



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2170

Introduced 2/7/2025, by Sen. Suzy Glowiak Hilton

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2  
5 ILCS 140/3.2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Reduces the number of record requests that must be made for a person to be considered a recurrent requester under the Act. Provides that public bodies must respond to requests from recurrent requesters with 30 (rather than 21) days after receipt of a request. Specifies that notice that requests are being treated as recurrent requests must be provided only once every 30 days. Provides that it is a violation of the Act for persons designated as recurrent requesters to knowingly obtain a public record without disclosing their status as recurrent requesters.

LRB104 08952 BDA 19007 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 Sections 2 and 3.2 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  
17 include a child death review team or the Illinois Child Death  
18 Review Teams Executive Council established under the Child  
19 Death Review Team Act, or a regional youth advisory board or  
20 the Statewide Youth Advisory Board established under the  
21 Department of Children and Family Services Statewide Youth  
22 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.

12 (c-5) "Private information" means unique identifiers,  
13 including a person's social security number, driver's license  
14 number, employee identification number, biometric identifiers,  
15 personal financial information, passwords or other access  
16 codes, medical records, home or personal telephone numbers,  
17 and personal email addresses. Private information also  
18 includes home address and personal license plates, except as  
19 otherwise provided by law or when compiled without possibility  
20 of attribution to any person. For a public body that is a  
21 HIPAA-covered entity, "private information" includes  
22 electronic medical records and all information, including  
23 demographic information, contained within or extracted from an  
24 electronic medical records system operated or maintained by  
25 the public body in compliance with State and federal medical  
26 privacy laws and regulations, including, but not limited to,

1 the Health Insurance Portability and Accountability Act and  
2 its regulations, 45 CFR Parts 160 and 164. As used in this  
3 subsection, "HIPAA-covered entity" has the meaning given to  
4 the term "covered entity" in 45 CFR 160.103.

5 (c-10) "Commercial purpose" means the use of any part of a  
6 public record or records, or information derived from public  
7 records, in any form for sale, resale, or solicitation or  
8 advertisement for sales or services. For purposes of this  
9 definition, requests made by news media and non-profit,  
10 scientific, or academic organizations shall not be considered  
11 to be made for a "commercial purpose" when the principal  
12 purpose of the request is (i) to access and disseminate  
13 information concerning news and current or passing events,  
14 (ii) for articles of opinion or features of interest to the  
15 public, or (iii) for the purpose of academic, scientific, or  
16 public research or education.

17 (d) "Copying" means the reproduction of any public record  
18 by means of any photographic, electronic, mechanical or other  
19 process, device or means now known or hereafter developed and  
20 available to the public body.

21 (e) "Head of the public body" means the president, mayor,  
22 chairman, presiding officer, director, superintendent,  
23 manager, supervisor or individual otherwise holding primary  
24 executive and administrative authority for the public body, or  
25 such person's duly authorized designee.

26 (f) "News media" means a newspaper or other periodical

1 issued at regular intervals whether in print or electronic  
2 format, a news service whether in print or electronic format,  
3 a radio station, a television station, a television network, a  
4 community antenna television service, or a person or  
5 corporation engaged in making news reels or other motion  
6 picture news for public showing.

7 (g) "Recurrent requester", as used in Section 3.2 of this  
8 Act, means a person that, in the 12 months immediately  
9 preceding the request, has submitted to the same public body  
10 (i) a minimum of 40 ~~50~~ requests for records, (ii) a minimum of  
11 10 ~~15~~ requests for records within a 30-day period, or (iii) a  
12 minimum of 5 ~~7~~ requests for records within a 7-day period. For  
13 purposes of this definition, requests made by news media and  
14 non-profit, scientific, or academic organizations shall not be  
15 considered in calculating the number of requests made in the  
16 time periods in this definition when the principal purpose of  
17 the requests is (i) to access and disseminate information  
18 concerning news and current or passing events, (ii) for  
19 articles of opinion or features of interest to the public, or  
20 (iii) for the purpose of academic, scientific, or public  
21 research or education.

22 For the purposes of this subsection (g), "request" means a  
23 written document (or oral request, if the public body chooses  
24 to honor oral requests) that is submitted to a public body via  
25 personal delivery, mail, telefax, electronic mail, or other  
26 means available to the public body and that identifies the

1 particular public record the requester seeks. One request may  
2 identify multiple records to be inspected or copied.

3 (h) "Voluminous request" means a request that: (i)  
4 includes more than 5 individual requests for more than 5  
5 different categories of records or a combination of individual  
6 requests that total requests for more than 5 different  
7 categories of records in a period of 20 business days; or (ii)  
8 requires the compilation of more than 500 letter or  
9 legal-sized pages of public records unless a single requested  
10 record exceeds 500 pages. "Single requested record" may  
11 include, but is not limited to, one report, form, e-mail,  
12 letter, memorandum, book, map, microfilm, tape, or recording.

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

20 For the purposes of this subsection (h), "request" means a  
21 written document, or oral request, if the public body chooses  
22 to honor oral requests, that is submitted to a public body via  
23 personal delivery, mail, telefax, electronic mail, or other  
24 means available to the public body and that identifies the  
25 particular public record or records the requester seeks. One  
26 request may identify multiple individual records to be

1 inspected or copied.

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

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

6 (5 ILCS 140/3.2)

7 Sec. 3.2. Recurrent requesters.

8 (a) Notwithstanding any provision of this Act to the  
9 contrary, a public body shall respond to a request from a  
10 recurrent requester, as defined in subsection (g) of Section

11 2, within 21 business days after receipt. The response shall  
12 (i) provide to the requester an estimate of the time required  
13 by the public body to provide the records requested and an  
14 estimate of the fees to be charged, which the public body may  
15 require the person to pay in full before copying the requested  
16 documents, (ii) deny the request pursuant to one or more of the  
17 exemptions set out in this Act, (iii) notify the requester  
18 that the request is unduly burdensome and extend an  
19 opportunity to the requester to attempt to reduce the request  
20 to manageable proportions, or (iv) provide the records  
21 requested.

22 (b) Within 5 business days after receiving a request from  
23 a recurrent requester, as defined in subsection (g) of Section  
24 2, the public body shall notify the requester (i) that the  
25 public body is treating the request as a request under

1 subsection (g) of Section 2, (ii) of the reasons why the public  
2 body is treating the request as a request under subsection (g)  
3 of Section 2, ~~and~~ (iii) that the public body will send an  
4 initial response within 30 ~~21~~ business days after receipt in  
5 accordance with subsection (a) of this Section, and (iv) that  
6 any additional requests received from the requester within the  
7 30-day response period shall also be treated as a request  
8 under subsection (g) of Section 2. The public body shall also  
9 notify the requester of the proposed responses that can be  
10 asserted pursuant to subsection (a) of this Section. The  
11 notification is required to be sent only once during the  
12 30-day response period.

13 (c) Unless the records are exempt from disclosure, a  
14 public body shall comply with a request within a reasonable  
15 period considering the size and complexity of the request and  
16 may reasonably determine the format of the records produced.

17 (d) It is a violation of this Act for a person designated  
18 as a recurrent requester under subsection (g) of Section 2 to  
19 knowingly obtain a public record without disclosing the  
20 person's status as a recurrent requester.

21 (Source: P.A. 97-579, eff. 8-26-11; 98-756, eff. 7-16-14.)