



Rep. Marcus C. Evans, Jr.

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10300SB1670ham001

LRB103 26112 AWJ 59627 a

1 AMENDMENT TO SENATE BILL 1670

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1670 by replacing  
3 everything after the enacting clause with the following:

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

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

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

8 (a) "Public body" means all legislative, executive,  
9 administrative, or advisory bodies of the State, state  
10 universities and colleges, counties, townships, cities,  
11 villages, incorporated towns, school districts and all other  
12 municipal corporations, boards, bureaus, committees, or  
13 commissions of this State, any subsidiary bodies of any of the  
14 foregoing including but not limited to committees and  
15 subcommittees thereof, and a School Finance Authority created  
16 under Article 1E of the School Code. "Public body" does not

1 include a child death review team or the Illinois Child Death  
2 Review Teams Executive Council established under the Child  
3 Death Review Team Act, or a regional youth advisory board or  
4 the Statewide Youth Advisory Board established under the  
5 Department of Children and Family Services Statewide Youth  
6 Advisory Board Act.

7 (b) "Person" means any individual, corporation,  
8 partnership, firm, organization or association, acting  
9 individually or as a group.

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

19 (c-5) "Private information" means unique identifiers,  
20 including a person's social security number, driver's license  
21 number, employee identification number, biometric identifiers,  
22 personal financial information, passwords or other access  
23 codes, medical records, home or personal telephone numbers,  
24 and personal email addresses. Private information also  
25 includes home address and personal license plates, except as  
26 otherwise provided by law or when compiled without possibility

1 of attribution to any person. For a public body that is a  
2 HIPAA-covered entity, "private information" includes  
3 electronic medical records and all information, including  
4 demographic information, contained within or extracted from an  
5 electronic medical records system operated or maintained by  
6 the public body in compliance with State and federal medical  
7 privacy laws and regulations, including, but not limited to,  
8 the Health Insurance Portability and Accountability Act and  
9 its regulations, 45 CFR Parts 160 and 164. As used in this  
10 subsection, "HIPAA-covered entity" has the meaning given to  
11 the term "covered entity" in 45 CFR 160.103.

12 (c-10) "Commercial purpose" means the use of any part of a  
13 public record or records, or information derived from public  
14 records, in any form for sale, resale, or solicitation or  
15 advertisement for sales or services. For purposes of this  
16 definition, requests made by news media and non-profit,  
17 scientific, or academic organizations shall not be considered  
18 to be made for a "commercial purpose" when the principal  
19 purpose of the request is (i) to access and disseminate  
20 information concerning news and current or passing events,  
21 (ii) for articles of opinion or features of interest to the  
22 public, or (iii) for the purpose of academic, scientific, or  
23 public research or education.

24 (d) "Copying" means the reproduction of any public record  
25 by means of any photographic, electronic, mechanical or other  
26 process, device or means now known or hereafter developed and

1 available to the public body.

2 (e) "Head of the public body" means the president, mayor,  
3 chairman, presiding officer, director, superintendent,  
4 manager, supervisor or individual otherwise holding primary  
5 executive and administrative authority for the public body, or  
6 such person's duly authorized designee.

7 (f) "News media" means a newspaper or other periodical  
8 issued at regular intervals whether in print or electronic  
9 format, a news service whether in print or electronic format,  
10 a radio station, a television station, a television network, a  
11 community antenna television service, or a person or  
12 corporation engaged in making news reels or other motion  
13 picture news for public showing.

14 (g) "Recurrent requester", as used in Section 3.2 of this  
15 Act, means a person that, in the 12 months immediately  
16 preceding the request, has submitted to the same public body  
17 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
18 requests for records within a 30-day period, or (iii) a  
19 minimum of 7 requests for records within a 7-day period. For  
20 purposes of this definition, requests made by news media and  
21 non-profit, scientific, or academic organizations shall not be  
22 considered in calculating the number of requests made in the  
23 time periods in this definition when the principal purpose of  
24 the requests is (i) to access and disseminate information  
25 concerning news and current or passing events, (ii) for  
26 articles of opinion or features of interest to the public, or

1 (iii) for the purpose of academic, scientific, or public  
2 research or education.

3 For the purposes of this subsection (g), "request" means a  
4 written document (or oral request, if the public body chooses  
5 to honor oral requests) that is submitted to a public body via  
6 personal delivery, mail, telefax, electronic mail, or other  
7 means available to the public body and that identifies the  
8 particular public record the requester seeks. One request may  
9 identify multiple records to be inspected or copied.

