



Sen. Graciela Guzmán

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10400SB1995sam001

LRB104 10883 SPS 34798 a

1 AMENDMENT TO SENATE BILL 1995

2 AMENDMENT NO. _____. Amend Senate Bill 1995 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 2 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 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" does not

1 include a child death review team or the Illinois Child Death
2 Review Teams Executive Council established under the Child
3 Death Review Team Act, or a regional youth advisory board or
4 the Statewide Youth Advisory Board established under the
5 Department of Children and Family Services Statewide Youth
6 Advisory Board Act.

7 (b) "Person" means any individual or any individual acting
8 as an agent of a corporation, partnership, firm, organization
9 or association, acting individually or as a group.

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

20 (c-5) "Private information" means unique identifiers,
21 including a person's social security number, driver's license
22 number, employee identification number, biometric identifiers,
23 personal financial information, passwords or other access
24 codes, medical records, home or personal telephone numbers,
25 and personal email addresses. "Private information" ~~also~~
26 includes home address and personal license plates, except as

1 otherwise provided by law or when compiled without possibility
2 of attribution to any person.

3 Except as required under 8 U.S.C. 1373 and 1644, "private
4 information" includes immigration or citizenship status
5 information. As used in this subsection, "immigration or
6 citizenship status information" means any information
7 concerning (i) an individual's status as a citizen of the
8 United States or any other country or (ii) the legal right, or
9 lack thereof, of an individual to reside in or otherwise to be
10 present in the United States. "Immigration or citizenship
11 status information" includes an individual's nationality and
12 country of origin.

13 For a public body that is a HIPAA-covered entity, "private
14 information" includes electronic medical records and all
15 information, including demographic information, contained
16 within or extracted from an electronic medical records system
17 operated or maintained by the public body in compliance with
18 State and federal medical privacy laws and regulations,
19 including, but not limited to, the Health Insurance
20 Portability and Accountability Act and its regulations, 45 CFR
21 Parts 160 and 164. As used in this subsection, "HIPAA-covered
22 entity" has the meaning given to the term "covered entity" in
23 45 CFR 160.103.

24 (c-10) "Commercial purpose" means the use of any part of a
25 public record or records, or information derived from public
26 records, in any form for sale, resale, or solicitation or

1 advertisement for sales or services. For purposes of this
2 definition, requests made by news media and non-profit,
3 scientific, or academic organizations shall not be considered
4 to be made for a "commercial purpose" when the principal
5 purpose of the request is (i) to access and disseminate
6 information concerning news and current or passing events,
7 (ii) for articles of opinion or features of interest to the
8 public, or (iii) for the purpose of academic, scientific, or
9 public research or education.

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

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

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

26 (g) "Recurrent requester", as used in Section 3.2 of this

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

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

22 (h) "Voluminous request" means a request that: (i)
23 includes more than 5 individual requests for more than 5
24 different categories of records or a combination of individual
25 requests that total requests for more than 5 different
26 categories of records in a period of 20 business days; or (ii)

1 requires the compilation of more than 500 letter or
2 legal-sized pages of public records unless a single requested
3 record exceeds 500 pages. "Single requested record" may
4 include, but is not limited to, one report, form, e-mail,
5 letter, memorandum, book, map, microfilm, tape, or recording.

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

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

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

24 (j) "Junk mail" means (i) any unsolicited commercial mail
25 sent to a public body and not responded to by an official,
26 employee, or agent of the public body or (ii) any unsolicited

1 commercial electronic communication sent to a public body and
2 not responded to by an official, employee, or agent of the
3 public body.

4 (Source: P.A. 103-554, eff. 1-1-24; 104-438, eff. 1-1-26.)

5 Section 10. The State Records Act is amended by adding
6 Section 4b as follows:

7 (5 ILCS 160/4b new)

8 Sec. 4b. Immigration and citizenship status information.

9 (a) For purposes of this Section, "immigration and
10 citizenship status" means any matter concerning (i) an
11 individual's status as a citizen of the United States or any
12 other country or (ii) the legal right, or lack thereof, of an
13 individual to reside in or otherwise to be present in the
14 United States. "Immigration or citizenship status information"
15 includes an individual's nationality and country of origin.

16 (b) Unless required by statute, federal regulation, court
17 order, or a lawfully issued judicial warrant, no agency shall:

18 (1) request, inquire about, or investigate the
19 immigration or citizenship status or place of birth of any
20 person; or

21 (2) include as part of an application, questionnaire,
22 or interview form used in relation to any benefits,
23 opportunities, or services provided by the State any
24 questions regarding immigration and citizenship status.

1 (c) All agencies shall annually review all materials
2 described in paragraph (2) of subsection (b) and modify the
3 materials to conform with the requirements of this Section.

4 Section 15. The Local Records Act is amended by adding
5 Section 3d as follows:

6 (50 ILCS 205/3d new)

7 Sec. 3d. Immigration and citizenship status information.

8 (a) For purposes of this section, "immigration and
9 citizenship status" means any matter concerning (i) an
10 individual's status as a citizen of the United States or any
11 other country or (ii) the legal right, or lack thereof, of an
12 individual to reside in or otherwise to be present in the
13 United States. "Immigration or citizenship status information"
14 includes an individual's nationality and country of origin.

15 (b) Unless required by statute, federal regulation, court
16 order, or a lawfully issued judicial warrant, no agency shall:

17 (1) request, inquire about, or investigate the
18 immigration or citizenship status or place of birth of any
19 person; or

20 (2) include as part of an application, questionnaire,
21 or interview form used in relation to any benefits,
22 opportunities, or services provided by the unit of local
23 government any questions regarding immigration and
24 citizenship status.

