



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0757

Introduced 2/7/2007, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7

from Ch. 116, par. 207

Creates the State Services Accountability Act. Provides that certain contractors and grantees with State contracts or grants or with contracts to perform public works shall certify that: they will not use State funds to promote, assist, or deter union organizing or to influence the decision of any of their employees to be represented or not represented by a labor organization; they will not require or prohibit the attendance of employees at a meeting related to union representation; they will not schedule or hold meetings related to union representation during an employee's work time or in work areas; and they will allow a labor organization the same opportunity to communicate with employees as is used by the contractor or the grantee. Provides that a labor organization may file a complaint with the Attorney General if it believes that a contractor or grantee is expending funds in violation of this Act and that the Attorney General shall then notify the contractor or grantee that it must provide an accounting with specified information. Provides for enforcement of the Act. Amends the Freedom of Information Act. Provides that information concerning complaints filed under the State Services Accountability Act is exempt from inspection and copying. Effective immediately.

LRB095 10368 JAM 30583 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State services and public works.

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

4 Section 1. Short title. This Act may be cited as the State
5 Services Accountability Act.

6 Section 5. Legislative findings and declaration of policy.

7 (a) The purpose of this Act is to set forth a program to
8 better provide services and public works to the citizens of
9 Illinois by ensuring that tax dollars expended for services or
10 public works are properly used for their allocated purpose. The
11 State of Illinois enters into reimbursement agreements and
12 contracts with and provides grants to private entities
13 (contractors and grantees) for the purpose of providing
14 services and building or enhancing public works for the
15 citizens of Illinois. The State of Illinois enters into these
16 contracts and provides these grants to provide quality services
17 and public works for the citizens of Illinois.

18 (b) The General Assembly finds that the needs of its
19 citizens cannot be met if the time frame for provision of
20 services or public works provided through reimbursement
21 agreements, contracts, or grant agreements between the State of
22 Illinois and contractors and grantees are subject to disruption
23 and further finds that likelihood of disruption is enhanced

1 where disputes arise over unionization.

2 (c) The General Assembly finds that the development of a
3 stable, well-trained, committed workforce is essential to the
4 provision of quality services to Illinois' citizens.

5 (d) The General Assembly further finds that the tax dollars
6 intended for appropriated use should not be used to conduct
7 campaigns aimed at influencing the outcome of union
8 representation elections. In addition, staff time, paid with
9 tax dollars, should be spent providing services to Illinois'
10 citizens and not consumed by attending compulsory meetings to
11 influence employees regarding unionization.

12 (e) It is hereby declared to be the policy of the State of
13 Illinois that, to foster the development of a stable,
14 well-trained, committed workforce, the State of Illinois shall
15 prohibit its contractors or grantees from using State funding
16 to influence the decision of their employees to be represented
17 or not be represented by a union.

18 (f) This Act is intended solely as a limitation on the
19 permissible uses of State appropriations. It is not intended to
20 expand, limit, or in any manner affect existing rights or
21 duties of employers, employees, or labor organizations under
22 the National Labor Relations Act or other federal law affecting
23 labor relations.

24 Section 10. Definitions. As used in this Act:

25 "Contractor or grantee" means an individual or entity,

1 other than the State of Illinois, a State agency, or a
2 political subdivision of the State of Illinois, which has a
3 reimbursement agreement or contractual or other relationship
4 with or has received moneys from the State of Illinois or a
5 State agency to provide services, or public works which
6 reimbursement agreement, contract, or grant is funded in whole
7 or in part by the State of Illinois, or through the Medicaid
8 program of the State of Illinois.

9 "Contractor" includes a subcontractor and a contractor of a
10 grantee and any other entity, other than a unit of local
11 government or a school district, that receives State funds for
12 supplying services or public works pursuant to a written
13 contract with the State or any of its agencies and which is
14 controlled in whole or in part by the contractor or an entity
15 in which the contractor has a substantial beneficial interest.

