



Rep. Robert Rita

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1 AMENDMENT TO HOUSE BILL 3796

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3796 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by  
5 changing Sections 2, 3, 6, and 9.5 and by adding Sections 3.6  
6 and 8.5 as follows:

7 (5 ILCS 140/2) (from Ch. 116, par. 202)

8 Sec. 2. Definitions. As used in this Act:

9 (a) "Public body" means all legislative, executive,  
10 administrative, or advisory bodies of the State, state  
11 universities and colleges, counties, townships, cities,  
12 villages, incorporated towns, school districts and all other  
13 municipal corporations, boards, bureaus, committees, or  
14 commissions of this State, any subsidiary bodies of any of the  
15 foregoing including but not limited to committees and  
16 subcommittees thereof, and a School Finance Authority created

1 under Article 1E of the School Code. "Public body" does not  
2 include a child death review team or the Illinois Child Death  
3 Review Teams Executive Council established under the Child  
4 Death Review Team Act.

5 (b) "Person" means any individual, corporation,  
6 partnership, firm, organization or association, acting  
7 individually or as a group.

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

17 (c-5) "Private information" means unique identifiers,  
18 including a person's social security number, driver's license  
19 number, employee identification number, biometric identifiers,  
20 personal financial information, passwords or other access  
21 codes, medical records, home or personal telephone numbers, and  
22 personal email addresses. Private information also includes  
23 home address and personal license plates, except as otherwise  
24 provided by law or when compiled without possibility of  
25 attribution to any person.

26 (c-10) "Commercial purpose" means the use of any part of a

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

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

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

21 (f) "News media" means a newspaper or other periodical  
22 issued at regular intervals whether in print or electronic  
23 format, a news service whether in print or electronic format, a  
24 radio station, a television station, a television network, a  
25 community antenna television service, or a person or  
26 corporation engaged in making news reels or other motion

1 picture news for public showing.

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

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

23 (h) "Voluminous request" means a request that: (i) includes  
24 more than 5 individual requests for more than 5 different  
25 categories of records or a combination of individual requests  
26 that total requests for more than 5 different categories of

1 records in a period of 20 business days; or (ii) requires the  
2 compilation of more than 500 letter or legal-sized pages of  
3 public records unless a single requested record exceeds 500  
4 pages. "Single requested record" may include, but is not  
5 limited to, one report, form, e-mail, letter, memorandum, book,  
6 map, microfilm, tape, or recording.

7 "Voluminous request" does not include a request made by  
8 news media and non-profit, scientific, or academic  
9 organizations if the principal purpose of the request is: (1)  
10 to access and disseminate information concerning news and  
11 current or passing events; (2) for articles of opinion or  
12 features of interest to the public; or (3) for the purpose of  
13 academic, scientific, or public research or education.

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

22 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;  
23 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

24 (5 ILCS 140/3) (from Ch. 116, par. 203)

25 Sec. 3. (a) Each public body shall make available to any

1 person for inspection or copying all public records, except as  
2 otherwise provided in Sections ~~Section~~ 7 and 8.5 of this Act.  
3 Notwithstanding any other law, a public body may not grant to  
4 any person or entity, whether by contract, license, or  
5 otherwise, the exclusive right to access and disseminate any  
6 public record as defined in this Act.

7 (b) Subject to the fee provisions of Section 6 of this Act,  
8 each public body shall promptly provide, to any person who  
9 submits a request, a copy of any public record required to be  
10 disclosed by subsection (a) of this Section and shall certify  
11 such copy if so requested.

12 (c) Requests for inspection or copies shall be made in  
13 writing and directed to the public body. Written requests may  
14 be submitted to a public body via personal delivery, mail,  
15 telefax, or other means available to the public body. A public  
16 body may honor oral requests for inspection or copying. A  
17 public body may not require that a request be submitted on a  
18 standard form or require the requester to specify the purpose  
19 for a request, except to determine whether the records are  
20 requested for a commercial purpose or whether to grant a  
21 request for a fee waiver. All requests for inspection and  
22 copying received by a public body shall immediately be  
23 forwarded to its Freedom of Information officer or designee.

