

SB1826



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1826

Introduced 2/5/2025, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

5 ILCS 140/7

5 ILCS 140/9.5

Amends the Freedom of Information Act. Includes the judicial body and its components in the definition of "public body". Defines "public records" when that term is associated with the judicial body and its components. Exempts from inspection and copying (i) records of the judicial body and its components that pertain to the preparation of judicial opinions and orders or judicial work product and (ii) records that are privileged or confidential under the Illinois Code of Judicial Conduct or the Illinois Rules of Professional Conduct. Provides that a person whose request to inspect or copy a public record was denied or treated as a voluminous request by the judicial body and its components may not file a request for review with the Public Access Counselor.

LRB104 02962 LNS 12978 b

A BILL FOR

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 Sections 2, 7, and 9.5 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

8 (a) "Public body" means all legislative, executive,
9 judicial, administrative, or advisory bodies of the State, or
10 their components, state universities and colleges, counties,
11 townships, cities, villages, incorporated towns, school
12 districts and all other municipal corporations, boards,
13 bureaus, committees, or commissions of this State, any
14 subsidiary bodies of any of the foregoing including but not
15 limited to committees and subcommittees thereof, and a School
16 Finance Authority created under Article 1E of the School Code.

17 "Public body" does not include a child death review team or the
18 Illinois Child Death Review Teams Executive Council
19 established under the Child Death Review Team Act, or a
20 regional youth advisory board or the Statewide Youth Advisory
21 Board established under the Department of Children and Family
22 Services Statewide Youth Advisory Board Act.

23 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, electronic communications, recorded
7 information and all other documentary materials pertaining to
8 the transaction of public business, regardless of physical
9 form or characteristics, having been prepared by or for, or
10 having been or being used by, received by, in the possession
11 of, or under the control of any public body. For the judicial
12 body and its components, "public records" includes, but is not
13 limited to, the following records in possession of the
14 judicial body or its components, as long as the record has been
15 anonymized and all personally identifiable information,
16 including, but not limited to, personally identifiable
17 information of a juvenile, such as the juvenile's name and
18 date of birth, has been anonymized: juvenile court and
19 juvenile detention information; criminal charges; detention
20 date; release date; reason for detention; orders for pretrial
21 services; orders for electronic monitoring and case
22 disposition; and contracts related to pretrial or post
23 adjudication services, programs, or monitoring and any
24 finalized reports or evaluations of those programs.

25 (c-5) "Private information" means unique identifiers,
26 including a person's social security number, driver's license

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

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

1 (ii) for articles of opinion or features of interest to the
2 public, or (iii) for the purpose of academic, scientific, or
3 public research or education.

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

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

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

20 (g) "Recurrent requester", as used in Section 3.2 of this
21 Act, means a person that, in the 12 months immediately
22 preceding the request, has submitted to the same public body
23 (i) a minimum of 50 requests for records, (ii) a minimum of 15
24 requests for records within a 30-day period, or (iii) a
25 minimum of 7 requests for records within a 7-day period. For
26 purposes of this definition, requests made by news media and

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

9 For the purposes of this subsection (g), "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 the requester seeks. One request may
15 identify multiple records to be inspected or copied.

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

26 "Voluminous request" does not include a request made by

1 news media and non-profit, scientific, or academic
2 organizations if the principal purpose of the request is: (1)
3 to access and disseminate information concerning news and
4 current or passing events; (2) for articles of opinion or
5 features of interest to the public; or (3) for the purpose of
6 academic, scientific, or public research or education.