16 "Department" means the Department of Labor.

17 "Grantee" includes a sub-grantee and a grantee of a
18 contractor and any other entity which provides services or
19 public works controlled in whole or in part by the grantee, or
20 an entity in which the grantee has a substantial beneficial
21 interest.

22 "Employee" means a person employed by a contractor or
23 grantee other than a person employed in a bona fide supervisory
24 or managerial position as defined by applicable law.

25 "Labor organization", "employee representative", or
26 "union" means an organization or union of any kind in which

1 employees participate and which exists for the purpose, in
2 whole or in part, of representing employees concerning
3 grievances, labor disputes, wages, rates of pay, benefits,
4 hours of employment, or working conditions.

5 "State agency" includes the State and every State agency,
6 department, board, or commission.

7 "State funds" means any money provided by the State of
8 Illinois or a State agency.

9 "Public works" means all fixed works constructed for public
10 use by any public body, other than work done directly by any
11 public utility company, whether or not done under public
12 supervision or direction, or paid for wholly or in part out of
13 public funds. "Public works" as defined herein includes all
14 projects financed in whole or in part with bonds issued under
15 the Industrial Project Revenue Bond Act (Article 11, Division
16 74 of the Illinois Municipal Code), the Industrial Building
17 Revenue Bond Act, the Illinois Development Finance Authority
18 Act, the Illinois Sports Facilities Authority Act, or the Build
19 Illinois Bond Act, and all projects financed in whole or in
20 part with loans or other funds made available pursuant to the
21 Build Illinois Act. "Public works" also means all projects
22 financed in whole or in part with funds from the Fund for
23 Illinois' Future under Section 6z-47 of the State Finance Act,
24 funds for school construction under Section 5 of the General
25 Obligation Bond Act, funds authorized under Section 3 of the
26 School Construction Bond Act, funds for school infrastructure

1 under Section 6z-45 of the State Finance Act, or funds for
2 transportation purposes under Section 4 of the General
3 Obligation Bond Act.

4 "Public body" means the State or any officer, board or
5 commission of the State or any political subdivision or
6 department thereof, or any institution supported in whole or in
7 part by public funds, authorized by law to construct public
8 works or to enter into any contract for the construction of
9 public works, and includes every county, city, town, village,
10 township, school district, irrigation, utility, reclamation
11 improvement or other district and every other political
12 subdivision, district, or municipality of the State whether
13 such political subdivision, municipality, or district operates
14 under a special charter or not.

15 Section 12. Applicability. This Act does not apply to the
16 following:

17 (1) any contract or grant that has a value of less than
18 \$25,000; or

19 (2) any contractor or grantee that receives at least
20 85% of its total revenues from sources other than the State
21 of Illinois.

22 The dollar amount in this Section shall be updated
23 annually, beginning on January 20, 2009, by a percentage equal
24 to the change in the consumer price index-u during the
25 preceding 12-month calendar year. "Consumer price index-u"

1 means the index published by the Bureau of Labor Statistics of
2 the United States Department of Labor that measures the average
3 change in prices of goods and services purchased by all urban
4 consumers, United States city average, all items, 1982-84=100.
5 The new amount resulting from each annual adjustment shall be
6 determined by the Illinois Department of Labor and made
7 available to the public on January 20 of every year.

8 Section 15. Policy requirements.

9 (a) All contractors and grantees shall certify as part of
10 any State contract, grant, or reimbursement agreement that they
11 will not use State funds to promote, assist, or deter union
12 organizing or to otherwise seek to influence the decision of
13 any of its employees to be represented or not represented by a
14 labor organization.

15 (b) No contractor or grantee shall receive a contract or
16 grant to provide services or public works for the citizens of
17 the State of Illinois unless the contractor or grantee has
18 agreed to provide certification under subsection (a).

