



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3218

Introduced 2/2/2026, by Sen. Donald P. DeWitte

SYNOPSIS AS INTRODUCED:

5 ILCS 140/1	from Ch. 116, par. 201
5 ILCS 140/6	from Ch. 116, par. 206
5 ILCS 140/7	

Amends the Freedom of Information Act. Specifies that the Act is not intended to circumvent the process used by the courts to address whether arrest and booking records, mug shots, body-worn camera footage, in-car camera footage, 9-1-1 audio files, crime scene photographs, or other similar law enforcement records are to be made publicly available, except when those records may be relevant to a current or potential case or claim by the requester. Increases the cap on the fee that may be imposed for black and white copies from 15 cents per page to 25 cents per page. Makes changes to the fees public bodies may charge for time spent by personnel in searching for and retrieving a requested record or examining the record for necessary redactions. Exempts from disclosure under the Act specified law enforcement records, except when those records may be relevant to a current or potential case or claim by the requester.

LRB104 18393 WRO 31835 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 1, 6, and 7 as follows:

6 (5 ILCS 140/1) (from Ch. 116, par. 201)

7 Sec. 1. Pursuant to the fundamental philosophy of the
8 American constitutional form of government, it is declared to
9 be the public policy of the State of Illinois that all persons
10 are entitled to full and complete information regarding the
11 affairs of government and the official acts and policies of
12 those who represent them as public officials and public
13 employees consistent with the terms of this Act. Such access
14 is necessary to enable the people to fulfill their duties of
15 discussing public issues fully and freely, making informed
16 political judgments and monitoring government to ensure that
17 it is being conducted in the public interest.

18 The General Assembly hereby declares that it is the public
19 policy of the State of Illinois that access by all persons to
20 public records promotes the transparency and accountability of
21 public bodies at all levels of government. It is a fundamental
22 obligation of government to operate openly and provide public
23 records as expediently and efficiently as possible in

1 compliance with this Act.

2 This Act is not intended to cause an unwarranted invasion
3 of personal privacy, nor to allow the requests of a commercial
4 enterprise to unduly burden public resources, or to disrupt
5 the duly-undertaken work of any public body independent of the
6 fulfillment of any of the fore-mentioned rights of the people
7 to access to information.

8 This Act is not intended to create an obligation on the
9 part of any public body to maintain or prepare any public
10 record which was not maintained or prepared by such public
11 body at the time when this Act becomes effective, except as
12 otherwise required by applicable local, State or federal law.

13 This Act is not intended to circumvent the process used by
14 the courts to address whether arrest and booking records, mug
15 shots, body-worn camera footage, in-car camera footage, 9-1-1
16 audio files, crime scene photographs, or other similar law
17 enforcement records are to be made publicly available, except
18 as those records may be relevant to a current or potential case
19 or claim by the requester.

20 Restraints on access to information, to the extent
21 permitted by this Act, are limited exceptions to the principle
22 that the people of this State have a right to full disclosure
23 of information relating to the decisions, policies,
24 procedures, rules, standards, and other aspects of government
25 activity that affect the conduct of government and the lives
26 of any or all of the people. The provisions of this Act shall

1 be construed in accordance with this principle. This Act shall
2 be construed to require disclosure of requested information as
3 expediently and efficiently as possible and adherence to the
4 deadlines established in this Act.

5 The General Assembly recognizes that this Act imposes
6 fiscal obligations on public bodies to provide adequate staff
7 and equipment to comply with its requirements. The General
8 Assembly declares that providing records in compliance with
9 the requirements of this Act is a primary duty of public bodies
10 to the people of this State, and this Act should be construed
11 to this end, fiscal obligations notwithstanding.

12 The General Assembly further recognizes that technology
13 may advance at a rate that outpaces its ability to address
14 those advances legislatively. To the extent that this Act may
15 not expressly apply to those technological advances, this Act
16 should nonetheless be interpreted to further the declared
17 policy of this Act that public records shall be made available
18 upon request except when denial of access furthers the public
19 policy underlying a specific exemption.

20 This Act shall be the exclusive State statute on freedom
21 of information, except to the extent that other State statutes
22 might create additional restrictions on disclosure of
23 information or other laws in Illinois might create additional
24 obligations for disclosure of information to the public.