24 (d) Each public body shall, promptly, either comply with or  
25 deny a request for public records within 5 business days after  
26 its receipt of the request, unless the time for response is

1 properly extended under subsection (e) of this Section. Denial  
2 shall be in writing as provided in Section 9 of this Act.  
3 Failure to comply with a written request, extend the time for  
4 response, or deny a request within 5 business days after its  
5 receipt shall be considered a denial of the request. A public  
6 body that fails to respond to a request within the requisite  
7 periods in this Section but thereafter provides the requester  
8 with copies of the requested public records may not impose a  
9 fee for such copies. A public body that fails to respond to a  
10 request received may not treat the request as unduly burdensome  
11 under subsection (g).

12 (e) The time for response under this Section may be  
13 extended by the public body for not more than 5 business days  
14 from the original due date for any of the following reasons:

15 (i) the requested records are stored in whole or in  
16 part at other locations than the office having charge of  
17 the requested records;

18 (ii) the request requires the collection of a  
19 substantial number of specified records;

20 (iii) the request is couched in categorical terms and  
21 requires an extensive search for the records responsive to  
22 it;

23 (iv) the requested records have not been located in the  
24 course of routine search and additional efforts are being  
25 made to locate them;

26 (v) the requested records require examination and

1 evaluation by personnel having the necessary competence  
2 and discretion to determine if they are exempt from  
3 disclosure under Section 7 of this Act or should be  
4 revealed only with appropriate deletions;

5 (vi) the request for records cannot be complied with by  
6 the public body within the time limits prescribed by  
7 paragraph (c) of this Section without unduly burdening or  
8 interfering with the operations of the public body;

9 (vii) there is a need for consultation, which shall be  
10 conducted with all practicable speed, with another public  
11 body or among two or more components of a public body  
12 having a substantial interest in the determination or in  
13 the subject matter of the request.

14 The person making a request and the public body may agree  
15 in writing to extend the time for compliance for a period to be  
16 determined by the parties. If the requester and the public body  
17 agree to extend the period for compliance, a failure by the  
18 public body to comply with any previous deadlines shall not be  
19 treated as a denial of the request for the records.

20 (f) When additional time is required for any of the above  
21 reasons, the public body shall, within 5 business days after  
22 receipt of the request, notify the person making the request of  
23 the reasons for the extension and the date by which the  
24 response will be forthcoming. Failure to respond within the  
25 time permitted for extension shall be considered a denial of  
26 the request. A public body that fails to respond to a request



1 within the time permitted for extension but thereafter provides  
2 the requester with copies of the requested public records may  
3 not impose a fee for those copies. A public body that requests  
4 an extension and subsequently fails to respond to the request  
5 may not treat the request as unduly burdensome under subsection  
6 (g).

7 (g) Requests calling for all records falling within a  
8 category shall be complied with unless compliance with the  
9 request would be unduly burdensome for the complying public  
10 body and there is no way to narrow the request and the burden  
11 on the public body outweighs the public interest in the  
12 information. Before invoking this exemption, the public body  
13 shall extend to the person making the request an opportunity to  
14 confer with it in an attempt to reduce the request to  
15 manageable proportions. If any public body responds to a  
16 categorical request by stating that compliance would unduly  
17 burden its operation and the conditions described above are  
18 met, it shall do so in writing, specifying the reasons why it  
19 would be unduly burdensome and the extent to which compliance  
20 will so burden the operations of the public body. Such a  
21 response shall be treated as a denial of the request for  
22 information.

23 Repeated requests from the same person for the same records  
24 that are unchanged or identical to records previously provided  
25 or properly denied under this Act shall be deemed unduly  
26 burdensome under this provision.