19 (c) Any reimbursement agreement, contract, or grant
20 entered into by and between a contractor or a grantee and the
21 State of Illinois or a State agency to provide services or
22 public works shall include a certification under subsection (a)
23 and an agreement by the contractor or grantee to comply with
24 the terms of the certification under subsection (a).

25 (d) Any contractor or grantee entering into a contract with

1 any person or entity to provide services or public works
2 directly subject to, and primarily for the purpose of
3 performing, the contract or grant agreement between the
4 contractor or grantee and the State of Illinois or a State
5 agency shall include in the contract or grant agreement a
6 certification under subsection (a) identical to the
7 certification under subsection (a) in the contract or grant
8 agreement between the contractor or grantee and the State of
9 Illinois or State agency.

10 Section 20. Reporting.

11 (a) Any contractor or grantee who is subject to this Act
12 and who makes expenditures to assist, promote, or deter union
13 organizing shall maintain records sufficient to show that no
14 State funds were used for those expenditures. Expenditures to
15 be included in this record include, but are not limited to, the
16 cost of: literature or other similar communications related to
17 union representation; the hiring of vendors, including lawyers
18 and consultants, for the purpose of influencing a unionization
19 effort; the holding of meetings, including meetings with
20 supervisors and managerial employees, to influence employees
21 regarding unionization; and the wages of employees, including
22 supervisory and management employees, during any activity
23 aimed at influencing a unionization effort or the preparation
24 for the activity.

25 (b) Any taxpayer, employee, or employee representative may

1 file a complaint with the Department of Labor against a
2 contractor or grantee covered under this Act, if the taxpayer,
3 employee, or employee representative believes in good faith
4 that the contractor or grantee has expended funds in violation
5 of this Act. For the purposes of this Section, a complainant is
6 presumed to act in good faith if the complainant reasonably
7 believes that: (i) the information reported or disclosed to the
8 complainant is true; and (ii) a violation has occurred. A
9 complainant is not acting in good faith under this Section if
10 the complaint is based on information that the complainant
11 reasonably should know is false or misleading with respect to
12 the occurrence of a violation, or if the complainant has reason
13 to believe another party has filed a similar complaint within
14 the past 14 days.

15 (c) Upon receipt of a complaint by the Department, the
16 Department shall immediately notify the State agency that has
17 entered into the contract, grant, or reimbursement agreement
18 with respect to which the complainant has alleged an
19 expenditure of funds that violates this Act. The State agency
20 shall, within 5 business days, provide the Department with
21 copies of all documents in its possession relevant to the
22 amount and sources of expenditures by the contractor or grantee
23 under the contract, grant, or reimbursement agreement, and
24 shall otherwise give full cooperation to the Department in all
25 aspects of the Department's adjudication of the complaint. The
26 Department shall, within 3 business days after a complaint is

1 filed, provide the contractor or grantee with a copy of the
2 complaint by personal service or certified mail, together with
3 notice to the contractor or grantee that it must provide the
4 records described in subsection (a) of this Section. The
5 contractor or grantee shall provide the records to the
6 Department within 15 business days after the contractor or
7 grantee receives notice from the Department, unless the
8 Department gives the contractor or grantee an extension of 10
9 business days extension to provide the records, based upon a
10 showing of good cause for the extension. The Department shall
11 keep confidential all proprietary records submitted by
12 contractors or grantees, pursuant to the filing of a complaint
13 that is not subject to the Freedom of Information Act or
14 relevant to the State contract. The Department shall not
15 provide these proprietary records to the opposing party, except
16 as is necessary to investigate or prosecute a complaint, or to
17 give the complainant the opportunity to provide additional,
18 supplemental, or rebuttal information or evidence. These
19 proprietary records shall be subject to a protective order, if
20 appropriate, to prohibit redisclosure. Following the last date
21 for receipt of all required records, the Department shall
22 schedule an expedited hearing. The Department shall provide the
23 parties to the hearing with at least 5 business days' advance
24 notice. The issue at the hearing shall be whether there is
25 probable cause to believe that the contractor or grantee has
26 violated the Act by using State funds to promote, assist, or

1 deter union organizing, or to otherwise seek to influence the
2 decision of any of its employees to be represented or not
3 represented by a labor organization. The hearing shall be
4 completed, and a decision rendered by the Department, within 5
5 business days. For good cause, the Department may extend the
6 final date for issuing a decision by an additional 5 business
7 days. The decision of the Department shall not include the
8 disclosure of confidential business records.

