



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB4292

Introduced 1/16/2024, by Rep. Curtis J. Tarver, II

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2  
5 ILCS 140/7  
5 ILCS 140/9.5

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that, for purposes of the Act, "public body" includes the judicial branch and components of the judicial branch of the State. Exempts records that pertain to the preparation of judicial opinions and orders. Excludes denials of requests of records from the judicial branch or components of the judicial branch from the jurisdiction of the Public Access Counselor.

LRB103 35053 AWJ 65001 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by  
5 changing Sections 2, 7, and 9.5 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 (Text of Section before amendment by P.A. 103-554)

8 Sec. 2. Definitions. As used in this Act:

9 (a) "Public body" means all legislative, executive,  
10 administrative, or advisory bodies of the State, state  
11 universities and colleges, counties, townships, cities,  
12 villages, incorporated towns, school districts and all other  
13 municipal corporations, boards, bureaus, committees, or  
14 commissions of this State, any subsidiary bodies of any of the  
15 foregoing including but not limited to committees and  
16 subcommittees thereof, and a School Finance Authority created  
17 under Article 1E of the School Code. "Public body" does not  
18 include a child death review team or the Illinois Child Death  
19 Review Teams Executive Council established under the Child  
20 Death Review Team Act, or a regional youth advisory board or  
21 the Statewide Youth Advisory Board established under the  
22 Department of Children and Family Services Statewide Youth  
23 Advisory Board Act.

1           (b) "Person" means any individual, corporation,  
2 partnership, firm, organization or association, acting  
3 individually or as a group.

4           (c) "Public records" means all records, reports, forms,  
5 writings, letters, memoranda, books, papers, maps,  
6 photographs, microfilms, cards, tapes, recordings, electronic  
7 data processing records, electronic communications, recorded  
8 information and all other documentary materials pertaining to  
9 the transaction of public business, regardless of physical  
10 form or characteristics, having been prepared by or for, or  
11 having been or being used by, received by, in the possession  
12 of, or under the control of any public body.

13           (c-5) "Private information" means unique identifiers,  
14 including a person's social security number, driver's license  
15 number, employee identification number, biometric identifiers,  
16 personal financial information, passwords or other access  
17 codes, medical records, home or personal telephone numbers,  
18 and personal email addresses. Private information also  
19 includes home address and personal license plates, except as  
20 otherwise provided by law or when compiled without possibility  
21 of attribution to any person.

22           (c-10) "Commercial purpose" means the use of any part of a  
23 public record or records, or information derived from public  
24 records, in any form for sale, resale, or solicitation or  
25 advertisement for sales or services. For purposes of this  
26 definition, requests made by news media and non-profit,

1 scientific, or academic organizations shall not be considered  
2 to be made for a "commercial purpose" when the principal  
3 purpose of the request is (i) to access and disseminate  
4 information concerning news and current or passing events,  
5 (ii) for articles of opinion or features of interest to the  
6 public, or (iii) for the purpose of academic, scientific, or  
7 public research or education.

8 (d) "Copying" means the reproduction of any public record  
9 by means of any photographic, electronic, mechanical or other  
10 process, device or means now known or hereafter developed and  
11 available to the public body.

12 (e) "Head of the public body" means the president, mayor,  
13 chairman, presiding officer, director, superintendent,  
14 manager, supervisor or individual otherwise holding primary  
15 executive and administrative authority for the public body, or  
16 such person's duly authorized designee.

17 (f) "News media" means a newspaper or other periodical  
18 issued at regular intervals whether in print or electronic  
19 format, a news service whether in print or electronic format,  
20 a radio station, a television station, a television network, a  
21 community antenna television service, or a person or  
22 corporation engaged in making news reels or other motion  
23 picture news for public showing.

24 (g) "Recurrent requester", as used in Section 3.2 of this  
25 Act, means a person that, in the 12 months immediately  
26 preceding the request, has submitted to the same public body

1 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
2 requests for records within a 30-day period, or (iii) a  
3 minimum of 7 requests for records within a 7-day period. For  
4 purposes of this definition, requests made by news media and  
5 non-profit, scientific, or academic organizations shall not be  
6 considered in calculating the number of requests made in the  
7 time periods in this definition when the principal purpose of  
8 the requests is (i) to access and disseminate information  
9 concerning news and current or passing events, (ii) for  
10 articles of opinion or features of interest to the public, or  
11 (iii) for the purpose of academic, scientific, or public  
12 research or education.

