



Rep. Daniel Didech

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10400SB2715ham006

LRB104 15880 AMC 38158 a

1 AMENDMENT TO SENATE BILL 2715

2 AMENDMENT NO. _____. Amend Senate Bill 2715, AS AMENDED,
3 by inserting the following in its proper numeric sequence:

4 "Section 35. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7)

7 (Text of Section before amendment by P.A. 104-300)

8 Sec. 7. Exemptions.

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

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

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

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

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

25 (d) Records in the possession of any public body
26 created in the course of administrative enforcement

1 proceedings, and any law enforcement or correctional
2 agency for law enforcement purposes, but only to the
3 extent that disclosure would:

4 (i) interfere with pending or actually and
5 reasonably contemplated law enforcement proceedings
6 conducted by any law enforcement or correctional
7 agency that is the recipient of the request;

8 (ii) interfere with active administrative
9 enforcement proceedings conducted by the public body
10 that is the recipient of the request;

11 (iii) create a substantial likelihood that a
12 person will be deprived of a fair trial or an impartial
13 hearing;

14 (iv) unavoidably disclose the identity of a
15 confidential source, confidential information
16 furnished only by the confidential source, or persons
17 who file complaints with or provide information to
18 administrative, investigative, law enforcement, or
19 penal agencies; except that the identities of
20 witnesses to traffic crashes, traffic crash reports,
21 and rescue reports shall be provided by agencies of
22 local government, except when disclosure would
23 interfere with an active criminal investigation
24 conducted by the agency that is the recipient of the
25 request;

26 (v) disclose unique or specialized investigative

1 techniques other than those generally used and known
2 or disclose internal documents of correctional
3 agencies related to detection, observation, or
4 investigation of incidents of crime or misconduct, and
5 disclosure would result in demonstrable harm to the
6 agency or public body that is the recipient of the
7 request;

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

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

12 (d-5) A law enforcement record created for law
13 enforcement purposes and contained in a shared electronic
14 record management system if the law enforcement agency or
15 criminal justice agency that is the recipient of the
16 request did not create the record, did not participate in
17 or have a role in any of the events which are the subject
18 of the record, and only has access to the record through
19 the shared electronic record management system. As used in
20 this subsection (d-5), "criminal justice agency" means the
21 Illinois Criminal Justice Information Authority or the
22 Illinois Sentencing Policy Advisory Council.

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

1 Illinois Law Enforcement Training Standards Board from the
2 Illinois State Police and Illinois State Police Merit
3 Board.

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

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

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

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

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

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

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

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

25 (f) Preliminary drafts, notes, recommendations,
26 memoranda, and other records in which opinions are

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

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

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

1 managers or general partners. The exemption contained in
2 this item does not apply to the identity of a privately
3 held company within the investment portfolio of a private
4 equity fund, unless the disclosure of the identity of a
5 privately held company may cause competitive harm.

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

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

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

1 legal rights of the general public.

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

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

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

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

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

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

1 but only to the extent that disclosure would compromise
2 security.

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

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

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

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

1 security of the system or its data or the security of
2 materials exempt under this Section.

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

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

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

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

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

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

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

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

1 cybersecurity vulnerabilities, or to tactical operations.

2 (w) (Blank).

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

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

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

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

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

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

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

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

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

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

24 (hh) The report submitted to the State Board of
25 Education by the School Security and Standards Task Force
26 under item (8) of subsection (d) of Section 2-3.160 of the

1 School Code and any information contained in that report.

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

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

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

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

26 (mm) Information prohibited from being disclosed under

1 subsections (a) and (b) of Section 15 of the Student
2 Confidential Reporting Act.

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

6 (oo) Records described in subsection (f) of Section
7 3-5-1 of the Unified Code of Corrections.

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

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

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

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

1 "HIPAA-covered entity" has the meaning given to the term
2 "covered entity" in 45 CFR 160.103 and "protected health
3 information" has the meaning given to that term in 45 CFR
4 160.103.

