materials exempt under this Section.

5 (p) Records relating to collective negotiating matters
6 between public bodies and their employees or
7 representatives, except that any final contract or
8 agreement shall be subject to inspection and copying.

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

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

23 (s) Any and all proprietary information and records
24 related to the operation of an intergovernmental risk
25 management association or self-insurance pool or jointly
26 self-administered health and accident cooperative or pool.

1 Insurance or self-insurance (including any
2 intergovernmental risk management association or
3 self-insurance pool) claims, loss or risk management
4 information, records, data, advice, or communications.

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

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

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

1 mobilization or deployment of personnel or equipment, to
2 the operation of communication systems or protocols, to
3 cybersecurity vulnerabilities, or to tactical operations.

4 (w) (Blank).

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

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

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

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

25 (bb) Records and information provided to a mortality
26 review team and records maintained by a mortality review

1 team appointed under the Department of Juvenile Justice
2 Mortality Review Team Act.

3 (cc) Information regarding interments, entombments, or
4 inurnments of human remains that are submitted to the
5 Cemetery Oversight Database under the Cemetery Care Act or
6 the Cemetery Oversight Act, whichever is applicable.

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

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

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

23 (gg) Confidential information described in Section
24 1-100 of the Illinois Independent Tax Tribunal Act of
25 2012.

26 (hh) The report submitted to the State Board of

1 Education by the School Security and Standards Task Force
2 under item (8) of subsection (d) of Section 2-3.160 of the
3 School Code and any information contained in that report.

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

15 (jj) Confidential information described in Section
16 5-535 of the Civil Administrative Code of Illinois.

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

23 (ll) Records concerning the work of the threat
24 assessment team of a school district, including, but not
25 limited to, any threat assessment procedure under the
26 School Safety Drill Act and any information contained in

1 the procedure.

2 (mm) Information prohibited from being disclosed under
3 subsections (a) and (b) of Section 15 of the Student
4 Confidential Reporting Act.

5 (nn) Proprietary information submitted to the
6 Environmental Protection Agency under the Drug Take-Back
7 Act.

8 (oo) Records described in subsection (f) of Section
9 3-5-1 of the Unified Code of Corrections.

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

16 (qq) Reports described in subsection (e) of Section
17 16-15 of the Abortion Care Clinical Training Program Act.

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

20 (ss) For a request directed to a public body that is
21 also a HIPAA-covered entity, all information that is
22 protected health information, including demographic
23 information, that may be contained within or extracted
24 from any record held by the public body in compliance with
25 State and federal medical privacy laws and regulations,
26 including, but not limited to, the Health Insurance

1 Portability and Accountability Act and its regulations, 45
2 CFR Parts 160 and 164. As used in this paragraph,
3 "HIPAA-covered entity" has the meaning given to the term
4 "covered entity" in 45 CFR 160.103 and "protected health
5 information" has the meaning given to that term in 45 CFR
6 160.103.

7 (tt) Proposals or bids submitted by engineering
8 consultants in response to requests for proposal or other
9 competitive bidding requests by the Department of
10 Transportation or the Illinois Toll Highway Authority.

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

23 (1.5) Any information exempt from disclosure under the
24 Judicial Privacy Act shall be redacted from public records
25 prior to disclosure under this Act.

26 (2) A public record that is not in the possession of a

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

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

11 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
12 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
13 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
14 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
15 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
16 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
17 eff. 7-1-24; 103-865, eff. 1-1-25.)

18 (5 ILCS 140/9.5)

19 Sec. 9.5. Public Access Counselor; opinions.

20 (a) A person whose request to inspect or copy a public
21 record is denied by a public body, except the General Assembly
22 and committees, commissions, and agencies thereof, may file a
23 request for review with the Public Access Counselor
24 established in the Office of the Attorney General not later
25 than 60 days after the date of the final denial. The request

1 for review must be in writing, signed by the requester, and
2 include (i) a copy of the request for access to records and
3 (ii) any responses from the public body.

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

14 (b-5) A person whose request to inspect or copy a public
15 record was treated by a public body, except the General
16 Assembly and committees, commissions, and agencies thereof, as
17 a voluminous request under Section 3.6 of this Act may file a
18 request for review with the Public Access Counselor for the
19 purpose of reviewing whether the public body properly
20 determined that the request was a voluminous request.

