



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4528

Introduced 02/03/04, by Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7
25 ILCS 130/10-2

from Ch. 116, par. 207
from Ch. 63, par. 1010-2

Amends the Legislative Commission Reorganization Act of 1984. Requires that the Legislative Research Unit post on the Internet the research and information it provides to a requesting legislator or legislative staff, without disclosing the identity of the requester. Requires that the Unit post, as soon as possible, such material provided during the 5 years before the bill's effective date. Amends the Freedom of Information Act to make conforming changes. Effective immediately.

LRB093 14528 RAS 40019 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the legislature.

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

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

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and regulations
12 adopted under federal or State law.

13 (b) Information that, if disclosed, would constitute a
14 clearly unwarranted invasion of personal privacy, unless
15 the disclosure is consented to in writing by the individual
16 subjects of the information. The disclosure of information
17 that bears on the public duties of public employees and
18 officials shall not be considered an invasion of personal
19 privacy. Information exempted under this subsection (b)
20 shall include but is not limited to:

21 (i) files and personal information maintained with
22 respect to clients, patients, residents, students or
23 other individuals receiving social, medical,
24 educational, vocational, financial, supervisory or
25 custodial care or services directly or indirectly from
26 federal agencies or public bodies;

27 (ii) personnel files and personal information
28 maintained with respect to employees, appointees or
29 elected officials of any public body or applicants for
30 those positions;

31 (iii) files and personal information maintained
32 with respect to any applicant, registrant or licensee

1 by any public body cooperating with or engaged in
2 professional or occupational registration, licensure
3 or discipline;

4 (iv) information required of any taxpayer in
5 connection with the assessment or collection of any tax
6 unless disclosure is otherwise required by State
7 statute; ~~and~~

8 (v) information revealing the identity of persons
9 who file complaints with or provide information to
10 administrative, investigative, law enforcement or
11 penal agencies; provided, however, that identification
12 of witnesses to traffic accidents, traffic accident
13 reports, and rescue reports may be provided by agencies
14 of local government, except in a case for which a
15 criminal investigation is ongoing, without
16 constituting a clearly unwarranted per se invasion of
17 personal privacy under this subsection; and

18 (vi) the names, addresses, or other personal
19 information of participants and registrants in park
20 district, forest preserve district, and conservation
21 district programs.

22 (c) Records compiled by any public body for
23 administrative enforcement proceedings and any law
24 enforcement or correctional agency for law enforcement
25 purposes or for internal matters of a public body, but only
26 to the extent that disclosure would:

27 (i) interfere with pending or actually and
28 reasonably contemplated law enforcement proceedings
29 conducted by any law enforcement or correctional
30 agency;

31 (ii) interfere with pending administrative
32 enforcement proceedings conducted by any public body;

33 (iii) deprive a person of a fair trial or an
34 impartial hearing;

35 (iv) unavoidably disclose the identity of a
36 confidential source or confidential information

1 furnished only by the confidential source;

2 (v) disclose unique or specialized investigative
3 techniques other than those generally used and known or
4 disclose internal documents of correctional agencies
5 related to detection, observation or investigation of
6 incidents of crime or misconduct;

7 (vi) constitute an invasion of personal privacy
8 under subsection (b) of this Section;

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

11 (viii) obstruct an ongoing criminal investigation.

12 (d) Criminal history record information maintained by
13 State or local criminal justice agencies, except the
14 following which shall be open for public inspection and
15 copying:

16 (i) chronologically maintained arrest information,
17 such as traditional arrest logs or blotters;

18 (ii) the name of a person in the custody of a law
19 enforcement agency and the charges for which that
20 person is being held;

21 (iii) court records that are public;

22 (iv) records that are otherwise available under
23 State or local law; or

24 (v) records in which the requesting party is the
25 individual identified, except as provided under part
26 (vii) of paragraph (c) of subsection (1) of this
27 Section.

28 "Criminal history record information" means data
29 identifiable to an individual and consisting of
30 descriptions or notations of arrests, detentions,
31 indictments, informations, pre-trial proceedings, trials,
32 or other formal events in the criminal justice system or
33 descriptions or notations of criminal charges (including
34 criminal violations of local municipal ordinances) and the
35 nature of any disposition arising therefrom, including
36 sentencing, court or correctional supervision,

1 rehabilitation and release. The term does not apply to
2 statistical records and reports in which individuals are
3 not identified and from which their identities are not
4 ascertainable, or to information that is for criminal
5 investigative or intelligence purposes.