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

9 (uu) Documents that, pursuant to the State of
10 Illinois' 1987 Agreement with the U.S. Nuclear Regulatory
11 Commission and the corresponding requirement to maintain
12 compatibility with the National Materials Program, have
13 been determined to be security sensitive. These documents
14 include information classified as safeguards,
15 safeguards-modified, and sensitive unclassified
16 nonsafeguards information, as identified in U.S. Nuclear
17 Regulatory Commission regulatory information summaries,
18 security advisories, and other applicable communications
19 or regulations related to the control and distribution of
20 security sensitive information.

21 (1.5) Any information exempt from disclosure under the
22 Judicial Privacy Act shall be redacted from public records
23 prior to disclosure under this Act.

24 (1.6) Any information exempt from disclosure under the
25 Public Official Safety and Privacy Act shall be redacted from
26 public records prior to disclosure under this Act.

1 (1.7) Any information exempt from disclosure under
2 paragraph (3.5) of Section 9-15 of the Election Code shall be
3 redacted from public records prior to disclosure under this
4 Act.

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

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

16 (Source: P.A. 103-154, eff. 6-30-23; 103-423, eff. 1-1-24;
17 103-446, eff. 8-4-23; 103-462, eff. 8-4-23; 103-540, eff.
18 1-1-24; 103-554, eff. 1-1-24; 103-605, eff. 7-1-24; 103-865,
19 eff. 1-1-25; 104-438, eff. 1-1-26; 104-443, eff. 1-1-26;
20 revised 1-7-26.)

21 (Text of Section after amendment by P.A. 104-300)

22 Sec. 7. Exemptions.

23 (1) When a request is made to inspect or copy a public
24 record that contains information that is exempt from
25 disclosure under this Section, but also contains information

1 that is not exempt from disclosure, the public body may elect
2 to redact the information that is exempt. The public body
3 shall make the remaining information available for inspection
4 and copying. Subject to this requirement, the following shall
5 be exempt from inspection and copying:

6 ~~(a) Records created or compiled by a State public~~
7 ~~defender agency or commission subject to the State Public~~
8 ~~Defender Act that contain: individual client identity;~~
9 ~~individual case file information; individual investigation~~
10 ~~records and other records that are otherwise subject to~~
11 ~~attorney-client privilege; records that would not be~~
12 ~~discoverable in litigation; records under Section 2.15;~~
13 ~~training materials; records related to attorney~~
14 ~~consultation and representation strategy; or any of the~~
15 ~~above concerning clients of county public defenders or~~
16 ~~other defender agencies and firms. This exclusion does not~~
17 ~~apply to deidentified, aggregated, administrative records,~~
18 ~~such as general case processing and workload information.~~

19 (a)-(a-5) Information specifically prohibited from
20 disclosure by federal or State law or rules and
21 regulations implementing federal or State law.

22 (a-5) Records created or compiled by a State public
23 defender agency or commission subject to the State Public
24 Defender Act that contain: individual client identity;
25 individual case file information; individual investigation
26 records and other records that are otherwise subject to

1 attorney-client privilege; records that would not be
2 discoverable in litigation; records under Section 2.15;
3 training materials; records related to attorney
4 consultation and representation strategy; or any of the
5 above concerning clients of county public defenders or
6 other defender agencies and firms. This exclusion does not
7 apply to deidentified, aggregated, administrative records,
8 such as general case processing and workload information.

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

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

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

1 that bears on the public duties of public employees and
2 officials shall not be considered an invasion of personal
3 privacy.

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

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

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

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

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

1 local government, except when disclosure would
2 interfere with an active criminal investigation
3 conducted by the agency that is the recipient of the
4 request;

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

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

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

17 (d-5) A law enforcement record created for law
18 enforcement purposes and contained in a shared electronic
19 record management system if the law enforcement agency or
20 criminal justice agency that is the recipient of the
21 request did not create the record, did not participate in
22 or have a role in any of the events which are the subject
23 of the record, and only has access to the record through
24 the shared electronic record management system. As used in
25 this subsection (d-5), "criminal justice agency" means the
26 Illinois Criminal Justice Information Authority or the

1 Illinois Sentencing Policy Advisory Council.

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

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

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

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

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

26 (e-7) Records requested by persons committed to the

1 Department of Corrections or Department of Human Services
2 Division of Mental Health if those materials are available
3 through an administrative request to the Department of
4 Corrections or Department of Human Services Division of
5 Mental Health.

