



Rep. Ann M. Williams

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10300HB3326ham003

LRB103 30785 MXP 61195 a

1 AMENDMENT TO HOUSE BILL 3326

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3326 by replacing  
3 everything after the enacting clause with the following:

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

6 (5 ILCS 140/7)

7 (Text of Section before amendment by P.A. 102-982)

8 Sec. 7. Exemptions.

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

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

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

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

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

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

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

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

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

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

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

26 (v) disclose unique or specialized investigative

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

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

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

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

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

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

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

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

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

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

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

11 (e-10) Law enforcement records of other persons  
12 requested by a person committed to the Department of  
13 Corrections, Department of Human Services Division of  
14 Mental Health, or a county jail, including, but not  
15 limited to, arrest and booking records, mug shots, and  
16 crime scene photographs, except as these records may be  
17 relevant to the requester's current or potential case or  
18 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          (1) 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 ~~self-insurance~~ (including any  
20 intergovernmental risk management association or  
21 self-insurance ~~self-insurance~~ pool) claims, loss or risk  
22 management information, records, data, advice, or  
23 communications.

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

1 for the regulation or supervision of financial  
2 institutions, insurance companies, or pharmacy benefit  
3 managers, unless disclosure is otherwise required by State  
4 law.

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

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

23 (w) (Blank).

24 (x) Maps and other records regarding the location or  
25 security of generation, transmission, distribution,  
26 storage, gathering, treatment, or switching facilities

1 owned by a utility, by a power generator, or by the  
2 Illinois Power Agency.

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

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

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

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

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

26 (dd) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid  
2 Code or (ii) that pertain to appeals under Section 11-8 of  
3 the Illinois Public Aid Code.

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

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

16 (gg) Confidential information described in Section  
17 1-100 of the Illinois Independent Tax Tribunal Act of  
18 2012.

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

23 (ii) Records requested by persons committed to or  
24 detained by the Department of Human Services under the  
25 Sexually Violent Persons Commitment Act or committed to  
26 the Department of Corrections under the Sexually Dangerous

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

8 (jj) Confidential information described in Section  
9 5-535 of the Civil Administrative Code of Illinois.

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

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

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

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

1           (oo) ~~(mm)~~ Records described in subsection (f) of  
2           Section 3-5-1 of the Unified Code of Corrections.

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. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
18          101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
19          6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,  
20          eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;  
21          102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised  
22          12-13-22.)

23                 (Text of Section after amendment by P.A. 102-982)

24                 Sec. 7. Exemptions.

25                 (1) When a request is made to inspect or copy a public



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (d-7) Information that is gathered or created from the  
9 use of automated license plate readers and that is exempt  
10 from disclosure under Section 2-130 of the Illinois  
11 Vehicle Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this paragraph (i) does not extend to requests made by  
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4 purpose of the request is to access and disseminate  
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13 secondary school, college, or university under its  
14 procedures for the evaluation of faculty members by  
15 their academic peers;

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

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

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



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

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

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

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

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

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

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

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

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

26 (s) Any and all proprietary information and records

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

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

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

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

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

8 (w) (Blank).

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

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

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

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

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

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

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

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

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

1           (gg) Confidential information described in Section  
2 1-100 of the Illinois Independent Tax Tribunal Act of  
3 2012.

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

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

19           (jj) Confidential information described in Section  
20 5-535 of the Civil Administrative Code of Illinois.

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

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

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

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

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

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

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

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

1 in this Act.

2 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
3 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
4 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,  
5 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;  
6 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.  
7 6-10-22; revised 12-13-22.)

8 Section 10. The Illinois Vehicle Code is amended by adding  
9 Section 2-130 as follows:

10 (625 ILCS 5/2-130 new)

11 Sec. 2-130. User of automated license plate readers;  
12 prohibitions.

13 (a) In this Section:

14 "Automated license plate reader" or "ALPR" means an  
15 electronic device that is mounted on a law enforcement vehicle  
16 or positioned in a stationary location and that is capable of  
17 recording data on or taking a photograph of a vehicle or its  
18 license plate and comparing the collected data and photographs  
19 to existing law enforcement databases for investigative  
20 purposes. "Automated license plate reader" or "ALPR" includes  
21 a device that is owned or operated by a person who is not a  
22 government entity to the extent that data collected by the  
23 reader is shared with a law enforcement agency.

24 "Facial recognition technology" means the capture of any



1 image of a person's face or facial features and the subsequent  
2 use of technology to compare the face or facial features to any  
3 database for the purposes of identity proofing or  
4 identification.

5 (b) An ALPR user shall not sell ALPR information under any  
6 circumstances, unless the sale of the data is made directly to  
7 law enforcement or a law enforcement entity and in accordance  
8 with the requirements of subsection (d).

9 (c) An ALPR user shall not share or transfer ALPR  
10 information, except to a local law enforcement agency, a law  
11 enforcement agency of this State, the federal government, an  
12 organization established to detect or prevent insurance crime  
13 or fraud, such as those recognized under subsection (2) of  
14 Section 155.23 of the Illinois Insurance Code, or a state  
15 other than Illinois in compliance with subsection (d).

16 (d) An ALPR user shall not share or transfer ALPR  
17 information to any state for the purpose of investigating or  
18 enforcing a law that:

19 (1) denies or interferes with a person's right to  
20 choose or obtain reproductive health care services or any  
21 lawful health care services as defined by the Lawful  
22 Health Care Activity Act; or

23 (2) permits the detention or investigation of a person  
24 based on the person's immigration status.

25 (e) Any law enforcement agency, including an out-of-state  
26 law enforcement agency, that uses ALPR systems shall require

1 other out-of-state law enforcement agencies to acknowledge  
2 that any shared ALPR images or data generated in the State will  
3 not be used in a manner that violates subsection (d) by  
4 executing a written declaration before using that data.

5 (f) An Illinois law enforcement agency may retain ALPR  
6 system detections for 3 years after the date of the creation of  
7 the record. The detection will be archived 90 days after the  
8 creation of the record unless the information is relevant to  
9 an ongoing investigation or pending criminal trial and shall  
10 be accessed only for use in a felony criminal investigation or  
11 an investigation into police misconduct. Any records of  
12 detections that are older than 90 days shall be accessed only  
13 with the written approval of the law enforcement agency head  
14 or their designee. All records of detections archived after 90  
15 days will not be searchable by out-of-state agencies. All  
16 records of detections must be destroyed 3 years after the  
17 record was created unless the information is relevant to an  
18 ongoing investigation or pending criminal trial. The Illinois  
19 State Police shall retain ALPR detections for a period of time  
20 that is consistent with the provisions of the Expressway  
21 Camera Act and the State Records Act.

22 (g) ALPR information shall be held confidentially to the  
23 fullest extent permitted by law, and an ALPR user shall not  
24 sell, share, or transfer ALPR information for any commercial  
25 purpose and shall not disclose ALPR information to any entity  
26 for the purposes of public disclosure.

1       (h) An ALPR shall not use facial recognition technology.

2           Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.".