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

8 (f) Preliminary drafts, notes, recommendations,
9 memoranda and other records in which opinions are
10 expressed, or policies or actions are formulated, except
11 that a specific record or relevant portion of a record
12 shall not be exempt when the record is publicly cited and
13 identified by the head of the public body. The exemption
14 provided in this paragraph (f) extends to all those records
15 of officers and agencies of the General Assembly that
16 pertain to the preparation of legislative documents,
17 except for information that must be posted on the Internet
18 by the Legislative Research Unit in accordance with Section
19 10-2 of the Legislative Commission Reorganization Act of
20 1984.

21 (g) Trade secrets and commercial or financial
22 information obtained from a person or business where the
23 trade secrets or information are proprietary, privileged
24 or confidential, or where disclosure of the trade secrets
25 or information may cause competitive harm, including all
26 information determined to be confidential under Section
27 4002 of the Technology Advancement and Development Act.
28 Nothing contained in this paragraph (g) shall be construed
29 to prevent a person or business from consenting to
30 disclosure.

31 (h) Proposals and bids for any contract, grant, or
32 agreement, including information which if it were
33 disclosed would frustrate procurement or give an advantage
34 to any person proposing to enter into a contractor
35 agreement with the body, until an award or final selection
36 is made. Information prepared by or for the body in

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

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

14 (j) Test questions, scoring keys and other examination
15 data used to administer an academic examination or
16 determined the qualifications of an applicant for a license
17 or employment.

18 (k) Architects' plans, engineers' technical
19 submissions, and other construction related technical
20 documents for projects not constructed or developed in
21 whole or in part with public funds and the same for
22 projects constructed or developed with public funds, but
23 only to the extent that disclosure would compromise
24 security, including but not limited to water treatment
25 facilities, airport facilities, sport stadiums, convention
26 centers, and all government owned, operated, or occupied
27 buildings.

28 (l) Library circulation and order records identifying
29 library users with specific materials.

30 (m) Minutes of meetings of public bodies closed to the
31 public as provided in the Open Meetings Act until the
32 public body makes the minutes available to the public under
33 Section 2.06 of the Open Meetings Act.

34 (n) Communications between a public body and an
35 attorney or auditor representing the public body that would
36 not be subject to discovery in litigation, and materials

1 prepared or compiled by or for a public body in
2 anticipation of a criminal, civil or administrative
3 proceeding upon the request of an attorney advising the
4 public body, and materials prepared or compiled with
5 respect to internal audits of public bodies.

6 (o) Information received by a primary or secondary
7 school, college or university under its procedures for the
8 evaluation of faculty members by their academic peers.

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

19 (q) Documents or materials relating to collective
20 negotiating matters between public bodies and their
21 employees or representatives, except that any final
22 contract or agreement shall be subject to inspection and
23 copying.

24 (r) Drafts, notes, recommendations and memoranda
25 pertaining to the financing and marketing transactions of
26 the public body. The records of ownership, registration,
27 transfer, and exchange of municipal debt obligations, and
28 of persons to whom payment with respect to these
29 obligations is made.

30 (s) The records, documents and information relating to
31 real estate purchase negotiations until those negotiations
32 have been completed or otherwise terminated. With regard to
33 a parcel involved in a pending or actually and reasonably
34 contemplated eminent domain proceeding under Article VII
35 of the Code of Civil Procedure, records, documents and
36 information relating to that parcel shall be exempt except

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

5 (t) Any and all proprietary information and records
6 related to the operation of an intergovernmental risk
7 management association or self-insurance pool or jointly
8 self-administered health and accident cooperative or pool.

9 (u) Information concerning a university's adjudication
10 of student or employee grievance or disciplinary cases, to
11 the extent that disclosure would reveal the identity of the
12 student or employee and information concerning any public
13 body's adjudication of student or employee grievances or
14 disciplinary cases, except for the final outcome of the
15 cases.

16 (v) Course materials or research materials used by
17 faculty members.

18 (w) Information related solely to the internal
19 personnel rules and practices of a public body.

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

26 (y) Information the disclosure of which is restricted
27 under Section 5-108 of the Public Utilities Act.

