



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4710

by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7 from Ch. 116, par. 207
110 ILCS 26/Act rep.
110 ILCS 305/100 new
110 ILCS 520/85 new
110 ILCS 660/5-195 new
110 ILCS 665/10-195 new
110 ILCS 670/15-195 new
110 ILCS 675/20-200 new
110 ILCS 680/25-195 new
110 ILCS 685/30-205 new
110 ILCS 690/35-200 new
110 ILCS 805/3-29.12 new

Amends various Acts relating to the governance of public universities and community colleges in Illinois. Provides that the Board of Trustees of a public university or community college district in this State may not enter into an agreement or allow any person or group affiliated with the university or district to enter into an agreement with a credit card issuer to allow the credit card issuer to market credit cards to students. Defines terms. Repeals the Credit Card Marketing Act of 2009. Makes conforming changes in the Freedom of Information Act.

LRB100 16757 AXK 31897 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and regulations
18 implementing federal or State law.

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

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or more
2 law enforcement agencies regarding the physical or mental
3 status of one or more individual subjects.

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

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

21 (i) interfere with pending or actually and
22 reasonably contemplated law enforcement proceedings
23 conducted by any law enforcement or correctional
24 agency that is the recipient of the request;

25 (ii) interfere with active administrative
26 enforcement proceedings conducted by the public body

1 that is the recipient of the request;

2 (iii) create a substantial likelihood that a
3 person will be deprived of a fair trial or an impartial
4 hearing;

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

17 (v) disclose unique or specialized investigative
18 techniques other than those generally used and known or
19 disclose internal documents of correctional agencies
20 related to detection, observation or investigation of
21 incidents of crime or misconduct, and disclosure would
22 result in demonstrable harm to the agency or public
23 body that is the recipient of the request;

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

26 (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

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

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 or a county jail if those
14 materials are available in the library of the correctional
15 facility or jail where the inmate is confined.

16 (e-6) Records requested by persons committed to the
17 Department of Corrections 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 if those materials are available
23 through an administrative request to the Department of
24 Corrections.

25 (e-8) Records requested by a person committed to the
26 Department of Corrections or a county jail, the disclosure

1 of which would result in the risk of harm to any person or
2 the risk of an escape from a jail or correctional
3 institution or facility.

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

13 (e-10) Law enforcement records of other persons
14 requested by a person committed to the Department of
15 Corrections or a county jail, including, but not limited
16 to, arrest and booking records, mug shots, and crime scene
17 photographs, except as these records may be relevant to the
18 requester's 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 records
26 of officers and agencies of the General Assembly that

1 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 fund,
14 from a private equity fund or a privately held company
15 within the investment portfolio of a private equity fund as
16 a result of either investing or evaluating a potential
17 investment of public funds in a private equity fund. The
18 exemption contained in this item does not apply to the
19 aggregate financial performance information of a private
20 equity fund, nor to the identity of the fund's managers or
21 general partners. The exemption contained in this item does
22 not apply to the identity of a privately held company
23 within the investment portfolio of a private equity fund,
24 unless the disclosure of the identity of a privately held
25 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 by
13 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 news
17 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 under
26 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 would
3 not be subject to discovery in litigation, and materials
4 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 of
10 employee grievances or disciplinary cases; however, this
11 exemption shall not extend to the final outcome of cases in
12 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 an
3 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 self
21 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 or insurance companies, unless disclosure is
2 otherwise required by State law.

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

8 (v) Vulnerability assessments, security measures, and
9 response policies or plans that are designed to identify,
10 prevent, or respond to potential attacks upon a community's
11 population or systems, facilities, or installations, the
12 destruction or contamination of which would constitute a
13 clear and present danger to the health or safety of the
14 community, but only to the extent that disclosure could
15 reasonably be expected to jeopardize the effectiveness of
16 the measures 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, or to
21 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 Agency
5 Act and Section 16-111.5 of the Public Utilities Act that
6 is determined to be confidential and proprietary by the
7 Illinois Power Agency or by the Illinois Commerce
8 Commission.

9 (z) Information about students exempted from
10 disclosure under Sections 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 2012.

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

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

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

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

8 (1.5) Any information exempt from disclosure under the
9 Judicial Privacy Act shall be redacted from public records
10 prior to disclosure under this Act.