1 (h) Each public body may promulgate rules and regulations  
2 in conformity with the provisions of this Section pertaining to  
3 the availability of records and procedures to be followed,  
4 including:

5 (i) the times and places where such records will be  
6 made available, and

7 (ii) the persons from whom such records may be  
8 obtained.

9 (i) The time periods for compliance or denial of a request  
10 to inspect or copy records set out in this Section shall not  
11 apply to requests for records made for a commercial purpose,  
12 requests by a recurrent requester, or voluminous requests. Such  
13 requests shall be subject to the provisions of Sections ~~Section~~  
14 3.1, 3.2, and 3.6 of this Act, as applicable.

15 (Source: P.A. 96-542, eff. 1-1-10.)

16 (5 ILCS 140/3.6 new)

17 Sec. 3.6. Voluminous requests.

18 (a) Notwithstanding any provision of this Act to the  
19 contrary, a public body shall respond to a voluminous request  
20 within 5 business days after receipt. The response shall notify  
21 the requester: (i) that the public body is treating the request  
22 as a voluminous request; (ii) the reasons why the public body  
23 is treating the request as a voluminous request; (iii) that the  
24 requester must respond to the public body within 10 business  
25 days after the public body's response was sent and specify

1 whether the requester would like to amend the request in such a  
2 way that the public body will no longer treat the request as a  
3 voluminous request; (iv) that if the requester does not respond  
4 within 10 business days or if the request continues to be a  
5 voluminous request following the requester's response, the  
6 public body will respond to the request and assess any fees the  
7 public body charges pursuant to Section 6 of this Act; (v) that  
8 the public body has 5 business days after receipt of the  
9 requester's response or 5 business days from the last day for  
10 the requester to amend his or her request, whichever is sooner,  
11 to respond to the request; (vi) that the public body may  
12 request an additional 10 business days to comply with the  
13 request; (vii) of the requester's right to review of the public  
14 body's determination by the Public Access Counselor and provide  
15 the address and phone number for the Public Access Counselor;  
16 and (viii) that if the requester fails to accept or collect the  
17 responsive records, the public body may still charge the  
18 requester for its response pursuant to Section 6 of this Act  
19 and the requester's failure to pay will be considered a debt  
20 due and owing to the public body and may be collected in  
21 accordance with applicable law.

22 (b) A public body shall provide a person making a  
23 voluminous request 10 business days from the date the public  
24 body's response pursuant to subsection (a) of this Section is  
25 sent to amend the request in such a way that the public body  
26 will no longer treat the request as a voluminous request.

1       (c) If a request continues to be a voluminous request  
2 following the requester's response under subsection (b) of this  
3 Section or the requester fails to respond, the public body  
4 shall respond within the earlier of 5 business days after it  
5 receives the response from the requester or 5 business days  
6 after the final day for the requester to respond to the public  
7 body's notification under this subsection. The response shall:  
8 (i) provide an estimate of the fees to be charged, which the  
9 public body may require the person to pay in full before  
10 copying the requested documents; (ii) deny the request pursuant  
11 to one or more of the exemptions set out in this Act; (iii)  
12 notify the requester that the request is unduly burdensome and  
13 extend an opportunity to the requester to attempt to reduce the  
14 request to manageable proportions; or (iv) provide the records  
15 requested.

16       (d) The time for response by the public body under  
17 subsection (c) of this Section may be extended by the public  
18 body for not more than 10 business days from the final day for  
19 the requester to respond to the public body's notification  
20 under subsection (c) of this Section for any of the reasons  
21 provided in subsection (e) of Section 3 of this Act.

22       The person making a request and the public body may agree  
23 in writing to extend the time for compliance for a period to be  
24 determined by the parties. If the requester and the public body  
25 agree to extend the period for compliance, a failure by the  
26 public body to comply with any previous deadlines shall not be

1 treated as a denial of the request for the records.

