

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

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and
18 regulations 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,
21 or 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
2 more law enforcement agencies regarding the physical or
3 mental status of one or more individual subjects.

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

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

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

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body
2 that is the recipient of the request;

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

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

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

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or
2 (vii) obstruct an ongoing criminal investigation
3 by the agency that is the recipient of the request.

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

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

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

21 (e-5) Records requested by persons committed to the
22 Department of Corrections, Department of Human Services
23 Division of Mental Health, or a county jail if those
24 materials are available in the library of the correctional
25 institution or facility or jail where the inmate is
26 confined.

1 (e-6) 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 include records from staff members' personnel
5 files, staff rosters, or other staffing assignment
6 information.

7 (e-7) Records requested by persons committed to the
8 Department of Corrections or Department of Human Services
9 Division of Mental Health if those materials are available
10 through an administrative request to the Department of
11 Corrections or Department of Human Services Division of
12 Mental Health.

13 (e-8) Records requested by a person committed to the
14 Department of Corrections, Department of Human Services
15 Division of Mental Health, or a county jail, the
16 disclosure of which would result in the risk of harm to any
17 person or the risk of an escape from a jail or correctional
18 institution or facility.

19 (e-9) Records requested by a person in a county jail
20 or committed to the Department of Corrections or
21 Department of Human Services Division of Mental Health,
22 containing personal information pertaining to the person's
23 victim or the victim's family, including, but not limited
24 to, a victim's home address, home telephone number, work
25 or school address, work telephone number, social security
26 number, or any other identifying information, except as

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

3 (e-10) Law enforcement records of other persons
4 requested by a person committed to the Department of
5 Corrections, Department of Human Services Division of
6 Mental Health, or a county jail, including, but not
7 limited to, arrest and booking records, mug shots, and
8 crime scene photographs, except as these records may be
9 relevant to the requester's current or potential case or
10 claim.

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

20 (g) Trade secrets and commercial or financial
21 information obtained from a person or business where the
22 trade secrets or commercial or financial information are
23 furnished under a claim that they are proprietary,
24 privileged, or confidential, and that disclosure of the
25 trade secrets or commercial or financial information would
26 cause competitive harm to the person or business, and only

1 insofar as the claim directly applies to the records
2 requested.

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

18 Nothing contained in this paragraph (g) shall be
19 construed to prevent a person or business from consenting
20 to disclosure.

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

1 preparation of a bid solicitation shall be exempt until an
2 award or final selection is made.

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

14 (j) The following information pertaining to
15 educational matters:

16 (i) test questions, scoring keys, and other
17 examination data used to administer an academic
18 examination;

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

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

1 (iv) course materials or research materials used
2 by faculty members.

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

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

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

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

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

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

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

22 (r) The records, documents, and information relating
23 to real estate purchase negotiations until those
24 negotiations have been completed or otherwise terminated.
25 With regard to a parcel involved in a pending or actually
26 and reasonably contemplated eminent domain proceeding

1 under the Eminent Domain Act, records, documents, and
2 information relating to that parcel shall be exempt except
3 as may be allowed under discovery rules adopted by the
4 Illinois Supreme Court. The records, documents, and
5 information relating to a real estate sale shall be exempt
6 until a sale is consummated.

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

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

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

1 (v) Vulnerability assessments, security measures, and
2 response policies or plans that are designed to identify,
3 prevent, or respond to potential attacks upon a
4 community's population or systems, facilities, or
5 installations, the destruction or contamination of which
6 would constitute a clear and present danger to the health
7 or safety of the community, but only to the extent that
8 disclosure could reasonably be expected to jeopardize the
9 effectiveness of the measures or the safety of the
10 personnel who implement them or the public. Information
11 exempt under this item may include such things as details
12 pertaining to the mobilization or deployment of personnel
13 or equipment, to the operation of communication systems or
14 protocols, or to tactical operations.

15 (w) (Blank).