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

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

22 (Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642,
23 eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17.)

24 (110 ILCS 26/Act rep.)

25 Section 10. The Credit Card Marketing Act of 2009 is

1 repealed.

2 Section 15. The University of Illinois Act is amended by
3 adding Section 100 as follows:

4 (110 ILCS 305/100 new)

5 Sec. 100. Credit card marketing prohibited.

6 (a) In this Section:

7 "Credit card" means a card or device issued under an
8 agreement by which the credit card issuer gives to a cardholder
9 the privilege of obtaining credit from the credit card issuer
10 or another person in connection with the purchase or lease of
11 goods or services primarily for personal, family, or household
12 use.

13 "Credit card issuer" means a financial institution, a
14 lender other than a financial institution, or a merchant that
15 receives applications and issues credit cards to individuals.

16 (b) The Board of Trustees may not enter into an agreement
17 or allow any person or group affiliated with the University to
18 enter into an agreement with a credit card issuer to allow the
19 credit card issuer to market credit cards to students.

20 Section 20. The Southern Illinois University Management
21 Act is amended by adding Section 85 as follows:

22 (110 ILCS 520/85 new)

1 Sec. 85. Credit card marketing prohibited.

2 (a) In this Section:

3 "Credit card" means a card or device issued under an
4 agreement by which the credit card issuer gives to a cardholder
5 the privilege of obtaining credit from the credit card issuer
6 or another person in connection with the purchase or lease of
7 goods or services primarily for personal, family, or household
8 use.

9 "Credit card issuer" means a financial institution, a
10 lender other than a financial institution, or a merchant that
11 receives applications and issues credit cards to individuals.

12 (b) The Board may not enter into an agreement or allow any
13 person or group affiliated with the University to enter into an
14 agreement with a credit card issuer to allow the credit card
15 issuer to market credit cards to students.

16 Section 25. The Chicago State University Law is amended by
17 adding Section 5-195 as follows:

18 (110 ILCS 660/5-195 new)

19 Sec. 5-195. Credit card marketing prohibited.

20 (a) In this Section:

21 "Credit card" means a card or device issued under an
22 agreement by which the credit card issuer gives to a cardholder
23 the privilege of obtaining credit from the credit card issuer
24 or another person in connection with the purchase or lease of

1 goods or services primarily for personal, family, or household
2 use.

3 "Credit card issuer" means a financial institution, a
4 lender other than a financial institution, or a merchant that
5 receives applications and issues credit cards to individuals.

6 (b) The Board may not enter into an agreement or allow any
7 person or group affiliated with the University to enter into an
8 agreement with a credit card issuer to allow the credit card
9 issuer to market credit cards to students.

10 Section 30. The Eastern Illinois University Law is amended
11 by adding Section 10-195 as follows:

12 (110 ILCS 665/10-195 new)

13 Sec. 10-195. Credit card marketing prohibited.

14 (a) In this Section:

15 "Credit card" means a card or device issued under an
16 agreement by which the credit card issuer gives to a cardholder
17 the privilege of obtaining credit from the credit card issuer
18 or another person in connection with the purchase or lease of
19 goods or services primarily for personal, family, or household
20 use.

21 "Credit card issuer" means a financial institution, a
22 lender other than a financial institution, or a merchant that
23 receives applications and issues credit cards to individuals.

24 (b) The Board may not enter into an agreement or allow any

1 person or group affiliated with the University to enter into an
2 agreement with a credit card issuer to allow the credit card
3 issuer to market credit cards to students.

4 Section 35. The Governors State University Law is amended
5 by adding Section 15-195 as follows:

6 (110 ILCS 670/15-195 new)

7 Sec. 15-195. Credit card marketing prohibited.

8 (a) In this Section:

9 "Credit card" means a card or device issued under an
10 agreement by which the credit card issuer gives to a cardholder
11 the privilege of obtaining credit from the credit card issuer
12 or another person in connection with the purchase or lease of
13 goods or services primarily for personal, family, or household
14 use.

15 "Credit card issuer" means a financial institution, a
16 lender other than a financial institution, or a merchant that
17 receives applications and issues credit cards to individuals.

18 (b) The Board may not enter into an agreement or allow any
19 person or group affiliated with the University to enter into an
20 agreement with a credit card issuer to allow the credit card
21 issuer to market credit cards to students.

