



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1665

Introduced 2/5/2025, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7

Amends the Freedom of Information Act. Exempts from disclosure any studies, drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record is not exempt if the record has remained in draft form for more than a 12-month period and public dollars were spent by a unit of local government to conduct such a study.

LRB104 11320 BDA 21406 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7)

7 Sec. 7. Exemptions.

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

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and
18 regulations implementing federal or State law.

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

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or
2 more law enforcement agencies regarding the physical or
3 mental status of one or more individual subjects.

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

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

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

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body
2 that is the recipient of the request;

3 (iii) create a substantial likelihood that a
4 person will be deprived of a fair trial or an impartial
5 hearing;

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

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

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or
2 (vii) obstruct an ongoing criminal investigation
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law
5 enforcement purposes and contained in a shared electronic
6 record management system if the law enforcement agency
7 that is the recipient of the request did not create the
8 record, did not participate in or have a role in any of the
9 events which are the subject of the record, and only has
10 access to the record through the shared electronic record
11 management system.

12 (d-6) Records contained in the Officer Professional
13 Conduct Database under Section 9.2 of the Illinois Police
14 Training Act, except to the extent authorized under that
15 Section. This includes the documents supplied to the
16 Illinois Law Enforcement Training Standards Board from the
17 Illinois State Police and Illinois State Police Merit
18 Board.

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

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

24 (e-5) Records requested by persons committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail if those

1 materials are available in the library of the correctional
2 institution or facility or jail where the inmate is
3 confined.

4 (e-6) Records requested by persons committed to the
5 Department of Corrections, Department of Human Services
6 Division of Mental Health, or a county jail if those
7 materials include records from staff members' personnel
8 files, staff rosters, or other staffing assignment
9 information.

10 (e-7) Records requested by persons committed to the
11 Department of Corrections or Department of Human Services
12 Division of Mental Health if those materials are available
13 through an administrative request to the Department of
14 Corrections or Department of Human Services Division of
15 Mental Health.

16 (e-8) Records requested by a person committed to the
17 Department of Corrections, Department of Human Services
18 Division of Mental Health, or a county jail, the
19 disclosure of which would result in the risk of harm to any
20 person or the risk of an escape from a jail or correctional
21 institution or facility.

22 (e-9) Records requested by a person in a county jail
23 or committed to the Department of Corrections or
24 Department of Human Services Division of Mental Health,
25 containing personal information pertaining to the person's
26 victim or the victim's family, including, but not limited

1 to, a victim's home address, home telephone number, work
2 or school address, work telephone number, social security
3 number, or any other identifying information, except as
4 may be relevant to a requester's current or potential case
5 or claim.

6 (e-10) Law enforcement records of other persons
7 requested by a person committed to the Department of
8 Corrections, Department of Human Services Division of
9 Mental Health, or a county jail, including, but not
10 limited to, arrest and booking records, mug shots, and
11 crime scene photographs, except as these records may be
12 relevant to the requester's current or potential case or
13 claim.

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

23 (f-1) Any studies, drafts, notes, recommendations,
24 memoranda, and other records in which opinions are
25 expressed, or policies or actions are formulated, except
26 that a specific record or relevant portion of a record is

1 not exempt if the record has remained in draft form for
2 more than a 12-month period and public dollars were spent
3 by a unit of local government to conduct such a study.

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

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

1 privately held company may cause competitive harm.

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

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

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

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

26 (i) test questions, scoring keys, and other

1 examination data used to administer an academic
2 examination;

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

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

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

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

25 (l) Minutes of meetings of public bodies closed to the
26 public as provided in the Open Meetings Act until the

1 public body makes the minutes available to the public
2 under Section 2.06 of the Open Meetings Act.

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

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

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

25 (p) Records relating to collective negotiating matters
26 between public bodies and their employees or

1 representatives, except that any final contract or
2 agreement shall be subject to inspection and copying.

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

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

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

25 (t) Information contained in or related to
26 examination, operating, or condition reports prepared by,

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

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

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

24 (w) (Blank).

25 (x) Maps and other records regarding the location or
26 security of generation, transmission, distribution,

1 storage, gathering, treatment, or switching facilities
2 owned by a utility, by a power generator, or by the
3 Illinois Power Agency.

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

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

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

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

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

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

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

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

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

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

24 (ii) Records requested by persons committed to or
25 detained by the Department of Human Services under the
26 Sexually Violent Persons Commitment Act or committed to

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

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

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

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

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

25 (nn) Proprietary information submitted to the
26 Environmental Protection Agency under the Drug Take-Back

1 Act.

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

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

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

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

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

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

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

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

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

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