25 (Source: P.A. 96-542, eff. 1-1-10.)

1 (5 ILCS 140/6) (from Ch. 116, par. 206)

2 Sec. 6. Authority to charge fees.

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

21 (a-5) If a voluminous request is for electronic records
22 and those records are not in a portable document format (PDF),
23 the public body may charge up to \$20 for not more than 2
24 megabytes of data, up to \$40 for more than 2 but not more than
25 4 megabytes of data, and up to \$100 for more than 4 megabytes
26 of data. If a voluminous request is for electronic records and

1 those records are in a portable document format, the public
2 body may charge up to \$20 for not more than 80 megabytes of
3 data, up to \$40 for more than 80 megabytes but not more than
4 160 megabytes of data, and up to \$100 for more than 160
5 megabytes of data. If the responsive electronic records are in
6 both a portable document format and not in a portable document
7 format, the public body may separate the fees and charge the
8 requester under both fee scales.

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

13 (b) Except when a fee is otherwise fixed by statute, each
14 public body may charge fees reasonably calculated to reimburse
15 its actual cost for reproducing and certifying public records
16 and for the use, by any person, of the equipment of the public
17 body to copy records. No fees shall be charged for the first 50
18 pages of black and white, letter or legal sized copies
19 requested by a requester. The fee for black and white, letter
20 or legal sized copies shall not exceed 25 ~~15~~ cents per page. If
21 a public body provides copies in color or in a size other than
22 letter or legal, the public body may not charge more than its
23 actual cost for reproducing the records. In calculating its
24 actual cost for reproducing records or for the use of the
25 equipment of the public body to reproduce records, a public
26 body shall not include the costs of any search for and review

1 of the records or other personnel costs associated with
2 reproducing the records, except for commercial requests as
3 provided in subsection (f) of this Section. Such fees shall be
4 imposed according to a standard scale of fees, established and
5 made public by the body imposing them. The cost for certifying
6 a record shall not exceed \$1.

7 (c) Documents shall be furnished without charge or at a
8 reduced charge, as determined by the public body, if the
9 person requesting the documents states the specific purpose
10 for the request and indicates that a waiver or reduction of the
11 fee is in the public interest. Waiver or reduction of the fee
12 is in the public interest if the principal purpose of the
13 request is to access and disseminate information regarding the
14 health, safety and welfare or the legal rights of the general
15 public and is not for the principal purpose of personal or
16 commercial benefit. For purposes of this subsection,
17 "commercial benefit" shall not apply to requests made by news
18 media when the principal purpose of the request is to access
19 and disseminate information regarding the health, safety, and
20 welfare or the legal rights of the general public. In setting
21 the amount of the waiver or reduction, the public body may take
22 into consideration the amount of materials requested and the
23 cost of copying them.

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

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

5 (f) A public body may charge up to one-quarter of the
6 current hourly wage paid by the public body ~~\$10~~ for each
7 quarter hour spent by personnel in searching for and
8 retrieving a requested record or examining the record for
9 necessary redactions. No fees shall be charged for the first
10 hour ~~8 hours~~ spent by personnel in searching for or retrieving
11 a requested record. A public body may charge the actual cost of
12 retrieving and transporting public records from an off-site
13 storage facility when the public records are maintained by a
14 third-party storage company under contract with the public
15 body. If a public body imposes a fee pursuant to this
16 subsection (f), it must provide the requester with an
17 accounting of all fees, costs, and personnel hours in
18 connection with the request for public records. The provisions
19 of this subsection (f) apply only to commercial requests.

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

21 (5 ILCS 140/7)

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

23 Sec. 7. Exemptions.

24 (1) When a request is made to inspect or copy a public
25 record that contains information that is exempt from

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

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

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

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

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

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

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

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

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

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

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

1 and rescue reports shall be provided by agencies of
2 local government, except when disclosure would
3 interfere with an active criminal investigation
4 conducted by the agency that is the recipient of the
5 request;

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

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

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

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

26 (d-6) Records contained in the Officer Professional

1 Conduct Database under Section 9.2 of the Illinois Police
2 Training Act, except to the extent authorized under that
3 Section. This includes the documents supplied to the
4 Illinois Law Enforcement Training Standards Board from the
5 Illinois State Police and Illinois State Police Merit
6 Board.