21 (c) Upon receipt of a request for review, the Public
22 Access Counselor shall determine whether further action is
23 warranted. If the Public Access Counselor determines that the
24 alleged violation is unfounded, he or she shall so advise the
25 requester and the public body and no further action shall be
26 undertaken. In all other cases, the Public Access Counselor

1 shall forward a copy of the request for review to the public
2 body within 7 business days after receipt and shall specify
3 the records or other documents that the public body shall
4 furnish to facilitate the review. Within 7 business days after
5 receipt of the request for review, the public body shall
6 provide copies of records requested and shall otherwise fully
7 cooperate with the Public Access Counselor. If a public body
8 fails to furnish specified records pursuant to this Section,
9 or if otherwise necessary, the Attorney General may issue a
10 subpoena to any person or public body having knowledge of or
11 records pertaining to a request for review of a denial of
12 access to records under the Act. Records or documents obtained
13 by the Public Access Counselor from a public body for the
14 purpose of addressing a request for review under this Section
15 may not be disclosed to the public, including the requester,
16 by the Public Access Counselor. These records, while in the
17 possession of the Public Access Counselor, are exempt under
18 this Act from disclosure by the Public Access Counselor.

19 (d) Within 7 business days after it receives a copy of a
20 request for review and request for production of records from
21 the Public Access Counselor, the public body may, but is not
22 required to, answer the allegations of the request for review.
23 The answer may take the form of a letter, brief, or memorandum.
24 The Public Access Counselor shall forward a copy of the answer
25 to the person submitting the request for review, with any
26 alleged confidential information to which the request pertains

1 redacted from the copy. The requester may, but is not required
2 to, respond in writing to the answer within 7 business days and
3 shall provide a copy of the response to the public body.

4 (e) In addition to the request for review, and the answer
5 and the response thereto, if any, a requester or a public body
6 may furnish affidavits or records concerning any matter
7 germane to the review.

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

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

25 Upon receipt of a binding opinion concluding that a
26 violation of this Act has occurred, the public body shall

1 either take necessary action immediately to comply with the
2 directive of the opinion or shall initiate administrative
3 review under Section 11.5. If the opinion concludes that no
4 violation of the Act has occurred, the requester may initiate
5 administrative review under Section 11.5.

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

10 (g) If the requester files suit under Section 11 with
11 respect to the same denial that is the subject of a pending
12 request for review, the requester shall notify the Public
13 Access Counselor, and the Public Access Counselor shall take
14 no further action with respect to the request for review and
15 shall so notify the public body.

16 (h) The Attorney General may also issue advisory opinions
17 to public bodies regarding compliance with this Act. A review
18 may be initiated upon receipt of a written request from the
19 head of the public body or its attorney, which shall contain
20 sufficient accurate facts from which a determination can be
21 made. The Public Access Counselor may request additional
22 information from the public body in order to assist in the
23 review. A public body that relies in good faith on an advisory
24 opinion of the Attorney General in responding to a request is
25 not liable for penalties under this Act, so long as the facts
26 upon which the opinion is based have been fully and fairly

1 disclosed to the Public Access Counselor.

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

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

5 (50 ILCS 205/3) (from Ch. 116, par. 43.103)

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

8 "Agency" means any court, and all parts, boards,
9 departments, bureaus and commissions of any county, municipal
10 corporation or political subdivision.

11 "Archivist" means the Secretary of State.

12 "Born-digital electronic material" means electronic
13 material created in digital form rather than converted from
14 print or analog form to digital form.

15 "Commission" means a Local Records Commission.

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

17 "Digitized electronic material" means electronic material
18 converted from print or analog form to digital form.

19 "Junk mail" means (i) any unsolicited commercial mail sent
20 to a public body and not responded to by an official, employee,
21 or agent of the public body or (ii) any unsolicited commercial
22 electronic communication sent to a public body and not
23 responded to by an official, employee, or agent of the public
24 body.

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

3 "Public record" means any book, paper, map, photograph,
4 born-digital electronic material, digitized electronic
5 material, electronic material with a combination of digitized
6 and born-digital material, or other official documentary
7 material, regardless of physical form or characteristics,
8 made, produced, executed or received by any agency or officer
9 pursuant to law or in connection with the transaction of
10 public business and preserved or appropriate for preservation
11 by such agency or officer, or any successor thereof, as
12 evidence of the organization, function, policies, decisions,
13 procedures, or other activities thereof, or because of the
14 informational data contained therein. Library and museum
15 material made or acquired and preserved solely for reference
16 or exhibition purposes, extra copies of documents preserved
17 only for convenience of reference, ~~and~~ stocks of publications
18 and of processed documents, and junk mail are not included
19 within the definition of public record. Paper copies of
20 registration records, as defined in Section 1 of the Library
21 Records Confidentiality Act (75 ILCS 70/1), shall not be
22 considered public records once the information contained in
23 the paper registration records is transferred into a secure
24 electronic format and checked for accuracy.

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

26 Section 99. Effective date. This Act takes effect January

1 1, 2026.