13 For the purposes of this subsection (g), "request" means a  
14 written document (or oral request, if the public body chooses  
15 to honor oral requests) that is submitted to a public body via  
16 personal delivery, mail, telefax, electronic mail, or other  
17 means available to the public body and that identifies the  
18 particular public record the requester seeks. One request may  
19 identify multiple records to be inspected or copied.

20 (h) "Voluminous request" means a request that: (i)  
21 includes more than 5 individual requests for more than 5  
22 different categories of records or a combination of individual  
23 requests that total requests for more than 5 different  
24 categories of records in a period of 20 business days; or (ii)  
25 requires the compilation of more than 500 letter or  
26 legal-sized pages of public records unless a single requested

1 record exceeds 500 pages. "Single requested record" may  
2 include, but is not limited to, one report, form, e-mail,  
3 letter, memorandum, book, map, microfilm, tape, or recording.

4 "Voluminous request" does not include a request made by  
5 news media and non-profit, scientific, or academic  
6 organizations if the principal purpose of the request is: (1)  
7 to access and disseminate information concerning news and  
8 current or passing events; (2) for articles of opinion or  
9 features of interest to the public; or (3) for the purpose of  
10 academic, scientific, or public research or education.

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12 written document, or oral request, if the public body chooses  
13 to honor oral requests, that is submitted to a public body via  
14 personal delivery, mail, telefax, electronic mail, or other  
15 means available to the public body and that identifies the  
16 particular public record or records the requester seeks. One  
17 request may identify multiple individual records to be  
18 inspected or copied.

19 (i) "Severance agreement" means a mutual agreement between  
20 any public body and its employee for the employee's  
21 resignation in exchange for payment by the public body.

22 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
23 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

24 (Text of Section after amendment by P.A. 103-554)

25 Sec. 2. Definitions. As used in this Act:

1           (a) "Public body" means all legislative, executive,  
2           judicial branch, components of the judicial branch,  
3           administrative, or advisory bodies of the State, state  
4           universities and colleges, counties, townships, cities,  
5           villages, incorporated towns, school districts and all other  
6           municipal corporations, boards, bureaus, committees, or  
7           commissions of this State, any subsidiary bodies of any of the  
8           foregoing including but not limited to committees and  
9           subcommittees thereof, and a School Finance Authority created  
10          under Article 1E of the School Code. "Public body" does not  
11          include a child death review team or the Illinois Child Death  
12          Review Teams Executive Council established under the Child  
13          Death Review Team Act, or a regional youth advisory board or  
14          the Statewide Youth Advisory Board established under the  
15          Department of Children and Family Services Statewide Youth  
16          Advisory Board Act.

17          (b) "Person" means any individual, corporation,  
18          partnership, firm, organization or association, acting  
19          individually or as a group.

20          (c) "Public records" means all records, reports, forms,  
21          writings, letters, memoranda, books, papers, maps,  
22          photographs, microfilms, cards, tapes, recordings, electronic  
23          data processing records, electronic communications, recorded  
24          information and all other documentary materials pertaining to  
25          the transaction of public business, regardless of physical  
26          form or characteristics, having been prepared by or for, or

1 having been or being used by, received by, in the possession  
2 of, or under the control of any public body.

3 (c-5) "Private information" means unique identifiers,  
4 including a person's social security number, driver's license  
5 number, employee identification number, biometric identifiers,  
6 personal financial information, passwords or other access  
7 codes, medical records, home or personal telephone numbers,  
8 and personal email addresses. Private information also  
9 includes home address and personal license plates, except as  
10 otherwise provided by law or when compiled without possibility  
11 of attribution to any person. For a public body that is a  
12 HIPAA-covered entity, "private information" includes  
13 electronic medical records and all information, including  
14 demographic information, contained within or extracted from an  
15 electronic medical records system operated or maintained by  
16 the public body in compliance with State and federal medical  
17 privacy laws and regulations, including, but not limited to,  
18 the Health Insurance Portability and Accountability Act and  
19 its regulations, 45 CFR Parts 160 and 164. As used in this  
20 subsection, "HIPAA-covered entity" has the meaning given to  
21 the term "covered entity" in 45 CFR 160.103.

