



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0201**

Introduced 01/13/05, by Rep. Jay C. Hoffman

**SYNOPSIS AS INTRODUCED:**

5 ILCS 140/7

from Ch. 116, par. 207

Amends the Freedom of Information Act. Provides that materials prepared or compiled with respect to internal audits of public universities shall not be exempt from inspection and copying. Effective Immediate.

LRB094 06031 JAM 36091 b

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by  
5 changing 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;

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

27 (h) Proposals and bids for any contract, grant, or  
28 agreement, including information which if it were  
29 disclosed would frustrate procurement or give an advantage  
30 to any person proposing to enter into a contractor  
31 agreement with the body, until an award or final selection  
32 is made. Information prepared by or for the body in  
33 preparation of a bid solicitation shall be exempt until an  
34 award or final selection is made.

35 (i) Valuable formulae, computer geographic systems,  
36 designs, drawings and research data obtained or produced by

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

10 (j) Test questions, scoring keys and other examination  
11 data used to administer an academic examination or  
12 determined the qualifications of an applicant for a license  
13 or employment.

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

24 (l) Library circulation and order records identifying  
25 library users with specific materials.

26 (m) Minutes of meetings of public bodies closed to the  
27 public as provided in the Open Meetings Act until the  
28 public body makes the minutes available to the public under  
29 Section 2.06 of the Open Meetings Act.

30 (n) Communications between a public body and an  
31 attorney or auditor representing the public body that would  
32 not be subject to discovery in litigation, and materials  
33 prepared or compiled by or for a public body in  
34 anticipation of a criminal, civil or administrative  
35 proceeding upon the request of an attorney advising the  
36 public body, and materials prepared or compiled with

1       respect to internal audits of public bodies, except that  
2       materials prepared or compiled with respect to internal  
3       audits of public universities shall not be exempt.

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

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

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

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

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

1 information relating to a real estate sale shall be exempt  
2 until a sale is consummated.

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

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

14 (v) Course materials or research materials used by  
15 faculty members.

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

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

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

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

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

36 (bb) Insurance or self insurance (including any



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

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

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

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

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

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

25          (hh) Information the disclosure of which is exempted  
26          under the State Officials and Employees Ethics Act.

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

33          (jj) Information contained in a local emergency energy  
34          plan submitted to a municipality in accordance with a local  
35          emergency energy plan ordinance that is adopted under  
36          Section 11-21.5-5 of the Illinois Municipal Code.

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

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

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

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

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

34 (2) This Section does not authorize withholding of  
35 information or limit the availability of records to the public,  
36 except as stated in this Section or otherwise provided in this

1 Act.

2 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,  
3 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,  
4 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;  
5 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.  
6 8-21-03; 93-617, eff. 12-9-03.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.