



Sen. Martin A. Sandoval

**Filed: 2/29/2012**

09700SB3773sam001

LRB097 20435 JDS 66724 a

1 AMENDMENT TO SENATE BILL 3773

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3773 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by  
5 changing Section 2 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" also means

1 any not-for-profit organization that receives moneys from any  
2 fund of the State Treasury, grant program, or other funding  
3 source administered by the State of Illinois but only with  
4 respect to the use of those moneys by that organization.

5 "Public body" does not include a child death review team or the  
6 Illinois Child Death Review Teams Executive Council  
7 established under the Child Death Review Team Act.

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

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

20 (c-5) "Private information" means unique identifiers,  
21 including a person's social security number, driver's license  
22 number, employee identification number, biometric identifiers,  
23 personal financial information, passwords or other access  
24 codes, medical records, home or personal telephone numbers, and  
25 personal email addresses. Private information also includes  
26 home address and personal license plates, except as otherwise

1 provided by law or when compiled without possibility of  
2 attribution to any person.

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

15 (d) "Copying" means the reproduction of any public record  
16 by means of any photographic, electronic, mechanical or other  
17 process, device or means now known or hereafter developed and  
18 available to the public body.

19 (e) "Head of the public body" means the president, mayor,  
20 chairman, presiding officer, director, superintendent,  
21 manager, supervisor or individual otherwise holding primary  
22 executive and administrative authority for the public body, or  
23 such person's duly authorized designee.

24 (f) "News media" means a newspaper or other periodical  
25 issued at regular intervals whether in print or electronic  
26 format, a news service whether in print or electronic format, a

1 radio station, a television station, a television network, a  
2 community antenna television service, or a person or  
3 corporation engaged in making news reels or other motion  
4 picture news for public showing.

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

19 For the purposes of this subsection (g), "request" means a  
20 written document (or oral request, if the public body chooses  
21 to honor oral requests) that is submitted to a public body via  
22 personal delivery, mail, telefax, electronic mail, or other  
23 means available to the public body and that identifies the  
24 particular public record the requester seeks. One request may  
25 identify multiple records to be inspected or copied.

26 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;

1 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".