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

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

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

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

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

1 through an administrative request to the Department of
2 Corrections or Department of Human Services Division of
3 Mental Health.

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

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

20 (e-10) Law enforcement records of other persons
21 requested by a person committed to the Department of
22 Corrections, Department of Human Services Division of
23 Mental Health, or a county jail, including, but not
24 limited to, arrest and booking records, mug shots, police
25 reports, body-worn camera footage, in-car camera footage,
26 and crime scene photographs, except as these records may

1 be relevant to the requester's current or potential case
2 or claim.

3 (e-11) Law enforcement records of other persons
4 requested by a person or news media, including, but not
5 limited to, arrest and booking records if published
6 publicly, mug shots if published publicly, body-worn
7 camera footage, in-car camera footage, 9-1-1 audio files,
8 crime scene photographs, or other similar law enforcement
9 records, except as these records may be relevant to the
10 requester's current or potential case or claim.

11 (e-12) Law enforcement records requested by a person
12 in a manner that circumvents the process used by the
13 courts to address whether arrest and booking records, mug
14 shots, body-worn camera footage, in-car camera footage,
15 911 audio files, crime scene photographs, or other similar
16 law enforcement records are to be made publicly available,
17 except as these records may be relevant to the requester's
18 current or potential case or claim.

19 (f) Preliminary drafts, notes, recommendations,
20 memoranda, and other records in which opinions are
21 expressed, or policies or actions are formulated, except
22 that a specific record or relevant portion of a record
23 shall not be exempt when the record is publicly cited and
24 identified by the head of the public body. The exemption
25 provided in this paragraph (f) extends to all those
26 records of officers and agencies of the General Assembly

1 that pertain to the preparation of legislative documents.

2 (g) Trade secrets and commercial or financial
3 information obtained from a person or business where the
4 trade secrets or commercial or financial information are
5 furnished under a claim that they are proprietary,
6 privileged, or confidential, and that disclosure of the
7 trade secrets or commercial or financial information would
8 cause competitive harm to the person or business, and only
9 insofar as the claim directly applies to the records
10 requested.

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

26 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting
2 to disclosure.

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

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

22 (j) The following information pertaining to
23 educational matters:

24 (i) test questions, scoring keys, and other
25 examination data used to administer an academic
26 examination;

1 (ii) information received by a primary or
2 secondary school, college, or university under its
3 procedures for the evaluation of faculty members by
4 their academic peers;

5 (iii) information concerning a school or
6 university's adjudication of student disciplinary
7 cases, but only to the extent that disclosure would
8 unavoidably reveal the identity of the student; and

9 (iv) course materials or research materials used
10 by faculty members.

11 (k) Architects' plans, engineers' technical
12 submissions, and other construction related technical
13 documents for projects not constructed or developed in
14 whole or in part with public funds and the same for
15 projects constructed or developed with public funds,
16 including, but not limited to, power generating and
17 distribution stations and other transmission and
18 distribution facilities, water treatment facilities,
19 airport facilities, sport stadiums, convention centers,
20 and all government owned, operated, or occupied buildings,
21 but only to the extent that disclosure would compromise
22 security.

23 (l) Minutes of meetings of public bodies closed to the
24 public as provided in the Open Meetings Act until the
25 public body makes the minutes available to the public
26 under Section 2.06 of the Open Meetings Act.

1 (m) Communications between a public body and an
2 attorney or auditor representing the public body that
3 would not be subject to discovery in litigation, and
4 materials prepared or compiled by or for a public body in
5 anticipation of a criminal, civil, or administrative
6 proceeding upon the request of an attorney advising the
7 public body, and materials prepared or compiled with
8 respect to internal audits of public bodies.

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

13 (o) Administrative or technical information associated
14 with automated data processing operations, including, but
15 not limited to, software, operating protocols, computer
16 program abstracts, file layouts, source listings, object
17 modules, load modules, user guides, documentation
18 pertaining to all logical and physical design of
19 computerized systems, employee manuals, and any other
20 information that, if disclosed, would jeopardize the
21 security of the system or its data or the security of
22 materials exempt under this Section.

23 (p) Records relating to collective negotiating matters
24 between public bodies and their employees or
25 representatives, except that any final contract or
26 agreement shall be subject to inspection and copying.