10 (h) "Voluminous request" means a request that: (i)  
11 includes more than 5 individual requests for more than 5  
12 different categories of records or a combination of individual  
13 requests that total requests for more than 5 different  
14 categories of records in a period of 20 business days; or (ii)  
15 requires the compilation of more than 500 letter or  
16 legal-sized pages of public records unless a single requested  
17 record exceeds 500 pages. "Single requested record" may  
18 include, but is not limited to, one report, form, e-mail,  
19 letter, memorandum, book, map, microfilm, tape, or recording.

20 "Voluminous request" does not include a request made by  
21 news media and non-profit, scientific, or academic  
22 organizations if the principal purpose of the request is: (1)  
23 to access and disseminate information concerning news and  
24 current or passing events; (2) for articles of opinion or  
25 features of interest to the public; or (3) for the purpose of  
26 academic, scientific, or public research or education.

1           For the purposes of this subsection (h), "request" means a  
2 written document, or oral request, if the public body chooses  
3 to honor oral requests, that is submitted to a public body via  
4 personal delivery, mail, telefax, electronic mail, or other  
5 means available to the public body and that identifies the  
6 particular public record or records the requester seeks. One  
7 request may identify multiple individual records to be  
8 inspected or copied.

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

12           (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
13 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

14           (5 ILCS 140/7)

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

16           Sec. 7. Exemptions.

17           (1) When a request is made to inspect or copy a public  
18 record that contains information that is exempt from  
19 disclosure under this Section, but also contains information  
20 that is not exempt from disclosure, the public body may elect  
21 to redact the information that is exempt. The public body  
22 shall make the remaining information available for inspection  
23 and copying. Subject to this requirement, the following shall  
24 be exempt from inspection and copying:

25           (a) Information specifically prohibited from

1 disclosure by federal or State law or rules and  
2 regulations implementing federal or State law.

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

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

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

24 (d) Records in the possession of any public body  
25 created in the course of administrative enforcement  
26 proceedings, and any law enforcement or correctional

1 agency for law enforcement purposes, but only to the  
2 extent that disclosure would:

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

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

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

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

25 (v) disclose unique or specialized investigative  
26 techniques other than those generally used and known



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

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

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

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

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

26 (e) Records that relate to or affect the security of

1 correctional institutions and detention facilities.

2 (e-5) 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 are available in the library of the correctional  
6 institution or facility or jail where the inmate is  
7 confined.

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

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

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

26 (e-9) Records requested by a person in a county jail

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

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

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

1           (g) Trade secrets and commercial or financial  
2 information obtained from a person or business where the  
3 trade secrets or commercial or financial information are  
4 furnished under a claim that they are proprietary,  
5 privileged, or confidential, and that disclosure of the  
6 trade secrets or commercial or financial information would  
7 cause competitive harm to the person or business, and only  
8 insofar as the claim directly applies to the records  
9 requested.

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

25           Nothing contained in this paragraph (g) shall be  
26 construed to prevent a person or business from consenting

1 to disclosure.

2 (h) Proposals and bids for any contract, grant, or  
3 agreement, including information which if it were  
4 disclosed would frustrate procurement or give an advantage  
5 to any person proposing to enter into a contractor  
6 agreement with the body, until an award or final selection  
7 is made. Information prepared by or for the body in  
8 preparation of a bid solicitation shall be exempt until an  
9 award or final selection is made.

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

21 (j) The following information pertaining to  
22 educational matters:

23 (i) test questions, scoring keys, and other  
24 examination data used to administer an academic  
25 examination;

26 (ii) information received by a primary or

1 secondary school, college, or university under its  
2 procedures for the evaluation of faculty members by  
3 their academic peers;

4 (iii) information concerning a school or  
5 university's adjudication of student disciplinary  
6 cases, but only to the extent that disclosure would  
7 unavoidably reveal the identity of the student; and

8 (iv) course materials or research materials used  
9 by faculty members.

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

22 (l) Minutes of meetings of public bodies closed to the  
23 public as provided in the Open Meetings Act until the  
24 public body makes the minutes available to the public  
25 under Section 2.06 of the Open Meetings Act.

26 (m) Communications between a public body and an

1 attorney or auditor representing the public body that  
2 would not be subject to discovery in litigation, and  
3 materials prepared or compiled by or for a public body in  
4 anticipation of a criminal, civil, or administrative  
5 proceeding upon the request of an attorney advising the  
6 public body, and materials prepared or compiled with  
7 respect to internal audits of public bodies.

