

SB0146



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0146

Introduced 1/25/2023, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7

Amends the Freedom of Information Act. Exempts from disclosure any studies, drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record is not exempt if the record has remained in draft form for more than a 12-month period and public dollars were spent by a unit of local government to conduct such a study.

LRB103 05319 HEP 50337 b

A BILL FOR

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 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:

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

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

23 (b-5) Files, documents, and other data or databases

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

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

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

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

1 (ii) interfere with active administrative
2 enforcement proceedings conducted by the public body
3 that is the recipient of the request;

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

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

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

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

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

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

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

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

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

1 confined.

2 (e-6) Records requested by persons committed to the
3 Department of Corrections, Department of Human Services
4 Division of Mental Health, or a county jail if those
5 materials include records from staff members' personnel
6 files, staff rosters, or other staffing assignment
7 information.

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

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

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

1 number, or any other identifying information, except as
2 may be relevant to a requester's current or potential case
3 or claim.

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

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

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

1 cause competitive harm to the person or business, and only
2 insofar as the claim directly applies to the records
3 requested.

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

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

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

1 is made. Information prepared by or for the body in
2 preparation of a bid solicitation shall be exempt until an
3 award or final selection is made.

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

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

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

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

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

1 unavoidably reveal the identity of the student; and
2 (iv) course materials or research materials used
3 by faculty members.

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

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

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

1 respect to internal audits of public bodies.

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

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

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

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

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

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

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

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

24 (u) Information that would disclose or might lead to
25 the disclosure of secret or confidential information,
26 codes, algorithms, programs, or private keys intended to

1 be used to create electronic signatures under the Uniform
2 Electronic Transactions Act.

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

16 (w) (Blank).

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

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

1 by the Illinois Power Agency or by the Illinois Commerce
2 Commission.

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

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

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

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

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

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

1 districts, recreation agencies, and special recreation
2 associations.

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

9 (gg) Confidential information described in Section
10 1-100 of the Illinois Independent Tax Tribunal Act of
11 2012.

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

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

1 (jj) Confidential information described in Section
2 5-535 of the Civil Administrative Code of Illinois.

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

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

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

17 (nn) ~~(mm)~~ Proprietary information submitted to the
18 Environmental Protection Agency under the Drug Take-Back
19 Act.

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

22 (1.5) Any information exempt from disclosure under the
23 Judicial Privacy Act shall be redacted from public records
24 prior to disclosure under this Act.

25 (2) A public record that is not in the possession of a
26 public body but is in the possession of a party with whom the

1 agency has contracted to perform a governmental function on
2 behalf of the public body, and that directly relates to the
3 governmental function and is not otherwise exempt under this
4 Act, shall be considered a public record of the public body,
5 for purposes of this Act.

6 (3) This Section does not authorize withholding of
7 information or limit the availability of records to the
8 public, except as stated in this Section or otherwise provided
9 in this Act.

10 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
11 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
12 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
13 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
14 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
15 12-13-22.)

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

17 Sec. 7. Exemptions.

18 (1) When a request is made to inspect or copy a public
19 record that contains information that is exempt from
20 disclosure under this Section, but also contains information
21 that is not exempt from disclosure, the public body may elect
22 to redact the information that is exempt. The public body
23 shall make the remaining information available for inspection
24 and copying. Subject to this requirement, the following shall
25 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 crashes, traffic crash reports,
21 and rescue reports shall be provided by agencies of
22 local government, except when disclosure would
23 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.

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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.

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2 or committed to the Department of Corrections or
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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 (f-1) Any studies, drafts, notes, recommendations,
3 memoranda, and other records in which opinions are
4 expressed, or policies or actions are formulated, except
5 that a specific record or relevant portion of a record is
6 not exempt if the record has remained in draft form for
7 more than a 12-month period and public dollars were spent
8 by a unit of local government to conduct such a study.

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

18 The information included under this exemption includes
19 all trade secrets and commercial or financial information
20 obtained by a public body, including a public pension
21 fund, from a private equity fund or a privately held
22 company within the investment portfolio of a private
23 equity fund as a result of either investing or evaluating
24 a potential investment of public funds in a private equity
25 fund. The exemption contained in this item does not apply
26 to the aggregate financial performance information of a

1 private equity fund, nor to the identity of the fund's
2 managers or general partners. The exemption contained in
3 this item does not apply to the identity of a privately
4 held company within the investment portfolio of a private
5 equity fund, unless the disclosure of the identity of a
6 privately held company may cause competitive harm.