22 (c-10) "Commercial purpose" means the use of any part of a  
23 public record or records, or information derived from public  
24 records, in any form for sale, resale, or solicitation or  
25 advertisement for sales or services. For purposes of this  
26 definition, requests made by news media and non-profit,



1 scientific, or academic organizations shall not be considered  
2 to be made for a "commercial purpose" when the principal  
3 purpose of the request is (i) to access and disseminate  
4 information concerning news and current or passing events,  
5 (ii) for articles of opinion or features of interest to the  
6 public, or (iii) for the purpose of academic, scientific, or  
7 public research or education.

8 (d) "Copying" means the reproduction of any public record  
9 by means of any photographic, electronic, mechanical or other  
10 process, device or means now known or hereafter developed and  
11 available to the public body.

12 (e) "Head of the public body" means the president, mayor,  
13 chairman, presiding officer, director, superintendent,  
14 manager, supervisor or individual otherwise holding primary  
15 executive and administrative authority for the public body, or  
16 such person's duly authorized designee.

17 (f) "News media" means a newspaper or other periodical  
18 issued at regular intervals whether in print or electronic  
19 format, a news service whether in print or electronic format,  
20 a radio station, a television station, a television network, a  
21 community antenna television service, or a person or  
22 corporation engaged in making news reels or other motion  
23 picture news for public showing.

24 (g) "Recurrent requester", as used in Section 3.2 of this  
25 Act, means a person that, in the 12 months immediately  
26 preceding the request, has submitted to the same public body

1 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
2 requests for records within a 30-day period, or (iii) a  
3 minimum of 7 requests for records within a 7-day period. For  
4 purposes of this definition, requests made by news media and  
5 non-profit, scientific, or academic organizations shall not be  
6 considered in calculating the number of requests made in the  
7 time periods in this definition when the principal purpose of  
8 the requests is (i) to access and disseminate information  
9 concerning news and current or passing events, (ii) for  
10 articles of opinion or features of interest to the public, or  
11 (iii) for the purpose of academic, scientific, or public  
12 research or education.

13 For the purposes of this subsection (g), "request" means a  
14 written document (or oral request, if the public body chooses  
15 to honor oral requests) that is submitted to a public body via  
16 personal delivery, mail, telefax, electronic mail, or other  
17 means available to the public body and that identifies the  
18 particular public record the requester seeks. One request may  
19 identify multiple records to be inspected or copied.

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21 includes more than 5 individual requests for more than 5  
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24 categories of records in a period of 20 business days; or (ii)  
25 requires the compilation of more than 500 letter or  
26 legal-sized pages of public records unless a single requested

1 record exceeds 500 pages. "Single requested record" may  
2 include, but is not limited to, one report, form, e-mail,  
3 letter, memorandum, book, map, microfilm, tape, or recording.

4 "Voluminous request" does not include a request made by  
5 news media and non-profit, scientific, or academic  
6 organizations if the principal purpose of the request is: (1)  
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14 personal delivery, mail, telefax, electronic mail, or other  
15 means available to the public body and that identifies the  
16 particular public record or records the requester seeks. One  
17 request may identify multiple individual records to be  
18 inspected or copied.

19 (i) "Severance agreement" means a mutual agreement between  
20 any public body and its employee for the employee's  
21 resignation in exchange for payment by the public body.

22 (Source: P.A. 103-554, eff. 1-1-24.)

23 (5 ILCS 140/7)

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 gathered or records created from the  
9 use of automatic license plate readers in connection with  
10 Section 2-130 of the Illinois Vehicle Code.

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

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

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

25 (e-7) Records requested by persons committed to the  
26 Department of Corrections or Department of Human Services

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

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

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

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



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

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

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

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

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

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

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

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

1 exemption for "computer geographic systems" provided in  
2 this paragraph (i) does not extend to requests made by  
3 news media as defined in Section 2 of this Act when the  
4 requested information is not otherwise exempt and the only  
5 purpose of the request is to access and disseminate  
6 information regarding the health, safety, welfare, or  
7 legal rights of the general public.