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

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

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

19 (5 ILCS 140/7)

20 (Text of Section before amendment by P.A. 103-865)

21 Sec. 7. Exemptions.

22 (1) When a request is made to inspect or copy a public
23 record that contains information that is exempt from
24 disclosure under this Section, but also contains information
25 that is not exempt from disclosure, the public body may elect

1 to redact the information that is exempt. The public body
2 shall make the remaining information available for inspection
3 and copying. Subject to this requirement, the following shall
4 be exempt from inspection and copying:

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

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

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

16 (c) Personal information contained within public
17 records, the disclosure of which would constitute a
18 clearly unwarranted invasion of personal privacy, unless
19 the disclosure is consented to in writing by the
20 individual subjects of the information. "Unwarranted
21 invasion of personal privacy" means the disclosure of
22 information that is highly personal or objectionable to a
23 reasonable person and in which the subject's right to
24 privacy outweighs any legitimate public interest in
25 obtaining the information. The disclosure of information
26 that bears on the public duties of public employees and

1 officials shall not be considered an invasion of personal
2 privacy.

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

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

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

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

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

1 interfere with an active criminal investigation
2 conducted by the agency that is the recipient of the
3 request;

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

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

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

16 (d-5) A law enforcement record created for law
17 enforcement purposes and contained in a shared electronic
18 record management system if the law enforcement agency
19 that is the recipient of the request did not create the
20 record, did not participate in or have a role in any of the
21 events which are the subject of the record, and only has
22 access to the record through the shared electronic record
23 management system.

24 (d-6) Records contained in the Officer Professional
25 Conduct Database under Section 9.2 of the Illinois Police
26 Training Act, except to the extent authorized under that

1 Section. This includes the documents supplied to the
2 Illinois Law Enforcement Training Standards Board from the
3 Illinois State Police and Illinois State Police Merit
4 Board.

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

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

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

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

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

1 Mental Health.

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

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

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

26 (f) Preliminary drafts, notes, recommendations,

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

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

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

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

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

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

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

1 information regarding the health, safety, welfare, or
2 legal rights of the general public.

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

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

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

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

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

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

1 and all government owned, operated, or occupied buildings,
2 but only to the extent that disclosure would compromise
3 security.

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

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

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

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

1 information that, if disclosed, would jeopardize the
2 security of the system or its data or the security of
3 materials exempt under this Section.

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

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

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

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

26 Insurance or self-insurance (including any

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

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

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

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

1 the operation of communication systems or protocols, to
2 cybersecurity vulnerabilities, or to tactical operations.

3 (w) (Blank).

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

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

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

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

24 (bb) Records and information provided to a mortality
25 review team and records maintained by a mortality review
26 team appointed under the Department of Juvenile Justice

1 Mortality Review Team Act.

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

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

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

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

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

25 (hh) The report submitted to the State Board of
26 Education by the School Security and Standards Task Force

1 under item (8) of subsection (d) of Section 2-3.160 of the
2 School Code and any information contained in that report.

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

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

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

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

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

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

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

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

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

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

(ss) For a request directed to a public body that is also a HIPAA-covered entity, all information that is protected health information, including demographic information, that may be contained within or extracted from any record held by the public body in compliance with State and federal medical privacy laws and regulations, including, but not limited to, the Health Insurance Portability and Accountability Act and its regulations, 45

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

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

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

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

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

(Text of Section after amendment by P.A. 103-865)

Sec. 7. Exemptions.

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

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

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

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

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the

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

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

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

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

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

25 (iv) unavoidably disclose the identity of a
26 confidential source, confidential information

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

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

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

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

23 (d-5) A law enforcement record created for law
24 enforcement purposes and contained in a shared electronic
25 record management system if the law enforcement agency
26 that is the recipient of the request did not create the

1 record, did not participate in or have a role in any of the
2 events which are the subject of the record, and only has
3 access to the record through the shared electronic record
4 management system.

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

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

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

17 (e-5) 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 are available in the library of the correctional
21 institution or facility or jail where the inmate is
22 confined.

23 (e-6) Records requested by persons committed to the
24 Department of Corrections, Department of Human Services
25 Division of Mental Health, or a county jail if those
26 materials include records from staff members' personnel

1 files, staff rosters, or other staffing assignment
2 information.