1 (c) All agencies shall annually review all materials
2 described in paragraph (2) of subsection (b) and modify the
3 materials to conform with the requirements of this Section.

4 Section 20. The Personal Information Protection Act is
5 amended by changing Sections 5 and 45 as follows:

6 (815 ILCS 530/5)

7 Sec. 5. Definitions. In this Act:

8 "Data collector" may include, but is not limited to,
9 government agencies, public and private universities,
10 privately and publicly held corporations, financial
11 institutions, retail operators, and any other entity that, for
12 any purpose, handles, collects, disseminates, or otherwise
13 deals with nonpublic personal information.

14 "Breach of the security of the system data" or "breach"
15 means unauthorized acquisition of computerized data that
16 compromises the security, confidentiality, or integrity of
17 personal information maintained by the data collector. "Breach
18 of the security of the system data" does not include good faith
19 acquisition of personal information by an employee or agent of
20 the data collector for a legitimate purpose of the data
21 collector, provided that the personal information is not used
22 for a purpose unrelated to the data collector's business or
23 subject to further unauthorized disclosure.

24 "Health insurance information" means an individual's

1 health insurance policy number or subscriber identification
2 number, any unique identifier used by a health insurer to
3 identify the individual, or any medical information in an
4 individual's health insurance application and claims history,
5 including any appeals records.

6 "Immigration or citizenship status information" means any
7 information concerning (i) an individual's status as a citizen
8 of the United States or any other country or (ii) the legal
9 right, or lack thereof, of an individual to reside in or
10 otherwise to be present in the United States. "Immigration or
11 citizenship status information" includes an individual's
12 nationality and country of origin.

13 "Medical information" means any information regarding an
14 individual's medical history, mental or physical condition, or
15 medical treatment or diagnosis by a healthcare professional,
16 including such information provided to a website or mobile
17 application.

18 "Personal information" means either of the following:

19 (1) An individual's first name or first initial and
20 last name in combination with any one or more of the
21 following data elements, when either the name or the data
22 elements are not encrypted or redacted or are encrypted or
23 redacted but the keys to unencrypt or unredact or
24 otherwise read the name or data elements have been
25 acquired without authorization through the breach of
26 security:

1 (A) Social Security number.

2 (B) Driver's license number or State
3 identification card number.

4 (C) Account number or credit or debit card number,
5 or an account number or credit card number in
6 combination with any required security code, access
7 code, or password that would permit access to an
8 individual's financial account.

9 (D) Medical information.

10 (E) Health insurance information.

11 (F) Unique biometric data generated from
12 measurements or technical analysis of human body
13 characteristics used by the owner or licensee to
14 authenticate an individual, such as a fingerprint,
15 retina or iris image, or other unique physical
16 representation or digital representation of biometric
17 data.

18 (G) Immigration or citizenship status information.

19 (2) User name or email address, in combination with a
20 password or security question and answer that would permit
21 access to an online account, when either the user name or
22 email address or password or security question and answer
23 are not encrypted or redacted or are encrypted or redacted
24 but the keys to unencrypt or unredact or otherwise read
25 the data elements have been obtained through the breach of
26 security.

1 "Personal information" does not include publicly available
2 information that is lawfully made available to the general
3 public from federal, State, or local government records.

4 "Publicly available information" means information that a
5 person lawfully obtains from a record of a governmental
6 entity, if the person collects, processes, and transfers the
7 information in accordance with any restrictions or terms of
8 use placed on the information by the relevant government
9 entity.

10 (Source: P.A. 99-503, eff. 1-1-17.)

11 (815 ILCS 530/45)

12 Sec. 45. Data security.

13 (a) A data collector that owns or licenses, or maintains
14 or stores but does not own or license, records that contain
15 personal information concerning an Illinois resident shall
16 implement and maintain reasonable security measures to protect
17 those records from unauthorized access, acquisition,
18 destruction, use, modification, or disclosure.

19 (a-5) A data collector shall not sell, share, distribute,
20 or otherwise disclose the personal information of an
21 individual if the data collector:

22 (1) knows or should know that the recipient seeks the
23 information for the purpose of immigration enforcement;

24 and

25 (2) has not been presented with:

1 (A) a lawful court order;

2 (B) a judicial warrant signed by a judge appointed
3 pursuant to Article III of the Constitution of the
4 United States; or

5 (C) a subpoena for individual records issued by a
6 federal or State court.

7 A data collector shall take reasonable steps to determine
8 whether any person seeking access to the personal information
9 does so for the purpose of enforcing immigration law.

10 (b) A contract for the disclosure of personal information
11 concerning an Illinois resident that is maintained by a data
12 collector must include a provision requiring the person to
13 whom the information is disclosed to implement and maintain
14 reasonable security measures to protect those records from
15 unauthorized access, acquisition, destruction, use,
16 modification, or disclosure.

17 (c) If a state or federal law requires a data collector to
18 provide greater protection to records that contain personal
19 information concerning an Illinois resident that are
20 maintained by the data collector and the data collector is in
21 compliance with the provisions of that state or federal law,
22 the data collector shall be deemed to be in compliance with the
23 provisions of this Section.

24 (d) A data collector that is subject to and in compliance
25 with the standards established pursuant to Section 501(b) of
26 the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. Section 6801,

1 shall be deemed to be in compliance with the provisions of this
2 Section.

3 (Source: P.A. 99-503, eff. 1-1-17.)"