8 (j) The following information pertaining to  
9 educational matters:

10 (i) test questions, scoring keys, and other  
11 examination data used to administer an academic  
12 examination;

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

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

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

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

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

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

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

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

25 (o) Administrative or technical information associated  
26 with automated data processing operations, including, but

1 not limited to, software, operating protocols, computer  
2 program abstracts, file layouts, source listings, object  
3 modules, load modules, user guides, documentation  
4 pertaining to all logical and physical design of  
5 computerized systems, employee manuals, and any other  
6 information that, if disclosed, would jeopardize the  
7 security of the system or its data or the security of  
8 materials exempt under this Section.

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

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

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

1           (s) Any and all proprietary information and records  
2 related to the operation of an intergovernmental risk  
3 management association or self-insurance pool or jointly  
4 self-administered health and accident cooperative or pool.  
5 Insurance or self-insurance (including any  
6 intergovernmental risk management association or  
7 self-insurance pool) claims, loss or risk management  
8 information, records, data, advice, or 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 10-20.38 or 34-18.29 of the  
23 School Code, and information about undergraduate students  
24 enrolled at an institution of higher education exempted  
25 from disclosure under Section 25 of the Illinois Credit  
26 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 (ll) 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) Proprietary information submitted to the  
10 Environmental Protection Agency under the Drug Take-Back  
11 Act.

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

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

20 (qq) ~~(pp)~~ Reports described in subsection (e) of  
21 Section 16-15 of the Abortion Care Clinical Training  
22 Program Act.

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

26 (ss) ~~(pp)~~ For a request directed to a public body that

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

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. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
2 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
3 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,  
4 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
5 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
6 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised  
7 9-7-23.)

8 (5 ILCS 140/9.5)

9 (Text of Section before amendment by P.A. 103-69)

10 Sec. 9.5. Public Access Counselor; opinions.

11 (a) A person whose request to inspect or copy a public  
12 record is denied by a public body, except the General Assembly  
13 and committees, commissions, and agencies thereof, may file a  
14 request for review with the Public Access Counselor  
15 established in the Office of the Attorney General not later  
16 than 60 days after the date of the final denial. The request  
17 for review must be in writing, signed by the requester, and  
18 include (i) a copy of the request for access to records and  
19 (ii) any responses from the public body.

20 (b) A person whose request to inspect or copy a public  
21 record is made for a commercial purpose as defined in  
22 subsection (c-10) of Section 2 of this Act may not file a  
23 request for review with the Public Access Counselor. A person  
24 whose request to inspect or copy a public record was treated by  
25 the public body as a request for a commercial purpose under

1 Section 3.1 of this Act may file a request for review with the  
2 Public Access Counselor for the limited purpose of reviewing  
3 whether the public body properly determined that the request  
4 was made for a commercial purpose.

5 (b-5) A person whose request to inspect or copy a public  
6 record was treated by a public body, except the General  
7 Assembly and committees, commissions, and agencies thereof, as  
8 a voluminous request under Section 3.6 of this Act may file a  
9 request for review with the Public Access Counselor for the  
10 purpose of reviewing whether the public body properly  
11 determined that the request was a voluminous request.

12 (c) Upon receipt of a request for review, the Public  
13 Access Counselor shall determine whether further action is  
14 warranted. If the Public Access Counselor determines that the  
15 alleged violation is unfounded, he or she shall so advise the  
16 requester and the public body and no further action shall be  
17 undertaken. In all other cases, the Public Access Counselor  
18 shall forward a copy of the request for review to the public  
19 body within 7 business days after receipt and shall specify  
20 the records or other documents that the public body shall  
21 furnish to facilitate the review. Within 7 business days after  
22 receipt of the request for review, the public body shall  
23 provide copies of records requested and shall otherwise fully  
24 cooperate with the Public Access Counselor. If a public body  
25 fails to furnish specified records pursuant to this Section,  
26 or if otherwise necessary, the Attorney General may issue a

1 subpoena to any person or public body having knowledge of or  
2 records pertaining to a request for review of a denial of  
3 access to records under the Act. To the extent that records or  
4 documents produced by a public body contain information that  
5 is claimed to be exempt from disclosure under Section 7 of this  
6 Act, the Public Access Counselor shall not further disclose  
7 that information.