7 Nothing contained in this paragraph (g) shall be
8 construed to prevent a person or business from consenting
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10 (h) Proposals and bids for any contract, grant, or
11 agreement, including information which if it were
12 disclosed would frustrate procurement or give an advantage
13 to any person proposing to enter into a contractor
14 agreement with the body, until an award or final selection
15 is made. Information prepared by or for the body in
16 preparation of a bid solicitation shall be exempt until an
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19 designs, drawings, and research data obtained or produced
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21 expected to produce private gain or public loss. The
22 exemption for "computer geographic systems" provided in
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24 news media as defined in Section 2 of this Act when the
25 requested information is not otherwise exempt and the only
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1 information regarding the health, safety, welfare, or
2 legal rights of the general public.

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20 documents for projects not constructed or developed in
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23 including, but not limited to, power generating and
24 distribution stations and other transmission and
25 distribution facilities, water treatment facilities,
26 airport facilities, sport stadiums, convention centers,

1 and all government owned, operated, or occupied buildings,
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15 respect to internal audits of public bodies.

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22 not limited to, software, operating protocols, computer
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24 modules, load modules, user guides, documentation
25 pertaining to all logical and physical design of
26 computerized systems, employee manuals, and any other

1 information that, if disclosed, would jeopardize the
2 security of the system or its data or the security of
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4 (p) Records relating to collective negotiating matters
5 between public bodies and their employees or
6 representatives, except that any final contract or
7 agreement shall be subject to inspection and copying.

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

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

22 (s) Any and all proprietary information and records
23 related to the operation of an intergovernmental risk
24 management association or self-insurance pool or jointly
25 self-administered health and accident cooperative or pool.
26 Insurance or self-insurance ~~self-insurance~~ (including any

1 intergovernmental risk management association or
2 self-insurance ~~self-insurance~~ pool) claims, loss or risk
3 management information, records, data, advice, or
4 communications.

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

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

17 (v) Vulnerability assessments, security measures, and
18 response policies or plans that are designed to identify,
19 prevent, or respond to potential attacks upon a
20 community's population or systems, facilities, or
21 installations, but only to the extent that disclosure
22 could reasonably be expected to expose the vulnerability
23 or jeopardize the effectiveness of the measures, policies,
24 or plans, or the safety of the personnel who implement
25 them or the public. Information exempt under this item may
26 include such things as details pertaining to the

1 mobilization or deployment of personnel or equipment, to
2 the operation of communication systems or protocols, to
3 cybersecurity vulnerabilities, or to tactical operations.

4 (w) (Blank).

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

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

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

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

25 (bb) Records and information provided to a mortality
26 review team and records maintained by a mortality review

1 team appointed under the Department of Juvenile Justice
2 Mortality Review Team Act.

3 (cc) Information regarding interments, entombments, or
4 inurnments of human remains that are submitted to the
5 Cemetery Oversight Database under the Cemetery Care Act or
6 the Cemetery Oversight Act, whichever is applicable.

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

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

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

23 (gg) Confidential information described in Section
24 1-100 of the Illinois Independent Tax Tribunal Act of
25 2012.

26 (hh) The report submitted to the State Board of

1 Education by the School Security and Standards Task Force
2 under item (8) of subsection (d) of Section 2-3.160 of the
3 School Code and any information contained in that report.

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

15 (jj) Confidential information described in Section
16 5-535 of the Civil Administrative Code of Illinois.

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

23 (ll) Records concerning the work of the threat
24 assessment team of a school district, including, but not
25 limited to, any threat assessment procedure under the
26 School Safety Drill Act and any information contained in

1 the procedure.

2 (mm) Information prohibited from being disclosed under
3 subsections (a) and (b) of Section 15 of the Student
4 Confidential Reporting Act.

5 (nn) ~~(mm)~~ Proprietary information submitted to the
6 Environmental Protection Agency under the Drug Take-Back
7 Act.

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

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

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

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

24 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
25 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
26 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,

1 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
2 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
3 6-10-22; revised 12-13-22.)

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