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

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

22 (e-10) Law enforcement records of other persons
23 requested by a person committed to the Department of
24 Corrections, Department of Human Services Division of
25 Mental Health, or a county jail, including, but not
26 limited to, arrest and booking records, mug shots, and

1 crime scene photographs, except as these records may be
2 relevant to the requester's current or potential case or
3 claim.

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

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

22 The information included under this exemption includes
23 all trade secrets and commercial or financial information
24 obtained by a public body, including a public pension
25 fund, from a private equity fund or a privately held
26 company within the investment portfolio of a private

1 equity fund as a result of either investing or evaluating
2 a potential investment of public funds in a private equity
3 fund. The exemption contained in this item does not apply
4 to the aggregate financial performance information of a
5 private equity fund, nor to the identity of the fund's
6 managers or general partners. The exemption contained in
7 this item does not apply to the identity of a privately
8 held company within the investment portfolio of a private
9 equity fund, unless the disclosure of the identity of a
10 privately held company may cause competitive harm.

11 Nothing contained in this paragraph (g) shall be
12 construed to prevent a person or business from consenting
13 to disclosure.

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

22 (i) Valuable formulae, computer geographic systems,
23 designs, drawings, and research data obtained or produced
24 by any public body when disclosure could reasonably be
25 expected to produce private gain or public loss. The
26 exemption for "computer geographic systems" provided in

1 this paragraph (i) does not extend to requests made by
2 news media as defined in Section 2 of this Act when the
3 requested information is not otherwise exempt and the only
4 purpose of the request is to access and disseminate
5 information regarding the health, safety, welfare, or
6 legal rights of the general public.

7 (j) The following information pertaining to
8 educational matters:

9 (i) test questions, scoring keys, and other
10 examination data used to administer an academic
11 examination;

12 (ii) information received by a primary or
13 secondary school, college, or university under its
14 procedures for the evaluation of faculty members by
15 their academic peers;

16 (iii) information concerning a school or
17 university's adjudication of student disciplinary
18 cases, but only to the extent that disclosure would
19 unavoidably reveal the identity of the student; and

20 (iv) course materials or research materials used
21 by faculty members.

22 (k) Architects' plans, engineers' technical
23 submissions, and other construction related technical
24 documents for projects not constructed or developed in
25 whole or in part with public funds and the same for
26 projects constructed or developed with public funds,

1 including, but not limited to, power generating and
2 distribution stations and other transmission and
3 distribution facilities, water treatment facilities,
4 airport facilities, sport stadiums, convention centers,
5 and all government owned, operated, or occupied buildings,
6 but only to the extent that disclosure would compromise
7 security.

8 (l) Minutes of meetings of public bodies closed to the
9 public as provided in the Open Meetings Act until the
10 public body makes the minutes available to the public
11 under Section 2.06 of the Open Meetings Act.

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

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

24 (o) Administrative or technical information associated
25 with automated data processing operations, including, but
26 not limited to, software, operating protocols, computer

1 program abstracts, file layouts, source listings, object
2 modules, load modules, user guides, documentation
3 pertaining to all logical and physical design of
4 computerized systems, employee manuals, and any other
5 information that, if disclosed, would jeopardize the
6 security of the system or its data or the security of
7 materials exempt under this Section.

8 (p) Records relating to collective negotiating matters
9 between public bodies and their employees or
10 representatives, except that any final contract or
11 agreement shall be subject to inspection and copying.

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

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

26 (s) Any and all proprietary information and records

1 related to the operation of an intergovernmental risk
2 management association or self-insurance pool or jointly
3 self-administered health and accident cooperative or pool.
4 Insurance or self-insurance (including any
5 intergovernmental risk management association or
6 self-insurance pool) claims, loss or risk management
7 information, records, data, advice, or communications.

