

1 AN ACT concerning local 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 6 as follows:

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

7 Sec. 6. Authority to charge fees.

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

1 applicable to those records when furnished in an electronic
2 format.

3 (a-5) If a voluminous request is for electronic records
4 and those records are not in a portable document format (PDF),
5 the public body may charge up to \$20 for not more than 2
6 megabytes of data, up to \$40 for more than 2 but not more than
7 4 megabytes of data, and up to \$100 for more than 4 megabytes
8 of data. If a voluminous request is for electronic records and
9 those records are in a portable document format, the public
10 body may charge up to \$20 for not more than 80 megabytes of
11 data, up to \$40 for more than 80 megabytes but not more than
12 160 megabytes of data, and up to \$100 for more than 160
13 megabytes of data. If the responsive electronic records are in
14 both a portable document format and not in a portable document
15 format, the public body may separate the fees and charge the
16 requester under both fee scales.

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

21 (b) Except when a fee is otherwise fixed by statute, each
22 public body may charge fees reasonably calculated to reimburse
23 its actual cost for reproducing and certifying public records
24 and for the use, by any person, of the equipment of the public
25 body to copy records. No fees shall be charged for the first 50
26 pages of black and white, letter or legal sized copies

1 requested by a requester. The fee for black and white, letter
2 or legal sized copies shall not exceed 15 cents per page. If a
3 public body provides copies in color or in a size other than
4 letter or legal, the public body may not charge more than its
5 actual cost for reproducing the records. In calculating its
6 actual cost for reproducing records or for the use of the
7 equipment of the public body to reproduce records, a public
8 body shall not include the costs of any search for and review
9 of the records or other personnel costs associated with
10 reproducing the records, except for commercial requests as
11 provided in subsection (f) of this Section. Such fees shall be
12 imposed according to a standard scale of fees, established and
13 made public by the body imposing them. The cost for certifying
14 a record shall not exceed \$1.

15 (c) Documents shall be furnished without charge or at a
16 reduced charge, as determined by the public body, if the
17 person requesting the documents states the specific purpose
18 for the request and indicates that a waiver or reduction of the
19 fee is in the public interest. Waiver or reduction of the fee
20 is in the public interest if the principal purpose of the
21 request is to access and disseminate information regarding the
22 health, safety, and welfare or the legal rights of the general
23 public and is not for the principal purpose of personal or
24 commercial benefit. For purposes of this subsection,
25 "commercial benefit" shall not apply to requests made by news
26 media when the principal purpose of the request is to access

1 and disseminate information regarding the health, safety, and
2 welfare or the legal rights of the general public. In setting
3 the amount of the waiver or reduction, the public body may take
4 into consideration the amount of materials requested and the
5 cost of copying them.

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

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

13 (f) A public body may charge up to \$10 for each hour spent
14 by personnel in searching for and retrieving a requested
15 record or examining the record for or applying necessary
16 redactions. No fees shall be charged for the first 8 hours
17 spent by personnel in searching for or retrieving a requested
18 record, except for records subject to subsection (f-5) of this
19 Section. A public body may charge the actual cost of
20 retrieving and transporting public records from an off-site
21 storage facility when the public records are maintained by a
22 third-party storage company under contract with the public
23 body. If a public body imposes a fee pursuant to this
24 subsection (f), it must provide the requester with an
25 accounting of all fees, costs, and personnel hours in
26 connection with the request for public records. The provisions

1 of this subsection (f) apply only to ~~commercial~~ requests made
2 for a commercial purpose as defined in subsection (c-10) of
3 Section 2 of this Act.

4 (f-5) For recordings that are made pursuant to the Law
5 Enforcement Officer-Worn Body Camera Act, a public body may
6 charge fees reflecting its actual costs up to \$40 for each hour
7 spent by personnel in searching for and retrieving a requested
8 recording or examining the recording for or applying necessary
9 redactions on requests unless the request is made by:

10 (1) a court order;

11 (2) the subject of the encounter or the subject's
12 legal representative;

13 (3) a witness to the encounter or the witness's
14 representative, if the encounter resulted in the recording
15 being flagged;

16 (4) a representative of the news media, as defined in
17 subsection (f) of Section 2 of this Act; or

18 (5) a nonprofit, scientific, or academic organization
19 when the principal purpose of the request is (i) to access
20 and disseminate information concerning news and current or
21 passing events, (ii) for articles of opinion or features
22 of interest to the public, or (iii) for the purpose of
23 academic, scientific, or public research or education.

24 If a public body imposes a fee under this subsection
25 (f-5), the public body shall, within 5 business days after the
26 public body's receipt of the request, provide the requester

1 with an estimated time that will be required for the public
2 body to provide the recordings requested and an estimate of
3 the fees to be charged. A public body that fails to provide an
4 estimate of fees within 5 business days of the request may not
5 impose a fee for those copies. The deadline for the public body
6 to respond to a request that includes officer-worn body camera
7 video shall be tolled until the requester pays the estimated
8 fee. The public body shall have an additional 5 business days
9 to respond to a request once payment of the estimated fee is
10 made, as well as any extensions allowed under subsection (e)
11 of Section 3 or other applicable provisions of this Act. If the
12 requester fails to pay the estimated fees within 30 days after
13 the public body requests payment of the estimated fee, then
14 the public body may deny the request. If a public body imposes
15 a fee under this subsection (f-5), it must provide the
16 requester with an accounting of all fees, costs, and personnel
17 hours in connection with the request for public records and
18 must apply a new balance or refund paid amounts based on the
19 actual cost versus the paid estimate.

20 A requester who can demonstrate that the purpose of the
21 requester's request under this subsection is to access and
22 disseminate information in order to further the interest of
23 the health, safety, and welfare or the legal rights of the
24 community where the requester lives is eligible for a waiver
25 or reduction of the fees provided for under this subsection.

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