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

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

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

25 (e-10) Law enforcement records of other persons
26 requested by a person committed to the Department of

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

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

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

1 requested.

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

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

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

1 award or final selection is made.

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

13 (j) The following information pertaining to
14 educational matters:

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

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

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

26 (iv) course materials or research materials used

1 by faculty members.

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

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

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

26 (n) Records relating to a public body's adjudication

1 of employee grievances or disciplinary cases; however,
2 this exemption shall not extend to the final outcome of
3 cases in which discipline is imposed.

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

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

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

21 (r) The records, documents, and information relating
22 to real estate purchase negotiations until those
23 negotiations have been completed or otherwise terminated.
24 With regard to a parcel involved in a pending or actually
25 and reasonably contemplated eminent domain proceeding
26 under the Eminent Domain Act, records, documents, and

1 information relating to that parcel shall be exempt except
2 as may be allowed under discovery rules adopted by the
3 Illinois Supreme Court. The records, documents, and
4 information relating to a real estate sale shall be exempt
5 until a sale is consummated.

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

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

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

26 (v) Vulnerability assessments, security measures, and

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

13 (w) (Blank).

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

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

26 (z) Information about students exempted from

1 disclosure under Section 10-20.38 or 34-18.29 of the
2 School Code, and information about undergraduate students
3 enrolled at an institution of higher education exempted
4 from disclosure under Section 25 of the Illinois Credit
5 Card Marketing Act of 2009.

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

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

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

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

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

26 (ff) The names, addresses, or other personal

1 information of participants and registrants in programs of
2 park districts, forest preserve districts, conservation
3 districts, recreation agencies, and special recreation
4 associations where such programs are targeted primarily to
5 minors.

6 (gg) Confidential information described in Section
7 1-100 of the Illinois Independent Tax Tribunal Act of
8 2012.

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

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

24 (jj) Confidential information described in Section
25 5-535 of the Civil Administrative Code of Illinois.

26 (kk) The public body's credit card numbers, debit card

1 numbers, bank account numbers, Federal Employer
2 Identification Number, security code numbers, passwords,
3 and similar account information, the disclosure of which
4 could result in identity theft or impression or defrauding
5 of a governmental entity or a person.

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

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

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

17 (oo) Records described in subsection (f) of Section
18 3-5-1 of the Unified Code of Corrections.

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

25 (qq) Reports described in subsection (e) of Section
26 16-15 of the Abortion Care Clinical Training Program Act.

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

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

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

(uu) Records that are privileged or confidential under the Illinois Code of Judicial Conduct or the Illinois Rules of Professional Conduct.

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

(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 and the
23 judicial body and its components, may file a request for
24 review with the Public Access Counselor established in the
25 Office of the Attorney General not later than 60 days after the

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

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

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

23 (c) Upon receipt of a request for review, the Public
24 Access Counselor shall determine whether further action is
25 warranted. If the Public Access Counselor determines that the
26 alleged violation is unfounded, he or she shall so advise the

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

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

1 to the person submitting the request for review, with any
2 alleged confidential information to which the request pertains
3 redacted from the copy. The requester may, but is not required
4 to, respond in writing to the answer within 7 business days and
5 shall provide a copy of the response to the public body.

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

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

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

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

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

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

18 (h) The Attorney General may also issue advisory opinions
19 to public bodies regarding compliance with this Act. A review
20 may be initiated upon receipt of a written request from the
21 head of the public body or its attorney, which shall contain
22 sufficient accurate facts from which a determination can be
23 made. The Public Access Counselor may request additional
24 information from the public body in order to assist in the
25 review. A public body that relies in good faith on an advisory
26 opinion of the Attorney General in responding to a request is

1 not liable for penalties under this Act, so long as the facts
2 upon which the opinion is based have been fully and fairly
3 disclosed to the Public Access Counselor.

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

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.