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

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

20 (v) Vulnerability assessments, security measures, and
21 response policies or plans that are designed to identify,
22 prevent, or respond to potential attacks upon a
23 community's population or systems, facilities, or
24 installations, but only to the extent that disclosure
25 could reasonably be expected to expose the vulnerability
26 or jeopardize the effectiveness of the measures, policies,

1 or plans, or the safety of the personnel who implement
2 them or the public. Information exempt under this item may
3 include such things as details pertaining to the
4 mobilization or deployment of personnel or equipment, to
5 the operation of communication systems or protocols, to
6 cybersecurity vulnerabilities, or to tactical operations.

7 (w) (Blank).

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

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

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

26 (aa) Information the disclosure of which is exempted

1 under the Viatical Settlements Act of 2009.

2 (bb) Records and information provided to a mortality
3 review team and records maintained by a mortality review
4 team appointed under the Department of Juvenile Justice
5 Mortality Review Team Act.

6 (cc) Information regarding interments, entombments, or
7 inurnments of human remains that are submitted to the
8 Cemetery Oversight Database under the Cemetery Care Act or
9 the Cemetery Oversight Act, whichever is applicable.

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

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

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

26 (gg) Confidential information described in Section

1 1-100 of the Illinois Independent Tax Tribunal Act of
2 2012.

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

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

18 (jj) Confidential information described in Section
19 5-535 of the Civil Administrative Code of Illinois.

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

26 (ll) Records concerning the work of the threat

1 assessment team of a school district, including, but not
2 limited to, any threat assessment procedure under the
3 School Safety Drill Act and any information contained in
4 the procedure.

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

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

11 (oo) Records described in subsection (f) of Section
12 3-5-1 of the Unified Code of Corrections.

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

19 (qq) Reports described in subsection (e) of Section
20 16-15 of the Abortion Care Clinical Training Program Act.

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

23 (ss) For a request directed to a public body that is
24 also a HIPAA-covered entity, all information that is
25 protected health information, including demographic
26 information, that may be contained within or extracted

1 from any record held by the public body in compliance with
2 State and federal medical privacy laws and regulations,
3 including, but not limited to, the Health Insurance
4 Portability and Accountability Act and its regulations, 45
5 CFR Parts 160 and 164. As used in this paragraph,
6 "HIPAA-covered entity" has the meaning given to the term
7 "covered entity" in 45 CFR 160.103 and "protected health
8 information" has the meaning given to that term in 45 CFR
9 160.103.

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

14 (uu) Documents that, pursuant to the State of
15 Illinois' 1987 Agreement with the U.S. Nuclear Regulatory
16 Commission and the corresponding requirement to maintain
17 compatibility with the National Materials Program, have
18 been determined to be security sensitive. These documents
19 include information classified as safeguards,
20 safeguards-modified, and sensitive unclassified
21 nonsafeguards information, as identified in U.S. Nuclear
22 Regulatory Commission regulatory information summaries,
23 security advisories, and other applicable communications
24 or regulations related to the control and distribution of
25 security sensitive information.

26 (1.5) Any information exempt from disclosure under the

1 Judicial Privacy Act shall be redacted from public records
2 prior to disclosure under this Act.

3 (1.6) Any information exempt from disclosure under the
4 Public Official Safety and Privacy Act shall be redacted from
5 public records prior to disclosure under this Act.

6 (1.7) Any information exempt from disclosure under
7 paragraph (3.5) of Section 9-15 of the Election Code shall be
8 redacted from public records prior to disclosure under this
9 Act.

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

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

21 (Source: P.A. 103-154, eff. 6-30-23; 103-423, eff. 1-1-24;
22 103-446, eff. 8-4-23; 103-462, eff. 8-4-23; 103-540, eff.
23 1-1-24; 103-554, eff. 1-1-24; 103-605, eff. 7-1-24; 103-865,
24 eff. 1-1-25; 104-300, eff. 1-1-27; 104-438, eff. 1-1-26;
25 104-443, eff. 1-1-26; revised 1-7-26.)".