

1 AN ACT concerning the freedom of information.

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 Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and
12 regulations adopted under federal or State law.

13 (b) Information that, if disclosed, would
14 constitute a clearly unwarranted invasion of personal
15 privacy, unless the disclosure is consented to in writing
16 by the individual subjects of the information. The
17 disclosure of information that bears on the public duties
18 of public employees and officials shall not be considered
19 an invasion of personal privacy. Information exempted
20 under this subsection (b) shall include but is not
21 limited to:

22 (i) files and personal information maintained
23 with respect to clients, patients, residents,
24 students or other individuals receiving social,
25 medical, educational, vocational, financial,
26 supervisory or custodial care or services directly
27 or indirectly from federal agencies or public
28 bodies;

29 (ii) personnel files and personal information
30 maintained with respect to employees, appointees or
31 elected officials of any public body or applicants

1 for those positions;

2 (iii) files and personal information
3 maintained with respect to any applicant, registrant
4 or licensee by any public body cooperating with or
5 engaged in professional or occupational
6 registration, licensure or discipline;

7 (iv) information required of any taxpayer in
8 connection with the assessment or collection of any
9 tax unless disclosure is otherwise required by State
10 statute; and

11 (v) information revealing the identity of
12 persons who file complaints with or provide
13 information to administrative, investigative, law
14 enforcement or penal agencies; provided, however,
15 that identification of witnesses to traffic
16 accidents, traffic accident reports, and rescue
17 reports may be provided by agencies of local
18 government, except in a case for which a criminal
19 investigation is ongoing, without constituting a
20 clearly unwarranted per se invasion of personal
21 privacy under this subsection.

22 (c) Records compiled by any public body for
23 administrative enforcement proceedings and any law
24 enforcement or correctional agency for law enforcement
25 purposes or for internal matters of a public body, but
26 only to the extent that disclosure would:

27 (i) interfere with pending or actually and
28 reasonably contemplated law enforcement proceedings
29 conducted by any law enforcement or correctional
30 agency;

31 (ii) interfere with pending administrative
32 enforcement proceedings conducted by any public
33 body;

34 (iii) deprive a person of a fair trial or an

1 impartial hearing;

2 (iv) unavoidably disclose the identity of a
3 confidential source or confidential information
4 furnished only by the confidential source;

5 (v) disclose unique or specialized
6 investigative techniques other than those generally
7 used and known or disclose internal documents of
8 correctional agencies related to detection,
9 observation or investigation of incidents of crime
10 or misconduct;

11 (vi) constitute an invasion of personal
12 privacy under subsection (b) of this Section;

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

15 (viii) obstruct an ongoing criminal
16 investigation.

17 (d) Criminal history record information maintained
18 by State or local criminal justice agencies, except the
19 following which shall be open for public inspection and
20 copying:

21 (i) chronologically maintained arrest
22 information, such as traditional arrest logs or
23 blotters;

24 (ii) the name of a person in the custody of a
25 law enforcement agency and the charges for which
26 that person is being held;

27 (iii) court records that are public;

28 (iv) records that are otherwise available
29 under State or local law; or

30 (v) records in which the requesting party is
31 the individual identified, except as provided under
32 part (vii) of paragraph (c) of subsection (1) of
33 this Section.

34 "Criminal history record information" means data

1 identifiable to an individual and consisting of
2 descriptions or notations of arrests, detentions,
3 indictments, informations, pre-trial proceedings, trials,
4 or other formal events in the criminal justice system or
5 descriptions or notations of criminal charges (including
6 criminal violations of local municipal ordinances) and
7 the nature of any disposition arising therefrom,
8 including sentencing, court or correctional supervision,
9 rehabilitation and release. The term does not apply to
10 statistical records and reports in which individuals are
11 not identified and from which their identities are not
12 ascertainable, or to information that is for criminal
13 investigative or intelligence purposes.

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

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

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the
27 trade secrets or information are proprietary, privileged
28 or confidential, or where disclosure of the trade secrets
29 or information may cause competitive harm, including all
30 information determined to be confidential under Section
31 4002 of the Technology Advancement and Development Act.
32 Nothing contained in this paragraph (g) shall be
33 construed to prevent a person or business from consenting
34 to disclosure.

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

9 (i) Valuable formulae, computer geographic systems,
10 designs, drawings and research data obtained or produced
11 by any public body when disclosure could reasonably be
12 expected to produce private gain or public loss.

13 (j) Test questions, scoring keys and other
14 examination data used to administer an academic
15 examination or determined the qualifications of an
16 applicant for a license or employment.

17 (k) Architects' plans and engineers' technical
18 submissions for projects not constructed or developed in
19 whole or in part with public funds and for projects
20 constructed or developed with public funds, to the extent
21 that disclosure would compromise security.

22 (l) Library circulation and order records
23 identifying library users with specific materials.