2 (e) If a requester does not pay a fee charged pursuant to  
3 Section 6 of this Act for a voluminous request, the debt shall  
4 be considered a debt due and owing to the public body and may  
5 be collected in accordance with applicable law. This fee may be  
6 charged by the public body even if the requester fails to  
7 accept or collect records the public body has prepared in  
8 response to a voluminous request.

9 (5 ILCS 140/6) (from Ch. 116, par. 206)

10 Sec. 6. Authority to charge fees.

11 (a) When a person requests a copy of a record maintained in  
12 an electronic format, the public body shall furnish it in the  
13 electronic format specified by the requester, if feasible. If  
14 it is not feasible to furnish the public records in the  
15 specified electronic format, then the public body shall furnish  
16 it in the format in which it is maintained by the public body,  
17 or in paper format at the option of the requester. A public  
18 body may charge the requester for the actual cost of purchasing  
19 the recording medium, whether disc, diskette, tape, or other  
20 medium. If a request is not a request for a commercial purpose  
21 or a voluminous request, a ~~A~~ public body may not charge the  
22 requester for the costs of any search for and review of the  
23 records or other personnel costs associated with reproducing  
24 the records, ~~except for commercial requests as provided in~~  
25 ~~subsection (f) of this Section.~~ Except to the extent that the

1 General Assembly expressly provides, statutory fees applicable  
2 to copies of public records when furnished in a paper format  
3 shall not be applicable to those records when furnished in an  
4 electronic format.

5 (a-5) If a voluminous request is for electronic records and  
6 those records are not in a portable document format (PDF), the  
7 public body may charge up to \$20 for not more than 2 megabytes  
8 of data, up to \$40 for more than 2 but not more than 4 megabytes  
9 of data, and up to \$100 for more than 4 megabytes of data. If a  
10 voluminous request is for electronic records and those records  
11 are in a portable document format, the public body may charge  
12 up to \$20 for not more than 80 megabytes of data, up to \$40 for  
13 more than 80 megabytes but not more than 160 megabytes of data,  
14 and up to \$100 for more than 160 megabytes of data. If the  
15 responsive electronic records are in both a portable document  
16 format and not in a portable document format, the public body  
17 may separate the fees and charge the requester under both fee  
18 scales.

19 If a public body imposes a fee pursuant to this subsection  
20 (a-5), it must provide the requester with an accounting of all  
21 fees, costs, and personnel hours in connection with the request  
22 for public records.

23 (b) Except when a fee is otherwise fixed by statute, each  
24 public body may charge fees reasonably calculated to reimburse  
25 its actual cost for reproducing and certifying public records  
26 and for the use, by any person, of the equipment of the public

1 body to copy records. No fees shall be charged for the first 50  
2 pages of black and white, letter or legal sized copies  
3 requested by a requester. The fee for black and white, letter  
4 or legal sized copies shall not exceed 15 cents per page. If a  
5 public body provides copies in color or in a size other than  
6 letter or legal, the public body may not charge more than its  
7 actual cost for reproducing the records. In calculating its  
8 actual cost for reproducing records or for the use of the  
9 equipment of the public body to reproduce records, a public  
10 body shall not include the costs of any search for and review  
11 of the records or other personnel costs associated with  
12 reproducing the records, except for commercial requests as  
13 provided in subsection (f) of this Section. Such fees shall be  
14 imposed according to a standard scale of fees, established and  
15 made public by the body imposing them. The cost for certifying  
16 a record shall not exceed \$1.

17 (c) Documents shall be furnished without charge or at a  
18 reduced charge, as determined by the public body, if the person  
19 requesting the documents states the specific purpose for the  
20 request and indicates that a waiver or reduction of the fee is  
21 in the public interest. Waiver or reduction of the fee is in  
22 the public interest if the principal purpose of the request is  
23 to access and disseminate information regarding the health,  
24 safety and welfare or the legal rights of the general public  
25 and is not for the principal purpose of personal or commercial  
26 benefit. For purposes of this subsection, "commercial benefit"

1 shall not apply to requests made by news media when the  
2 principal purpose of the request is to access and disseminate  
3 information regarding the health, safety, and welfare or the  
4 legal rights of the general public. In setting the amount of  
5 the waiver or reduction, the public body may take into  
6 consideration the amount of materials requested and the cost of  
7 copying them.