8 (d) Within 7 business days after it receives a copy of a  
9 request for review and request for production of records from  
10 the Public Access Counselor, the public body may, but is not  
11 required to, answer the allegations of the request for review.  
12 The answer may take the form of a letter, brief, or memorandum.  
13 The Public Access Counselor shall forward a copy of the answer  
14 to the person submitting the request for review, with any  
15 alleged confidential information to which the request pertains  
16 redacted from the copy. The requester may, but is not required  
17 to, respond in writing to the answer within 7 business days and  
18 shall provide a copy of the response to the public body.

19 (e) In addition to the request for review, and the answer  
20 and the response thereto, if any, a requester or a public body  
21 may furnish affidavits or records concerning any matter  
22 germane to the review.

23 (f) Unless the Public Access Counselor extends the time by  
24 no more than 30 business days by sending written notice to the  
25 requester and the public body that includes a statement of the  
26 reasons for the extension in the notice, or decides to address

1 the matter without the issuance of a binding opinion, the  
2 Attorney General shall examine the issues and the records,  
3 shall make findings of fact and conclusions of law, and shall  
4 issue to the requester and the public body an opinion in  
5 response to the request for review within 60 days after its  
6 receipt. The opinion shall be binding upon both the requester  
7 and the public body, subject to administrative review under  
8 Section 11.5.

9 In responding to any request under this Section 9.5, the  
10 Attorney General may exercise his or her discretion and choose  
11 to resolve a request for review by mediation or by a means  
12 other than the issuance of a binding opinion. The decision not  
13 to issue a binding opinion shall not be reviewable.

14 Upon receipt of a binding opinion concluding that a  
15 violation of this Act has occurred, the public body shall  
16 either take necessary action immediately to comply with the  
17 directive of the opinion or shall initiate administrative  
18 review under Section 11.5. If the opinion concludes that no  
19 violation of the Act has occurred, the requester may initiate  
20 administrative review under Section 11.5.

21 A public body that discloses records in accordance with an  
22 opinion of the Attorney General is immune from all liabilities  
23 by reason thereof and shall not be liable for penalties under  
24 this Act.

25 (g) If the requester files suit under Section 11 with  
26 respect to the same denial that is the subject of a pending

1 request for review, the requester shall notify the Public  
2 Access Counselor, and the Public Access Counselor shall take  
3 no further action with respect to the request for review and  
4 shall so notify the public body.

5 (h) The Attorney General may also issue advisory opinions  
6 to public bodies regarding compliance with this Act. A review  
7 may be initiated upon receipt of a written request from the  
8 head of the public body or its attorney, which shall contain  
9 sufficient accurate facts from which a determination can be  
10 made. The Public Access Counselor may request additional  
11 information from the public body in order to assist in the  
12 review. A public body that relies in good faith on an advisory  
13 opinion of the Attorney General in responding to a request is  
14 not liable for penalties under this Act, so long as the facts  
15 upon which the opinion is based have been fully and fairly  
16 disclosed to the Public Access Counselor.

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

18 (Text of Section after amendment by P.A. 103-69)

19 Sec. 9.5. Public Access Counselor; opinions.

20 (a) A person whose request to inspect or copy a public  
21 record is denied by a public body, except the General Assembly  
22 and committees, commissions, and agencies thereof and the  
23 judicial branch and the components of the judicial branch, may  
24 file a request for review with the Public Access Counselor  
25 established in the Office of the Attorney General not later



1 than 60 days after the date of the final denial. The request  
2 for review must be in writing, signed by the requester, and  
3 include (i) a copy of the request for access to records and  
4 (ii) any responses from the public body.

5 (b) A person whose request to inspect or copy a public  
6 record is made for a commercial purpose as defined in  
7 subsection (c-10) of Section 2 of this Act may not file a  
8 request for review with the Public Access Counselor. A person  
9 whose request to inspect or copy a public record was treated by  
10 the public body as a request for a commercial purpose under  
11 Section 3.1 of this Act may file a request for review with the  
12 Public Access Counselor for the limited purpose of reviewing  
13 whether the public body properly determined that the request  
14 was made for a commercial purpose.

15 (b-5) A person whose request to inspect or copy a public  
16 record was treated by a public body, except the General  
17 Assembly and committees, commissions, and agencies thereof and  
18 the judicial branch and the components of the judicial branch,  
19 as a voluminous request under Section 3.6 of this Act may file  
20 a request for review with the Public Access Counselor for the  
21 purpose of reviewing whether the public body properly  
22 determined that the request was a voluminous request.