9 Section 25. Enforcement.

10 (a) The Department shall immediately provide the Attorney
11 General with a copy of its decision, together with a copy of
12 the full hearing record and all documents submitted to the
13 Department by other State agencies and the contractor or
14 grantee. Not earlier than 21 calendar days after the Department
15 provides these documents, the Attorney General may take any
16 action that in the sole judgment of the Attorney General is
17 necessary to enforce compliance with the Act including, but not
18 limited to, a civil action for injunctive relief, declaratory
19 relief, specific performance, or damages or a combination of
20 these remedies. Between the time that the Department renders a
21 decision and the earliest date that the Attorney General may
22 file an action for enforcement of the Act, any party to the
23 hearing before the Department may provide the Attorney General
24 with supplementary written information relevant to the issue of
25 whether an action for enforcement should be filed.

1 (b) If the State of Illinois brings an enforcement action
2 for violation of this Act, any taxpayer, employee, or employee
3 representative with a direct interest in compliance with this
4 Act may join in that enforcement action as a real party in
5 interest.

6 (c) If the State of Illinois declines to institute an
7 action for enforcement for violation of this Act within 30
8 calendar days following the decision of the Department as to
9 probable cause, any taxpayer, employee, or employee
10 representative with a direct interest in compliance with this
11 Act may institute and enforce a civil action on his or her or
12 its own behalf against the contractor or grantee and seek
13 injunctive relief, declaratory relief, specific performance,
14 or damages or a combination of those remedies. If a private
15 party commencing an action under this Section makes a
16 preliminary showing, supported by affidavit, that the
17 contractor or grantee may have used State funds to assist,
18 promote, or deter union organizing, or to otherwise seek to
19 influence the decision of its employees to be represented or
20 not represented by a labor organization, that party shall have
21 the right to obtain, through subpoena, the records maintained
22 by the contractor or grantee under Section 20, subject to a
23 protective order, if appropriate, to prohibit redisclosure.

24 (d) Remedies for violation of this Act include but are not
25 limited to injunctive and declaratory relief, specific
26 performance, and monetary damages. In view of the difficulty of

1 determining actual damages incurred because of a violation of
2 this Act, liquidated damages shall be awarded at the rate of
3 \$1,000 for each violation, plus an additional \$500 for each day
4 the violation continues without remedy. All damages shall inure
5 to the benefit of the State of Illinois.

6 (e) If a private party commences a civil action under this
7 Section that the court deems frivolous, the court shall dismiss
8 the action and may assess court costs and attorney's fees
9 against the plaintiff.

10 Section 35. Construction of Act. Nothing in this Act shall
11 be construed to make a contractor responsible for the actions
12 of a subcontractor.

13 Section 90. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 900. The Freedom of Information Act is amended by
16 changing Section 7 as follows:

17 (5 ILCS 140/7) (from Ch. 116, par. 207)

18 Sec. 7. Exemptions.

19 (1) The following shall be exempt from inspection and
20 copying:

21 (a) Information specifically prohibited from
22 disclosure by federal or State law or rules and regulations

1 adopted under federal or State law.