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

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

22 (p) Records relating to collective negotiating matters  
23 between public bodies and their employees or  
24 representatives, except that any final contract or  
25 agreement shall be subject to inspection and copying.

26 (q) Test questions, scoring keys, and other

1 examination data used to determine the qualifications of  
2 an applicant for a license or employment.

3 (r) The records, documents, and information relating  
4 to real estate purchase negotiations until those  
5 negotiations have been completed or otherwise terminated.  
6 With regard to a parcel involved in a pending or actually  
7 and reasonably contemplated eminent domain proceeding  
8 under the Eminent Domain Act, records, documents, and  
9 information relating to that parcel shall be exempt except  
10 as may be allowed under discovery rules adopted by the  
11 Illinois Supreme Court. The records, documents, and  
12 information relating to a real estate sale shall be exempt  
13 until a sale is consummated.

14 (s) Any and all proprietary information and records  
15 related to the operation of an intergovernmental risk  
16 management association or self-insurance pool or jointly  
17 self-administered health and accident cooperative or pool.  
18 Insurance or self-insurance ~~self-insurance~~ (including any  
19 intergovernmental risk management association or  
20 self-insurance ~~self-insurance~~ pool) claims, loss or risk  
21 management information, records, data, advice, or  
22 communications.

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



1 institutions, insurance companies, or pharmacy benefit  
2 managers, unless disclosure is otherwise required by State  
3 law.

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

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

22 (w) (Blank).

23 (x) Maps and other records regarding the location or  
24 security of generation, transmission, distribution,  
25 storage, gathering, treatment, or switching facilities  
26 owned by a utility, by a power generator, or by the

1 Illinois Power Agency.

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

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

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

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

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

25 (dd) Correspondence and records (i) that may not be  
26 disclosed under Section 11-9 of the Illinois Public Aid

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

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

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

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

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

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

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

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

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

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

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

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

26 (oo) ~~(mm)~~ Records described in subsection (f) of

1 Section 3-5-1 of the Unified Code of Corrections.

2 (1.5) Any information exempt from disclosure under the  
3 Judicial Privacy Act shall be redacted from public records  
4 prior to disclosure under this Act.

5 (2) A public record that is not in the possession of a  
6 public body but is in the possession of a party with whom the  
7 agency has contracted to perform a governmental function on  
8 behalf of the public body, and that directly relates to the  
9 governmental function and is not otherwise exempt under this  
10 Act, shall be considered a public record of the public body,  
11 for purposes of this Act.

12 (3) This Section does not authorize withholding of  
13 information or limit the availability of records to the  
14 public, except as stated in this Section or otherwise provided  
15 in this Act.

16 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
17 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
18 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,  
19 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;  
20 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised  
21 12-13-22.)

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

23 Sec. 7. Exemptions.

24 (1) When a request is made to inspect or copy a public  
25 record that contains information that is exempt from

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26          (d-6) Records contained in the Officer Professional



1 Conduct Database under Section 9.2 of the Illinois Police  
2 Training Act, except to the extent authorized under that  
3 Section. This includes the documents supplied to the  
4 Illinois Law Enforcement Training Standards Board from the  
5 Illinois State Police and Illinois State Police Merit  
6 Board.

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

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

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

21 (e-7) Records requested by persons committed to the  
22 Department of Corrections or Department of Human Services  
23 Division of Mental Health if those materials are available  
24 through an administrative request to the Department of  
25 Corrections or Department of Human Services Division of  
26 Mental Health.

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

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

17 (e-10) Law enforcement records of other persons  
18 requested by a person committed to the Department of  
19 Corrections, Department of Human Services Division of  
20 Mental Health, or a county jail, including, but not  
21 limited to, arrest and booking records, mug shots, and  
22 crime scene photographs, except as these records may be  
23 relevant to the requester's current or potential case or  
24 claim.

25 (f) Preliminary drafts, notes, recommendations,  
26 memoranda, and other records in which opinions are

1       expressed, or policies or actions are formulated, except  
2       that a specific record or relevant portion of a record  
3       shall not be exempt when the record is publicly cited and  
4       identified by the head of the public body. The exemption  
5       provided in this paragraph (f) extends to all those  
6       records of officers and agencies of the General Assembly  
7       that pertain to the preparation of legislative documents.