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

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

15 (s) Any and all proprietary information and records
16 related to the operation of an intergovernmental risk
17 management association or self-insurance pool or jointly
18 self-administered health and accident cooperative or pool.
19 Insurance or self-insurance (including any
20 intergovernmental risk management association or
21 self-insurance pool) claims, loss or risk management
22 information, records, data, advice, or communications.

23 (t) Information contained in or related to
24 examination, operating, or condition reports prepared by,
25 on behalf of, or for the use of a public body responsible
26 for the regulation or supervision of financial

1 institutions, insurance companies, or pharmacy benefit
2 managers, unless disclosure is otherwise required by State
3 law.

4 (u) Information that would disclose or might lead to
5 the disclosure of secret or confidential information,
6 codes, algorithms, programs, or private keys intended to
7 be used to create electronic signatures under the Uniform
8 Electronic Transactions Act.

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

22 (w) (Blank).

23 (x) Maps and other records regarding the location or
24 security of generation, transmission, distribution,
25 storage, gathering, treatment, or switching facilities
26 owned by a utility, by a power generator, or by the

1 Illinois Power Agency.

2 (y) Information contained in or related to proposals,
3 bids, or negotiations related to electric power
4 procurement under Section 1-75 of the Illinois Power
5 Agency Act and Section 16-111.5 of the Public Utilities
6 Act that is determined to be confidential and proprietary
7 by the Illinois Power Agency or by the Illinois Commerce
8 Commission.

9 (z) Information about students exempted from
10 disclosure under Section 10-20.38 or 34-18.29 of the
11 School Code, and information about undergraduate students
12 enrolled at an institution of higher education exempted
13 from disclosure under Section 25 of the Illinois Credit
14 Card Marketing Act of 2009.

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

17 (bb) Records and information provided to a mortality
18 review team and records maintained by a mortality review
19 team appointed under the Department of Juvenile Justice
20 Mortality Review Team Act.

21 (cc) Information regarding interments, entombments, or
22 inurnments of human remains that are submitted to the
23 Cemetery Oversight Database under the Cemetery Care Act or
24 the Cemetery Oversight Act, whichever is applicable.

25 (dd) Correspondence and records (i) that may not be
26 disclosed under Section 11-9 of the Illinois Public Aid

1 Code or (ii) that pertain to appeals under Section 11-8 of
2 the Illinois Public Aid Code.

3 (ee) The names, addresses, or other personal
4 information of persons who are minors and are also
5 participants and registrants in programs of park
6 districts, forest preserve districts, conservation
7 districts, recreation agencies, and special recreation
8 associations.

9 (ff) The names, addresses, or other personal
10 information of participants and registrants in programs of
11 park districts, forest preserve districts, conservation
12 districts, recreation agencies, and special recreation
13 associations where such programs are targeted primarily to
14 minors.

15 (gg) Confidential information described in Section
16 1-100 of the Illinois Independent Tax Tribunal Act of
17 2012.

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

22 (ii) Records requested by persons committed to or
23 detained by the Department of Human Services under the
24 Sexually Violent Persons Commitment Act or committed to
25 the Department of Corrections under the Sexually Dangerous
26 Persons Act if those materials: (i) are available in the

1 library of the facility where the individual is confined;
2 (ii) include records from staff members' personnel files,
3 staff rosters, or other staffing assignment information;
4 or (iii) are available through an administrative request
5 to the Department of Human Services or the Department of
6 Corrections.

7 (jj) Confidential information described in Section
8 5-535 of the Civil Administrative Code of Illinois.

9 (kk) The public body's credit card numbers, debit card
10 numbers, bank account numbers, Federal Employer
11 Identification Number, security code numbers, passwords,
12 and similar account information, the disclosure of which
13 could result in identity theft or impersonation or defrauding
14 of a governmental entity or a person.

15 (ll) Records concerning the work of the threat
16 assessment team of a school district, including, but not
17 limited to, any threat assessment procedure under the
18 School Safety Drill Act and any information contained in
19 the procedure.

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

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

26 (oo) Records described in subsection (f) of Section

1 3-5-1 of the Unified Code of Corrections.

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

8 (qq) Reports described in subsection (e) of Section
9 16-15 of the Abortion Care Clinical Training Program Act.