8 (d) The imposition of a fee not consistent with subsections  
9 (6) (a) and (b) of this Act constitutes a denial of access to  
10 public records for the purposes of judicial review.

11 (e) The fee for each abstract of a driver's record shall be  
12 as provided in Section 6-118 of "The Illinois Vehicle Code",  
13 approved September 29, 1969, as amended, whether furnished as a  
14 paper copy or as an electronic copy.

15 (f) A public body may charge up to \$10 for each hour spent  
16 by personnel in searching for and retrieving a requested record  
17 or examining the record for necessary redactions. No fees shall  
18 be charged for the first 8 hours spent by personnel in  
19 searching for or retrieving a requested record. A public body  
20 may charge the actual cost of retrieving and transporting  
21 public records from an off-site storage facility when the  
22 public records are maintained by a third-party storage company  
23 under contract with the public body. If a public body imposes a  
24 fee pursuant to this subsection (f), it must provide the  
25 requester with an accounting of all fees, costs, and personnel  
26 hours in connection with the request for public records. The



1 provisions of this subsection (f) apply only to commercial  
2 requests.

3 (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10;  
4 97-579, eff. 8-26-11.)

5 (5 ILCS 140/8.5 new)

6 Sec. 8.5. Records maintained online.

7 (a) Notwithstanding any provision of this Act to the  
8 contrary, a public body is not required to copy a public record  
9 that is published on the public body's website. The public body  
10 shall notify the requester that the public record is available  
11 online and direct the requester to the website where the record  
12 can be reasonably accessed.

13 (b) If the person requesting the public record is unable to  
14 reasonably access the record online after being directed to the  
15 website pursuant to subsection (a) of this Section, the  
16 requester may re-submit his or her request for the record  
17 stating his or her inability to reasonably access the record  
18 online, and the public body shall make the requested record  
19 available for inspection or copying as provided in Section 3 of  
20 this Act.

21 (5 ILCS 140/9.5)

22 Sec. 9.5. Public Access Counselor; opinions.

23 (a) A person whose request to inspect or copy a public  
24 record is denied by a public body, except the General Assembly

1 and committees, commissions, and agencies thereof, may file a  
2 request for review with the Public Access Counselor established  
3 in the Office of the Attorney General not later than 60 days  
4 after the date of the final denial. The request for review must  
5 be in writing, signed by the requester, and include (i) a copy  
6 of the request for access to records and (ii) any responses  
7 from the public body.

8 (b) A person whose request to inspect or copy a public  
9 record is made for a commercial purpose as defined in  
10 subsection (c-10) of Section 2 of this Act may not file a  
11 request for review with the Public Access Counselor. A person  
12 whose request to inspect or copy a public record was treated by  
13 the public body as a request for a commercial purpose under  
14 Section 3.1 of this Act may file a request for review with the  
15 Public Access Counselor for the limited purpose of reviewing  
16 whether the public body properly determined that the request  
17 was made for a commercial purpose.

18 (b-5) A person whose request to inspect or copy a public  
19 record was treated by a public body, except the General  
20 Assembly and committees, commissions, and agencies thereof, as  
21 a voluminous request under Section 3.6 of this Act may file a  
22 request for review with the Public Access Counselor for the  
23 purpose of reviewing whether the public body properly  
24 determined that the request was a voluminous request.

25 (c) Upon receipt of a request for review, the Public Access  
26 Counselor shall determine whether further action is warranted.