2 (b) Information that, if disclosed, would constitute a
3 clearly unwarranted invasion of personal privacy, unless
4 the disclosure is consented to in writing by the individual
5 subjects of the information. The disclosure of information
6 that bears on the public duties of public employees and
7 officials shall not be considered an invasion of personal
8 privacy. Information exempted under this subsection (b)
9 shall include but is not limited to:

10 (i) files and personal information maintained with
11 respect to clients, patients, residents, students or
12 other individuals receiving social, medical,
13 educational, vocational, financial, supervisory or
14 custodial care or services directly or indirectly from
15 federal agencies or public bodies;

16 (ii) personnel files and personal information
17 maintained with respect to employees, appointees or
18 elected officials of any public body or applicants for
19 those positions;

20 (iii) files and personal information maintained
21 with respect to any applicant, registrant or licensee
22 by any public body cooperating with or engaged in
23 professional or occupational registration, licensure
24 or discipline;

25 (iv) information required of any taxpayer in
26 connection with the assessment or collection of any tax

1 unless disclosure is otherwise required by State
2 statute;

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

13 (vi) the names, addresses, or other personal
14 information of participants and registrants in park
15 district, forest preserve district, and conservation
16 district programs.

17 (c) Records compiled by any public body for
18 administrative enforcement proceedings and any law
19 enforcement or correctional agency for law enforcement
20 purposes or for internal matters of a public body, but only
21 to the extent that disclosure would:

22 (i) interfere with pending or actually and
23 reasonably contemplated law enforcement proceedings
24 conducted by any law enforcement or correctional
25 agency;

26 (ii) interfere with pending administrative

- 1 enforcement proceedings conducted by any public body;
- 2 (iii) deprive a person of a fair trial or an
3 impartial hearing;
- 4 (iv) unavoidably disclose the identity of a
5 confidential source or confidential information
6 furnished only by the confidential source;
- 7 (v) disclose unique or specialized investigative
8 techniques other than those generally used and known or
9 disclose internal documents of correctional agencies
10 related to detection, observation or investigation of
11 incidents of crime or misconduct;
- 12 (vi) constitute an invasion of personal privacy
13 under subsection (b) of this Section;
- 14 (vii) endanger the life or physical safety of law
15 enforcement personnel or any other person; or
- 16 (viii) obstruct an ongoing criminal investigation.
- 17 (d) Criminal history record information maintained by
18 State or local criminal justice agencies, except the
19 following which shall be open for public inspection and
20 copying:
- 21 (i) chronologically maintained arrest information,
22 such as traditional arrest logs or blotters;
- 23 (ii) the name of a person in the custody of a law
24 enforcement agency and the charges for which that
25 person is being held;
- 26 (iii) court records that are public;

1 (iv) records that are otherwise available under
2 State or local law; or

3 (v) records in which the requesting party is the
4 individual identified, except as provided under part
5 (vii) of paragraph (c) of subsection (1) of this
6 Section.

7 "Criminal history record information" means data
8 identifiable to an individual and consisting of
9 descriptions or notations of arrests, detentions,
10 indictments, informations, pre-trial proceedings, trials,
11 or other formal events in the criminal justice system or
12 descriptions or notations of criminal charges (including
13 criminal violations of local municipal ordinances) and the
14 nature of any disposition arising therefrom, including
15 sentencing, court or correctional supervision,
16 rehabilitation and release. The term does not apply to
17 statistical records and reports in which individuals are
18 not identified and from which their identities are not
19 ascertainable, or to information that is for criminal
20 investigative or intelligence purposes.

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

23 (f) Preliminary drafts, notes, recommendations,
24 memoranda and other records in which opinions are
25 expressed, or policies or actions are formulated, except
26 that a specific record or relevant portion of a record

1 shall not be exempt when the record is publicly cited and
2 identified by the head of the public body. The exemption
3 provided in this paragraph (f) extends to all those records
4 of officers and agencies of the General Assembly that
5 pertain to the preparation of legislative documents.

6 (g) Trade secrets and commercial or financial
7 information obtained from a person or business where the
8 trade secrets or information are proprietary, privileged
9 or confidential, or where disclosure of the trade secrets
10 or information may cause competitive harm, including:

11 (i) All information determined to be confidential
12 under the State Services Accountability Act or Section
13 4002 of the Technology Advancement and Development
14 Act.