28 (z) Manuals or instruction to staff that relate to
29 establishment or collection of liability for any State tax
30 or that relate to investigations by a public body to
31 determine violation of any criminal law.

32 (aa) Applications, related documents, and medical
33 records received by the Experimental Organ Transplantation
34 Procedures Board and any and all documents or other records
35 prepared by the Experimental Organ Transplantation
36 Procedures Board or its staff relating to applications it

1 has received.

2 (bb) Insurance or self insurance (including any
3 intergovernmental risk management association or self
4 insurance pool) claims, loss or risk management
5 information, records, data, advice or communications.

6 (cc) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

12 (dd) Information the disclosure of which is exempted
13 under Section 30 of the Radon Industry Licensing Act.

14 (ee) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (ff) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of
21 the Regional Transportation Authority Act or the St. Clair
22 County Transit District under the Bi-State Transit Safety
23 Act.

24 (gg) Information the disclosure of which is restricted
25 and exempted under Section 50 of the Illinois Prepaid
26 Tuition Act.

27 (hh) Information the disclosure of which is exempted
28 under Section 80 of the State Gift Ban Act.

29 (ii) Beginning July 1, 1999, information that would
30 disclose or might lead to the disclosure of secret or
31 confidential information, codes, algorithms, programs, or
32 private keys intended to be used to create electronic or
33 digital signatures under the Electronic Commerce Security
34 Act.

35 (jj) Information contained in a local emergency energy
36 plan submitted to a municipality in accordance with a local

1 emergency energy plan ordinance that is adopted under
2 Section 11-21.5-5 of the Illinois Municipal Code.

3 (kk) Information and data concerning the distribution
4 of surcharge moneys collected and remitted by wireless
5 carriers under the Wireless Emergency Telephone Safety
6 Act.

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

21 (mm) Maps and other records regarding the location or
22 security of a utility's generation, transmission,
23 distribution, storage, gathering, treatment, or switching
24 facilities.

25 (nn) ~~(ll)~~ Law enforcement officer identification
26 information or driver identification information compiled
27 by a law enforcement agency or the Department of
28 Transportation under Section 11-212 of the Illinois
29 Vehicle Code.

30 (oo) ~~(ll)~~ Records and information provided to a
31 residential health care facility resident sexual assault
32 and death review team or the Residential Health Care
33 Facility Resident Sexual Assault and Death Review Teams
34 Executive Council under the Residential Health Care
35 Facility Resident Sexual Assault and Death Review Team Act.

36 (2) This Section does not authorize withholding of

1 information or limit the availability of records to the public,
2 except as stated in this Section or otherwise provided in this
3 Act.

4 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,
5 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,
6 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;
7 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.
8 8-21-03; revised 9-8-03.)

9 Section 10. The Legislative Commission Reorganization Act
10 of 1984 is amended by changing Section 10-2 as follows:

11 (25 ILCS 130/10-2) (from Ch. 63, par. 1010-2)

12 Sec. 10-2. The Legislative Research Unit shall collect
13 information concerning the government and general welfare of
14 the State, examine the effects of constitutional provisions and
15 previously enacted statutes, consider important issues of
16 public policy and questions of state-wide interest, and perform
17 research and provide information as may be requested by the
18 members of the General Assembly or as the Joint Committee on
19 Legislative Support Services considers necessary or desirable.
20 At the time the Legislative Research Unit provides a General
21 Assembly member or legislative staff with requested research or
22 information, the Unit must post the same research and
23 information on the Internet in searchable form, without
24 disclosing the identity of the requester. As soon as possible
25 after the effective date of this amendatory Act of the 93rd
26 General Assembly, the Unit must post on the Internet in
27 searchable form, without disclosing the identity of the
28 requester, research and information provided at the request of
29 a General Assembly member or legislative staff during the 5
30 years immediately before the effective date of this amendatory
31 Act of the 93rd General Assembly that the Unit has maintained
32 as responses to individual requests.

33 The Legislative Research Unit shall maintain an up-to-date
34 computerized record of the information required to be reported

1 to it by Section 1 of "An Act concerning State boards and
2 commissions and amending a named Act", enacted by the 86th
3 General Assembly, which information shall be a public record
4 under the Freedom of Information Act. The Legislative Research
5 Unit may prescribe forms for making initial reports and reports
6 of change under that Section, and may request information to
7 verify compliance with that Section.

8 (Source: P.A. 86-591.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.