1 If the Public Access Counselor determines that the alleged  
2 violation is unfounded, he or she shall so advise the requester  
3 and the public body and no further action shall be undertaken.  
4 In all other cases, the Public Access Counselor shall forward a  
5 copy of the request for review to the public body within 7  
6 business days after receipt and shall specify the records or  
7 other documents that the public body shall furnish to  
8 facilitate the review. Within 7 business days after receipt of  
9 the request for review, the public body shall provide copies of  
10 records requested and shall otherwise fully cooperate with the  
11 Public Access Counselor. If a public body fails to furnish  
12 specified records pursuant to this Section, or if otherwise  
13 necessary, the Attorney General may issue a subpoena to any  
14 person or public body having knowledge of or records pertaining  
15 to a request for review of a denial of access to records under  
16 the Act. To the extent that records or documents produced by a  
17 public body contain information that is claimed to be exempt  
18 from disclosure under Section 7 of this Act, the Public Access  
19 Counselor shall not further disclose that information.

20 (d) Within 7 business days after it receives a copy of a  
21 request for review and request for production of records from  
22 the Public Access Counselor, the public body may, but is not  
23 required to, answer the allegations of the request for review.  
24 The answer may take the form of a letter, brief, or memorandum.  
25 The Public Access Counselor shall forward a copy of the answer  
26 to the person submitting the request for review, with any

1 alleged confidential information to which the request pertains  
2 redacted from the copy. The requester may, but is not required  
3 to, respond in writing to the answer within 7 business days and  
4 shall provide a copy of the response to the public body.

5 (e) In addition to the request for review, and the answer  
6 and the response thereto, if any, a requester or a public body  
7 may furnish affidavits or records concerning any matter germane  
8 to the review.

9 (f) Unless the Public Access Counselor extends the time by  
10 no more than 30 business days by sending written notice to the  
11 requester and the public body that includes a statement of the  
12 reasons for the extension in the notice, or decides to address  
13 the matter without the issuance of a binding opinion, the  
14 Attorney General shall examine the issues and the records,  
15 shall make findings of fact and conclusions of law, and shall  
16 issue to the requester and the public body an opinion in  
17 response to the request for review within 60 days after its  
18 receipt. The opinion shall be binding upon both the requester  
19 and the public body, subject to administrative review under  
20 Section 11.5.

21 In responding to any request under this Section 9.5, the  
22 Attorney General may exercise his or her discretion and choose  
23 to resolve a request for review by mediation or by a means  
24 other than the issuance of a binding opinion. The decision not  
25 to issue a binding opinion shall not be reviewable.

26 Upon receipt of a binding opinion concluding that a

1 violation of this Act has occurred, the public body shall  
2 either take necessary action immediately to comply with the  
3 directive of the opinion or shall initiate administrative  
4 review under Section 11.5. If the opinion concludes that no  
5 violation of the Act has occurred, the requester may initiate  
6 administrative review under Section 11.5.

7 A public body that discloses records in accordance with an  
8 opinion of the Attorney General is immune from all liabilities  
9 by reason thereof and shall not be liable for penalties under  
10 this Act.

11 (g) If the requester files suit under Section 11 with  
12 respect to the same denial that is the subject of a pending  
13 request for review, the requester shall notify the Public  
14 Access Counselor, and the Public Access Counselor shall take no  
15 further action with respect to the request for review and shall  
16 so notify the public body.

17 (h) The Attorney General may also issue advisory opinions  
18 to public bodies regarding compliance with this Act. A review  
19 may be initiated upon receipt of a written request from the  
20 head of the public body or its attorney, which shall contain  
21 sufficient accurate facts from which a determination can be  
22 made. The Public Access Counselor may request additional  
23 information from the public body in order to assist in the  
24 review. A public body that relies in good faith on an advisory  
25 opinion of the Attorney General in responding to a request is  
26 not liable for penalties under this Act, so long as the facts

1 upon which the opinion is based have been fully and fairly  
2 disclosed to the Public Access Counselor.

3 (Source: P.A. 96-542, eff. 1-1-10; 97-579, eff. 8-26-11.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".