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

1 company within the investment portfolio of a private
2 equity fund, unless the disclosure of the identity of a
3 privately held company may cause competitive harm.

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

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

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

25 (j) Test questions, scoring keys and other examination
26 data used to administer an academic examination or

1 determined the qualifications of an applicant for a license
2 or employment.

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

13 (l) Library circulation and order records identifying
14 library users with specific materials.

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

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

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

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

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

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

25 (s) The records, documents and information relating to
26 real estate purchase negotiations until those negotiations

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

9 (t) Any and all proprietary information and records
10 related to the operation of an intergovernmental risk
11 management association or self-insurance pool or jointly
12 self-administered health and accident cooperative or pool.

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

20 (v) Course materials or research materials used by
21 faculty members.

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

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

1 for the regulation or supervision of financial
2 institutions or insurance companies, unless disclosure is
3 otherwise required by State law.

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

6 (z) Manuals or instruction to staff that relate to
7 establishment or collection of liability for any State tax
8 or that relate to investigations by a public body to
9 determine violation of any criminal law.

10 (aa) Applications, related documents, and medical
11 records received by the Experimental Organ Transplantation
12 Procedures Board and any and all documents or other records
13 prepared by the Experimental Organ Transplantation
14 Procedures Board or its staff relating to applications it
15 has received.

16 (bb) Insurance or self insurance (including any
17 intergovernmental risk management association or self
18 insurance pool) claims, loss or risk management
19 information, records, data, advice or communications.

20 (cc) Information and records held by the Department of
21 Public Health and its authorized representatives relating
22 to known or suspected cases of sexually transmissible
23 disease or any information the disclosure of which is
24 restricted under the Illinois Sexually Transmissible
25 Disease Control Act.

26 (dd) Information the disclosure of which is exempted

1 under Section 30 of the Radon Industry Licensing Act.

2 (ee) Firm performance evaluations under Section 55 of
3 the Architectural, Engineering, and Land Surveying
4 Qualifications Based Selection Act.

5 (ff) Security portions of system safety program plans,
6 investigation reports, surveys, schedules, lists, data, or
7 information compiled, collected, or prepared by or for the
8 Regional Transportation Authority under Section 2.11 of
9 the Regional Transportation Authority Act or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act.

12 (gg) Information the disclosure of which is restricted
13 and exempted under Section 50 of the Illinois Prepaid
14 Tuition Act.

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

17 (ii) Beginning July 1, 1999, information that would
18 disclose or might lead to the disclosure of secret or
19 confidential information, codes, algorithms, programs, or
20 private keys intended to be used to create electronic or
21 digital signatures under the Electronic Commerce Security
22 Act.

23 (jj) Information contained in a local emergency energy
24 plan submitted to a municipality in accordance with a local
25 emergency energy plan ordinance that is adopted under
26 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

1 Vehicle Code.

2 (oo) Records and information provided to a residential
3 health care facility resident sexual assault and death
4 review team or the Executive Council under the Abuse
5 Prevention Review Team Act.

6 (pp) Information provided to the predatory lending
7 database created pursuant to Article 3 of the Residential
8 Real Property Disclosure Act, except to the extent
9 authorized under that Article.

10 (qq) Defense budgets and petitions for certification
11 of compensation and expenses for court appointed trial
12 counsel as provided under Sections 10 and 15 of the Capital
13 Crimes Litigation Act. This subsection (qq) shall apply
14 until the conclusion of the trial of the case, even if the
15 prosecution chooses not to pursue the death penalty prior
16 to trial or sentencing.

17 (2) This Section does not authorize withholding of
18 information or limit the availability of records to the public,
19 except as stated in this Section or otherwise provided in this
20 Act.

21 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,
22 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;
23 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.
24 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff.
25 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised
26 8-3-06.)