23 (c) Upon receipt of a request for review, the Public  
24 Access Counselor shall determine whether further action is  
25 warranted. If the Public Access Counselor determines that the  
26 alleged violation is unfounded, he or she shall so advise the

1 requester and the public body and no further action shall be  
2 undertaken. In all other cases, the Public Access Counselor  
3 shall forward a copy of the request for review to the public  
4 body within 7 business days after receipt and shall specify  
5 the records or other documents that the public body shall  
6 furnish to facilitate the review. Within 7 business days after  
7 receipt of the request for review, the public body shall  
8 provide copies of records requested and shall otherwise fully  
9 cooperate with the Public Access Counselor. If a public body  
10 fails to furnish specified records pursuant to this Section,  
11 or if otherwise necessary, the Attorney General may issue a  
12 subpoena to any person or public body having knowledge of or  
13 records pertaining to a request for review of a denial of  
14 access to records under the Act. Records or documents obtained  
15 by the Public Access Counselor from a public body for the  
16 purpose of addressing a request for review under this Section  
17 may not be disclosed to the public, including the requester,  
18 by the Public Access Counselor. These records, while in the  
19 possession of the Public Access Counselor, are exempt under  
20 this Act from disclosure by the Public Access Counselor.

21 (d) Within 7 business days after it receives a copy of a  
22 request for review and request for production of records from  
23 the Public Access Counselor, the public body may, but is not  
24 required to, answer the allegations of the request for review.  
25 The answer may take the form of a letter, brief, or memorandum.  
26 The Public Access Counselor shall forward a copy of the answer

1 to the person submitting the request for review, with any  
2 alleged confidential information to which the request pertains  
3 redacted from the copy. The requester may, but is not required  
4 to, respond in writing to the answer within 7 business days and  
5 shall provide a copy of the response to the public body.

6 (e) In addition to the request for review, and the answer  
7 and the response thereto, if any, a requester or a public body  
8 may furnish affidavits or records concerning any matter  
9 germane to the review.

10 (f) Unless the Public Access Counselor extends the time by  
11 no more than 30 business days by sending written notice to the  
12 requester and the public body that includes a statement of the  
13 reasons for the extension in the notice, or decides to address  
14 the matter without the issuance of a binding opinion, the  
15 Attorney General shall examine the issues and the records,  
16 shall make findings of fact and conclusions of law, and shall  
17 issue to the requester and the public body an opinion in  
18 response to the request for review within 60 days after its  
19 receipt. The opinion shall be binding upon both the requester  
20 and the public body, subject to administrative review under  
21 Section 11.5.

22 In responding to any request under this Section 9.5, the  
23 Attorney General may exercise his or her discretion and choose  
24 to resolve a request for review by mediation or by a means  
25 other than the issuance of a binding opinion. The decision not  
26 to issue a binding opinion shall not be reviewable.

1           Upon receipt of a binding opinion concluding that a  
2 violation of this Act has occurred, the public body shall  
3 either take necessary action immediately to comply with the  
4 directive of the opinion or shall initiate administrative  
5 review under Section 11.5. If the opinion concludes that no  
6 violation of the Act has occurred, the requester may initiate  
7 administrative review under Section 11.5.

8           A public body that discloses records in accordance with an  
9 opinion of the Attorney General is immune from all liabilities  
10 by reason thereof and shall not be liable for penalties under  
11 this Act.

12           (g) If the requester files suit under Section 11 with  
13 respect to the same denial that is the subject of a pending  
14 request for review, the requester shall notify the Public  
15 Access Counselor, and the Public Access Counselor shall take  
16 no further action with respect to the request for review and  
17 shall so notify the public body.

18           (h) The Attorney General may also issue advisory opinions  
19 to public bodies regarding compliance with this Act. A review  
20 may be initiated upon receipt of a written request from the  
21 head of the public body or its attorney, which shall contain  
22 sufficient accurate facts from which a determination can be  
23 made. The Public Access Counselor may request additional  
24 information from the public body in order to assist in the  
25 review. A public body that relies in good faith on an advisory  
26 opinion of the Attorney General in responding to a request is

1 not liable for penalties under this Act, so long as the facts  
2 upon which the opinion is based have been fully and fairly  
3 disclosed to the Public Access Counselor.

4 (Source: P.A. 103-69, eff. 1-1-24.)

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