

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) When a request is made to inspect or copy a public  
9 record that contains information that is exempt from disclosure  
10 under this Section, but also contains information that is not  
11 exempt from disclosure, the public body may elect to redact the  
12 information that is exempt. The public body shall make the  
13 remaining information available for inspection and copying.  
14 Subject to this requirement, the following shall be exempt from  
15 inspection and copying:

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

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

22 (b-5) Files, documents, and other data or databases  
23 maintained by one or more law enforcement agencies and

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

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

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

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

25 (ii) interfere with active administrative  
26 enforcement proceedings conducted by the public body

1           that is the recipient of the request;

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

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

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

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

26           (vii) obstruct an ongoing criminal investigation

1           by the agency that is the recipient of the request.

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

4           (f) Preliminary drafts, notes, recommendations,  
5           memoranda and other records in which opinions are  
6           expressed, or policies or actions are formulated, except  
7           that a specific record or relevant portion of a record  
8           shall not be exempt when the record is publicly cited and  
9           identified by the head of the public body. The exemption  
10          provided in this paragraph (f) extends to all those records  
11          of officers and agencies of the General Assembly that  
12          pertain to the preparation of legislative documents.

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

22          The information included under this exemption includes  
23          all trade secrets and commercial or financial information  
24          obtained by a public body, including a public pension fund,  
25          from a private equity fund or a privately held company  
26          within the investment portfolio of a private equity fund as

1 a result of either investing or evaluating a potential  
2 investment of public funds in a private equity fund. The  
3 exemption contained in this item does not apply to the  
4 aggregate financial performance information of a private  
5 equity fund, nor to the identity of the fund's managers or  
6 general partners. The exemption contained in this item does  
7 not apply to the identity of a privately held company  
8 within the investment portfolio of a private equity fund,  
9 unless the disclosure of the identity of a privately held  
10 company may cause competitive harm.

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

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

22 (i) Valuable formulae, computer geographic systems,  
23 designs, drawings and research data obtained or produced by  
24 any public body when disclosure could reasonably be  
25 expected to produce private gain or public loss. The  
26 exemption for "computer geographic systems" provided in

1           this paragraph (i) does not extend to requests made by news  
2           media as defined in Section 2 of this Act when the  
3           requested information is not otherwise exempt and the only  
4           purpose of the request is to access and disseminate  
5           information regarding the health, safety, welfare, or  
6           legal rights of the general public.

7           (j)     The following information pertaining to  
8           educational matters:

9                   (i) test questions, scoring keys and other  
10                   examination data used to administer an academic  
11                   examination;

12                   (ii) information received by a primary or  
13                   secondary school, college, or university under its  
14                   procedures for the evaluation of faculty members by  
15                   their academic peers;

16                   (iii) information concerning a school or  
17                   university's adjudication of student disciplinary  
18                   cases, but only to the extent that disclosure would  
19                   unavoidably reveal the identity of the student; and

20                   (iv) course materials or research materials used  
21                   by faculty members.

22           (k)     Architects' plans, engineers' technical  
23           submissions, and other construction related technical  
24           documents for projects not constructed or developed in  
25           whole or in part with public funds and the same for  
26           projects constructed or developed with public funds,

1 including but not limited to power generating and  
2 distribution stations and other transmission and  
3 distribution facilities, water treatment facilities,  
4 airport facilities, sport stadiums, convention centers,  
5 and all government owned, operated, or occupied buildings,  
6 but only to the extent that disclosure would compromise  
7 security.

8 (l) Minutes of meetings of public bodies closed to the  
9 public as provided in the Open Meetings Act until the  
10 public body makes the minutes available to the public under  
11 Section 2.06 of the Open Meetings Act.

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

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

24 (o) Administrative or technical information associated  
25 with automated data processing operations, including but  
26 not limited to software, operating protocols, computer

1 program abstracts, file layouts, source listings, object  
2 modules, load modules, user guides, documentation  
3 pertaining to all logical and physical design of  
4 computerized systems, employee manuals, and any other  
5 information that, if disclosed, would jeopardize the  
6 security of the system or its data or the security of  
7 materials exempt under this Section.

8 (p) Records relating to collective negotiating matters  
9 between public bodies and their employees or  
10 representatives, except that any final contract or  
11 agreement shall be subject to inspection and copying.

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

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

26 (s) Any and all proprietary information and records



1 related to the operation of an intergovernmental risk  
2 management association or self-insurance pool or jointly  
3 self-administered health and accident cooperative or pool.  
4 Insurance or self insurance (including any  
5 intergovernmental risk management association or self  
6 insurance pool) claims, loss or risk management  
7 information, records, data, advice or communications.

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

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

19 (v) Vulnerability assessments, security measures, and  
20 response policies or plans that are designed to identify,  
21 prevent, or respond to potential attacks upon a community's  
22 population or systems, facilities, or installations, the  
23 destruction or contamination of which would constitute a  
24 clear and present danger to the health or safety of the  
25 community, but only to the extent that disclosure could  
26 reasonably be expected to jeopardize the effectiveness of

1 the measures or the safety of the personnel who implement  
2 them or the public. Information exempt under this item may  
3 include such things as details pertaining to the  
4 mobilization or deployment of personnel or equipment, to  
5 the operation of communication systems or protocols, or to  
6 tactical operations.

7 (w) (Blank).

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

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

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

26 (aa) Information the disclosure of which is exempted

1 under the Viatical Settlements Act of 2009.

2 (bb) Records and information provided to a mortality  
3 review team and records maintained by a mortality review  
4 team appointed under the Department of Juvenile Justice  
5 Mortality Review Team Act.

6 (cc) ~~(bb)~~ Information regarding interments,  
7 entombments, or inurnments of human remains that are  
8 submitted to the Cemetery Oversight Database under the  
9 Cemetery Care Act or the Cemetery Oversight Act, whichever  
10 is applicable.

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

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

23 (2) A public record that is not in the possession of a  
24 public body but is in the possession of a party with whom the  
25 agency has contracted to perform a governmental function on  
26 behalf of the public body, and that directly relates to the

1 governmental function and is not otherwise exempt under this  
2 Act, shall be considered a public record of the public body,  
3 for purposes of this Act.

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

8 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;  
9 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; 96-261, eff. 1-1-10;  
10 96-328, eff. 8-11-09; 96-542, eff. 1-1-10; 96-558, eff. 1-1-10;  
11 96-736, eff. 7-1-10; 96-863, eff. 3-1-10; 96-1378, eff.  
12 7-29-10; revised 9-2-10.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.