22 Section 40. The Illinois State University Law is amended by
23 adding Section 20-200 as follows:

1 (110 ILCS 675/20-200 new)

2 Sec. 20-200. Credit card marketing prohibited.

3 (a) In this Section:

4 "Credit card" means a card or device issued under an
5 agreement by which the credit card issuer gives to a cardholder
6 the privilege of obtaining credit from the credit card issuer
7 or another person in connection with the purchase or lease of
8 goods or services primarily for personal, family, or household
9 use.

10 "Credit card issuer" means a financial institution, a
11 lender other than a financial institution, or a merchant that
12 receives applications and issues credit cards to individuals.

13 (b) The Board may not enter into an agreement or allow any
14 person or group affiliated with the University to enter into an
15 agreement with a credit card issuer to allow the credit card
16 issuer to market credit cards to students.

17 Section 45. The Northeastern Illinois University Law is
18 amended by adding Section 25-195 as follows:

19 (110 ILCS 680/25-195 new)

20 Sec. 25-195. Credit card marketing prohibited.

21 (a) In this Section:

22 "Credit card" means a card or device issued under an
23 agreement by which the credit card issuer gives to a cardholder

1 the privilege of obtaining credit from the credit card issuer
2 or another person in connection with the purchase or lease of
3 goods or services primarily for personal, family, or household
4 use.

5 "Credit card issuer" means a financial institution, a
6 lender other than a financial institution, or a merchant that
7 receives applications and issues credit cards to individuals.

8 (b) The Board may not enter into an agreement or allow any
9 person or group affiliated with the University to enter into an
10 agreement with a credit card issuer to allow the credit card
11 issuer to market credit cards to students.

12 Section 50. The Northern Illinois University Law is amended
13 by adding Section 30-205 as follows:

14 (110 ILCS 685/30-205 new)

15 Sec. 30-205. Credit card marketing prohibited.

16 (a) In this Section:

17 "Credit card" means a card or device issued under an
18 agreement by which the credit card issuer gives to a cardholder
19 the privilege of obtaining credit from the credit card issuer
20 or another person in connection with the purchase or lease of
21 goods or services primarily for personal, family, or household
22 use.

23 "Credit card issuer" means a financial institution, a
24 lender other than a financial institution, or a merchant that

1 receives applications and issues credit cards to individuals.

2 (b) The Board may not enter into an agreement or allow any
3 person or group affiliated with the University to enter into an
4 agreement with a credit card issuer to allow the credit card
5 issuer to market credit cards to students.

6 Section 55. The Western Illinois University Law is amended
7 by adding Section 35-200 as follows:

8 (110 ILCS 690/35-200 new)

9 Sec. 35-200. Credit card marketing prohibited.

10 (a) In this Section:

11 "Credit card" means a card or device issued under an
12 agreement by which the credit card issuer gives to a cardholder
13 the privilege of obtaining credit from the credit card issuer
14 or another person in connection with the purchase or lease of
15 goods or services primarily for personal, family, or household
16 use.

17 "Credit card issuer" means a financial institution, a
18 lender other than a financial institution, or a merchant that
19 receives applications and issues credit cards to individuals.

20 (b) The Board may not enter into an agreement or allow any
21 person or group affiliated with the University to enter into an
22 agreement with a credit card issuer to allow the credit card
23 issuer to market credit cards to students.

1 Section 60. The Public Community College Act is amended by
2 adding Section 3-29.12 as follows:

3 (110 ILCS 805/3-29.12 new)

4 Sec. 3-29.12. Credit card marketing prohibited.

5 (a) In this Section:

6 "Credit card" means a card or device issued under an
7 agreement by which the credit card issuer gives to a cardholder
8 the privilege of obtaining credit from the credit card issuer
9 or another person in connection with the purchase or lease of
10 goods or services primarily for personal, family, or household
11 use.

12 "Credit card issuer" means a financial institution, a
13 lender other than a financial institution, or a merchant that
14 receives applications and issues credit cards to individuals.

15 (b) A board of trustees may not enter into an agreement or
16 allow any person or group affiliated with the community college
17 district to enter into an agreement with a credit card issuer
18 to allow the credit card issuer to market credit cards to
19 students.