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

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

1 Commission.

2 (z) Information about students exempted from
3 disclosure under Sections 10-20.38 or 34-18.29 of the
4 School Code, and information about undergraduate students
5 enrolled at an institution of higher education exempted
6 from disclosure under Section 25 of the Illinois Credit
7 Card Marketing Act of 2009.

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

10 (bb) Records and information provided to a mortality
11 review team and records maintained by a mortality review
12 team appointed under the Department of Juvenile Justice
13 Mortality Review Team Act.

14 (cc) Information regarding interments, entombments, or
15 inurnments of human remains that are submitted to the
16 Cemetery Oversight Database under the Cemetery Care Act or
17 the Cemetery Oversight Act, whichever is applicable.

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

22 (ee) The names, addresses, or other personal
23 information of persons who are minors and are also
24 participants and registrants in programs of park
25 districts, forest preserve districts, conservation
26 districts, recreation agencies, and special recreation

1 associations.

2 (ff) The names, addresses, or other personal
3 information of participants and registrants in programs of
4 park districts, forest preserve districts, conservation
5 districts, recreation agencies, and special recreation
6 associations where such programs are targeted primarily to
7 minors.

8 (gg) Confidential information described in Section
9 1-100 of the Illinois Independent Tax Tribunal Act of
10 2012.

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

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

26 (jj) Confidential information described in Section

1 5-535 of the Civil Administrative Code of Illinois.

2 (kk) The public body's credit card numbers, debit card
3 numbers, bank account numbers, Federal Employer
4 Identification Number, security code numbers, passwords,
5 and similar account information, the disclosure of which
6 could result in identity theft or impression or defrauding
7 of a governmental entity or a person.

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

13 (1.5) Any information exempt from disclosure under the
14 Judicial Privacy Act shall be redacted from public records
15 prior to disclosure under this Act.

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

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

1 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
2 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
3 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; revised
4 2-3-22.)

5 Section 10. The School Safety Drill Act is amended by
6 changing Section 45 as follows:

7 (105 ILCS 128/45)

8 Sec. 45. Threat assessment procedure.

9 (a) Each school district must implement a threat
10 assessment procedure that may be part of a school board policy
11 on targeted school violence prevention. The procedure must
12 include the creation of a threat assessment team. The team
13 must include all of the following members:

14 (1) An administrator employed by the school district
15 or a special education cooperative that serves the school
16 district and is available to serve.

17 (2) A teacher employed by the school district or a
18 special education cooperative that serves the school
19 district and is available to serve.

20 (3) A school counselor employed by the school district
21 or a special education cooperative that serves the school
22 district and is available to serve.

23 (4) A school psychologist employed by the school
24 district or a special education cooperative that serves

1 the school district and is available to serve.

2 (5) A school social worker employed by the school
3 district or a special education cooperative that serves
4 the school district and is available to serve.

5 (6) At least one law enforcement official.

6 If a school district is unable to establish a threat
7 assessment team with school district staff and resources, it
8 may utilize a regional behavioral threat assessment and
9 intervention team that includes mental health professionals
10 and representatives from the State, county, and local law
11 enforcement agencies.

12 (b) A school district shall establish the threat
13 assessment team under this Section no later than 180 days
14 after the effective date of this amendatory Act of the 101st
15 General Assembly and must implement an initial threat
16 assessment procedure no later than 120 days after the
17 effective date of this amendatory Act of the 101st General
18 Assembly. Each year prior to the start of the school year, the
19 school board shall file the threat assessment procedure and a
20 list identifying the members of the school district's threat
21 assessment team or regional behavior threat assessment and
22 intervention team with (i) a local law enforcement agency and
23 (ii) the regional office of education or, with respect to a
24 school district organized under Article 34 of the School Code,
25 the State Board of Education.

26 (c) Any sharing of student information under this Section

1 must comply with the federal Family Educational Rights and
2 Privacy Act of 1974 and the Illinois School Student Records
3 Act.

4 (Source: P.A. 101-455, eff. 8-23-19.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.