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

12 (ss) For a request directed to a public body that is
13 also a HIPAA-covered entity, all information that is
14 protected health information, including demographic
15 information, that may be contained within or extracted
16 from any record held by the public body in compliance with
17 State and federal medical privacy laws and regulations,
18 including, but not limited to, the Health Insurance
19 Portability and Accountability Act and its regulations, 45
20 CFR Parts 160 and 164. As used in this paragraph,
21 "HIPAA-covered entity" has the meaning given to the term
22 "covered entity" in 45 CFR 160.103 and "protected health
23 information" has the meaning given to that term in 45 CFR
24 160.103.

25 (tt) Proposals or bids submitted by engineering
26 consultants in response to requests for proposal or other

1 competitive bidding requests by the Department of
2 Transportation or the Illinois Toll Highway Authority.

3 (1.5) Any information exempt from disclosure under the
4 Judicial Privacy Act shall be redacted from public records
5 prior to disclosure under this Act.

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

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

17 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
18 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
19 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
20 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
21 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
22 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
23 eff. 7-1-24; 103-865, eff. 1-1-25.)

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

25 Sec. 7. Exemptions.

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

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

22 (a-5) Information specifically prohibited from
23 disclosure by federal or State law or rules and
24 regulations implementing federal or State law.

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

1 or a court order.

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

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

20 (d) Records in the possession of any public body
21 created in the course of administrative enforcement
22 proceedings, and any law enforcement or correctional
23 agency for law enforcement purposes, but only to the
24 extent that disclosure would:

25 (i) interfere with pending or actually and
26 reasonably contemplated law enforcement proceedings

1 conducted by any law enforcement or correctional
2 agency that is the recipient of the request;

3 (ii) interfere with active administrative
4 enforcement proceedings conducted by the public body
5 that is the recipient of the request;

6 (iii) create a substantial likelihood that a
7 person will be deprived of a fair trial or an impartial
8 hearing;

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

21 (v) disclose unique or specialized investigative
22 techniques other than those generally used and known
23 or disclose internal documents of correctional
24 agencies related to detection, observation, or
25 investigation of incidents of crime or misconduct, and
26 disclosure would result in demonstrable harm to the

1 agency or public body that is the recipient of the
2 request;

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

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

7 (d-5) A law enforcement record created for law
8 enforcement purposes and contained in a shared electronic
9 record management system if the law enforcement agency
10 that is the recipient of the request did not create the
11 record, did not participate in or have a role in any of the
12 events which are the subject of the record, and only has
13 access to the record through the shared electronic record
14 management system.

15 (d-6) Records contained in the Officer Professional
16 Conduct Database under Section 9.2 of the Illinois Police
17 Training Act, except to the extent authorized under that
18 Section. This includes the documents supplied to the
19 Illinois Law Enforcement Training Standards Board from the
20 Illinois State Police and Illinois State Police Merit
21 Board.

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

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

1 (e-5) Records requested by persons committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail if those
4 materials are available in the library of the correctional
5 institution or facility or jail where the inmate is
6 confined.

7 (e-6) Records requested by persons committed to the
8 Department of Corrections, Department of Human Services
9 Division of Mental Health, or a county jail if those
10 materials include records from staff members' personnel
11 files, staff rosters, or other staffing assignment
12 information.

13 (e-7) Records requested by persons committed to the
14 Department of Corrections or Department of Human Services
15 Division of Mental Health if those materials are available
16 through an administrative request to the Department of
17 Corrections or Department of Human Services Division of
18 Mental Health.

19 (e-8) Records requested by a person committed to the
20 Department of Corrections, Department of Human Services
21 Division of Mental Health, or a county jail, the
22 disclosure of which would result in the risk of harm to any
23 person or the risk of an escape from a jail or correctional
24 institution or facility.

25 (e-9) Records requested by a person in a county jail
26 or committed to the Department of Corrections or

1 Department of Human Services Division of Mental Health,
2 containing personal information pertaining to the person's
3 victim or the victim's family, including, but not limited
4 to, a victim's home address, home telephone number, work
5 or school address, work telephone number, social security
6 number, or any other identifying information, except as
7 may be relevant to a requester's current or potential case
8 or claim.