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

17      The information included under this exemption includes  
18      all trade secrets and commercial or financial information  
19      obtained by a public body, including a public pension  
20      fund, from a private equity fund or a privately held  
21      company within the investment portfolio of a private  
22      equity fund as a result of either investing or evaluating  
23      a potential investment of public funds in a private equity  
24      fund. The exemption contained in this item does not apply  
25      to the aggregate financial performance information of a  
26      private equity fund, nor to the identity of the fund's

1 managers or general partners. The exemption contained in  
2 this item does not apply to the identity of a privately  
3 held company within the investment portfolio of a private  
4 equity fund, unless the disclosure of the identity of a  
5 privately held company may cause competitive harm.

6 Nothing contained in this paragraph (g) shall be  
7 construed to prevent a person or business from consenting  
8 to disclosure.

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

17 (i) Valuable formulae, computer geographic systems,  
18 designs, drawings, and research data obtained or produced  
19 by any public body when disclosure could reasonably be  
20 expected to produce private gain or public loss. The  
21 exemption for "computer geographic systems" provided in  
22 this paragraph (i) does not extend to requests made by  
23 news media as defined in Section 2 of this Act when the  
24 requested information is not otherwise exempt and the only  
25 purpose of the request is to access and disseminate  
26 information regarding the health, safety, welfare, or

1 legal rights of the general public.

2 (j) The following information pertaining to  
3 educational matters:

4 (i) test questions, scoring keys, and other  
5 examination data used to administer an academic  
6 examination;

7 (ii) information received by a primary or  
8 secondary school, college, or university under its  
9 procedures for the evaluation of faculty members by  
10 their academic peers;

11 (iii) information concerning a school or  
12 university's adjudication of student disciplinary  
13 cases, but only to the extent that disclosure would  
14 unavoidably reveal the identity of the student; and

15 (iv) course materials or research materials used  
16 by faculty members.

17 (k) Architects' plans, engineers' technical  
18 submissions, and other construction related technical  
19 documents for projects not constructed or developed in  
20 whole or in part with public funds and the same for  
21 projects constructed or developed with public funds,  
22 including, but not limited to, power generating and  
23 distribution stations and other transmission and  
24 distribution facilities, water treatment facilities,  
25 airport facilities, sport stadiums, convention centers,  
26 and all government owned, operated, or occupied buildings,

1 but only to the extent that disclosure would compromise  
2 security.

3 (l) Minutes of meetings of public bodies closed to the  
4 public as provided in the Open Meetings Act until the  
5 public body makes the minutes available to the public  
6 under Section 2.06 of the Open Meetings Act.

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

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

19 (o) Administrative or technical information associated  
20 with automated data processing operations, including, but  
21 not limited to, software, operating protocols, computer  
22 program abstracts, file layouts, source listings, object  
23 modules, load modules, user guides, documentation  
24 pertaining to all logical and physical design of  
25 computerized systems, employee manuals, and any other  
26 information that, if disclosed, would jeopardize the

1 security of the system or its data or the security of  
2 materials exempt under this Section.

3 (p) Records relating to collective negotiating matters  
4 between public bodies and their employees or  
5 representatives, except that any final contract or  
6 agreement shall be subject to inspection and copying.

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

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

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

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

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

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

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



1 the operation of communication systems or protocols, to  
2 cybersecurity vulnerabilities, or to tactical operations.

3 (w) (Blank).

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

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

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

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

24 (bb) Records and information provided to a mortality  
25 review team and records maintained by a mortality review  
26 team appointed under the Department of Juvenile Justice

1 Mortality Review Team Act.

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

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

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

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

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

25 (hh) The report submitted to the State Board of  
26 Education by the School Security and Standards Task Force

1 under item (8) of subsection (d) of Section 2-3.160 of the  
2 School Code and any information contained in that report.

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

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

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

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

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

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

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

9 (pp) For a request directed to a public body that is  
10 also a HIPAA-covered entity, all information that is  
11 protected health information, including demographic  
12 information, that may be contained within or extracted  
13 from any record held by the public body in compliance with  
14 State and federal medical privacy laws and regulations,  
15 including, but not limited to, the Health Insurance  
16 Portability and Accountability Act and its regulations, 45  
17 CFR Parts 160 and 164. As used in this paragraph,  
18 "HIPAA-covered entity" has the meaning given to the term  
19 "covered entity" in 45 CFR 160.103 and "protected health  
20 information" has the meaning given to that term in 45 CFR  
21 160.103.

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; 102-982, eff. 7-1-23; 102-1055, eff.  
15 6-10-22; revised 12-13-22.)

16 Section 95. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act."