



Rep. Margo McDermed

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LRB099 06335 HEP 32571 a

1 AMENDMENT TO HOUSE BILL 303

2 AMENDMENT NO. _____. Amend House Bill 303, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Freedom of Information Act is amended by
6 changing Sections 2 and 2.20 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, or a regional youth advisory board or
5 the Statewide Youth Advisory Board established under the
6 Department of Children and Family Services Statewide Youth
7 Advisory Board 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 (h) "Voluminous request" means a request that: (i) includes

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

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

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

25 (i) "Severance agreement" means a mutual agreement between
26 any public body and its employee for the employee's resignation

1 in exchange for payment by the public body.

2 (Source: P.A. 97-579, eff. 8-26-11; 98-806, eff. 1-1-15;
3 98-1129, eff. 12-3-14; revised 12-19-14.)

4 (5 ILCS 140/2.20)

5 Sec. 2.20. Settlement and severance agreements. All
6 settlement and severance agreements entered into by or on
7 behalf of a public body are public records subject to
8 inspection and copying by the public, provided that information
9 exempt from disclosure under Section 7 of this Act may be
10 redacted.

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