9 (e-10) Law enforcement records of other persons
10 requested by a person committed to the Department of
11 Corrections, Department of Human Services Division of
12 Mental Health, or a county jail, including, but not
13 limited to, arrest and booking records, mug shots, police
14 reports, body-worn camera footage, in-car camera footage,
15 and crime scene photographs, except as these records may
16 be relevant to the requester's current or potential case
17 or claim.

18 (e-11) Law enforcement records of other persons
19 requested by a person or news media, including, but not
20 limited to, arrest and booking records if published
21 publicly, mug shots if published publicly, body-worn
22 camera footage, in-car camera footage, 911 audio files,
23 crime scene photographs, or other similar law enforcement
24 records, except as these records may be relevant to the
25 requester's current or potential case or claim.

26 (e-12) Law enforcement records requested by a person

1 in a manner that circumvents the process used by the
2 courts to address whether arrest and booking records, mug
3 shots, body-worn camera footage, in-car camera footage,
4 911 audio files, crime scene photographs, or other similar
5 law enforcement records are to be made publicly available,
6 except as these records may be relevant to the requester's
7 current or potential case or claim.

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

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

26 The information included under this exemption includes

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

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

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

26 (i) Valuable formulae, computer geographic systems,

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

11 (j) The following information pertaining to
12 educational matters:

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

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

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

24 (iv) course materials or research materials used
25 by faculty members.

26 (k) Architects' plans, engineers' technical

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

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

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

24 (n) Records relating to a public body's adjudication
25 of employee grievances or disciplinary cases; however,
26 this exemption shall not extend to the final outcome of

1 cases in which discipline is imposed.

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

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

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

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

1 Illinois Supreme Court. The records, documents, and
2 information relating to a real estate sale shall be exempt
3 until a sale is consummated.

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

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

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

24 (v) Vulnerability assessments, security measures, and
25 response policies or plans that are designed to identify,
26 prevent, or respond to potential attacks upon a

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

11 (w) (Blank).

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

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

24 (z) Information about students exempted from
25 disclosure under Section 10-20.38 or 34-18.29 of the
26 School Code, and information about undergraduate students

1 enrolled at an institution of higher education exempted
2 from disclosure under Section 25 of the Illinois Credit
3 Card Marketing Act of 2009.

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

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

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

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

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

24 (ff) The names, addresses, or other personal
25 information of participants and registrants in programs of
26 park districts, forest preserve districts, conservation

1 districts, recreation agencies, and special recreation
2 associations where such programs are targeted primarily to
3 minors.

4 (gg) Confidential information described in Section
5 1-100 of the Illinois Independent Tax Tribunal Act of
6 2012.

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

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

22 (jj) Confidential information described in Section
23 5-535 of the Civil Administrative Code of Illinois.

24 (kk) The public body's credit card numbers, debit card
25 numbers, bank account numbers, Federal Employer
26 Identification Number, security code numbers, passwords,

1 and similar account information, the disclosure of which
2 could result in identity theft or impression or defrauding
3 of a governmental entity or a person.

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

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

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

15 (oo) Records described in subsection (f) of Section
16 3-5-1 of the Unified Code of Corrections.

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

23 (qq) Reports described in subsection (e) of Section
24 16-15 of the Abortion Care Clinical Training Program Act.

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

1 (ss) For a request directed to a public body that is
2 also a HIPAA-covered entity, all information that is
3 protected health information, including demographic
4 information, that may be contained within or extracted
5 from any record held by the public body in compliance with
6 State and federal medical privacy laws and regulations,
7 including, but not limited to, the Health Insurance
8 Portability and Accountability Act and its regulations, 45
9 CFR Parts 160 and 164. As used in this paragraph,
10 "HIPAA-covered entity" has the meaning given to the term
11 "covered entity" in 45 CFR 160.103 and "protected health
12 information" has the meaning given to that term in 45 CFR
13 160.103.

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

18 (1.5) Any information exempt from disclosure under the
19 Judicial Privacy Act shall be redacted from public records
20 prior to disclosure under this Act.

21 (2) A public record that is not in the possession of a
22 public body but is in the possession of a party with whom the
23 agency has contracted to perform a governmental function on
24 behalf of the public body, and that directly relates to the
25 governmental function and is not otherwise exempt under this
26 Act, shall be considered a public record of the public body,

1 for purposes of this Act.

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

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

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