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

28 (n) Communications between a public body and an
29 attorney or auditor representing the public body that
30 would not be subject to discovery in litigation, and
31 materials prepared or compiled by or for a public body in
32 anticipation of a criminal, civil or administrative
33 proceeding upon the request of an attorney advising the
34 public body, and materials prepared or compiled with

1 respect to internal audits of public bodies.

2 (o) Information received by a primary or secondary
3 school, college or university under its procedures for
4 the evaluation of faculty members by their academic
5 peers.

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

16 (q) Documents or materials relating to collective
17 negotiating matters between public bodies and their
18 employees or representatives, except that any final
19 contract or agreement shall be subject to inspection and
20 copying.

21 (r) Drafts, notes, recommendations and memoranda
22 pertaining to the financing and marketing transactions of
23 the public body. The records of ownership, registration,
24 transfer, and exchange of municipal debt obligations, and
25 of persons to whom payment with respect to these
26 obligations is made.

27 (s) The records, documents and information relating
28 to real estate purchase negotiations until those
29 negotiations have been completed or otherwise terminated.
30 With regard to a parcel involved in a pending or actually
31 and reasonably contemplated eminent domain proceeding
32 under Article VII of the Code of Civil Procedure,
33 records, documents and information relating to that
34 parcel shall be exempt except as may be allowed under

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

4 (t) 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
8 pool.

9 (u) Information concerning a university's
10 adjudication of student or employee grievance or
11 disciplinary cases, to the extent that disclosure would
12 reveal the identity of the student or employee and
13 information concerning any public body's adjudication of
14 student or employee grievances or disciplinary cases,
15 except for the final outcome of the cases.

16 (v) Course materials or research materials used by
17 faculty members.

18 (w) Information related solely to the internal
19 personnel rules and practices of a public body.

20 (x) Information contained in or related to
21 examination, operating, or condition reports prepared by,
22 on behalf of, or for the use of a public body responsible
23 for the regulation or supervision of financial
24 institutions or insurance companies, unless disclosure is
25 otherwise required by State law.

26 (y) Information the disclosure of which is
27 restricted under Section 5-108 of the Public Utilities
28 Act.

29 (z) Manuals or instruction to staff that relate to
30 establishment or collection of liability for any State
31 tax or that relate to investigations by a public body to
32 determine violation of any criminal law.

33 (aa) Applications, related documents, and medical
34 records received by the Experimental Organ

1 Transplantation Procedures Board and any and all
2 documents or other records prepared by the Experimental
3 Organ Transplantation Procedures Board or its staff
4 relating to applications it has received.

5 (bb) Insurance or self insurance (including any
6 intergovernmental risk management association or self
7 insurance pool) claims, loss or risk management
8 information, records, data, advice or communications.

9 (cc) Information and records held by the Department
10 of Public Health and its authorized representatives
11 relating to known or suspected cases of sexually
12 transmissible disease or any information the disclosure
13 of which is restricted under the Illinois Sexually
14 Transmissible Disease Control Act.

15 (dd) Information the disclosure of which is
16 exempted under Section 30 of the Radon Industry Licensing
17 Act.

18 (ee) Firm performance evaluations under Section 55
19 of the Architectural, Engineering, and Land Surveying
20 Qualifications Based Selection Act.

21 (ff) Security portions of system safety program
22 plans, investigation reports, surveys, schedules, lists,
23 data, or information compiled, collected, or prepared by
24 or for the Regional Transportation Authority under
25 Section 2.11 of the Regional Transportation Authority Act
26 or the St. Clair County Transit District under the
27 Bi-State Transit Safety Act.

28 (gg) Information the disclosure of which is
29 restricted and exempted under Section 50 of the Illinois
30 Prepaid Tuition Act.

31 (hh) Information the disclosure of which is
32 exempted under Section 80 of the State Gift Ban Act.

33 (ii) Beginning July 1, 1999, information that would
34 disclose or might lead to the disclosure of secret or

1 confidential information, codes, algorithms, programs, or
2 private keys intended to be used to create electronic or
3 digital signatures under the Electronic Commerce Security
4 Act.

5 (jj) Information contained in a local emergency
6 energy plan submitted to a municipality in accordance
7 with a local emergency energy plan ordinance that is
8 adopted under Section 11-21.5-5 of the Illinois Municipal
9 Code.

10 (kk) Information and data concerning the
11 distribution of surcharge moneys collected and remitted
12 by wireless carriers under the Wireless Emergency
13 Telephone Safety Act.

14 (ll) Information held by any State agency,
15 including public pension funds, regarding investment
16 information that is considered a trade secret. This
17 includes, but is not limited to, fund-by-fund performance
18 data of private portfolio companies and related
19 partnership agreements.

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

24 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
25 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
26 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
27 eff. 7-11-02.)