



Rep. Dwight Kay

Filed: 3/23/2015

09900HB3310ham001

LRB099 09596 HEP 33155 a

1 AMENDMENT TO HOUSE BILL 3310

2 AMENDMENT NO. _____. Amend House Bill 3310 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 3 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

7 Sec. 3. (a) Each public body shall make available to any
8 person for inspection or copying all public records, except as
9 otherwise provided in Sections 7 and 8.5 of this Act.
10 Notwithstanding any other law, a public body may not grant to
11 any person or entity, whether by contract, license, or
12 otherwise, the exclusive right to access and disseminate any
13 public record as defined in this Act.

14 (b) Subject to the fee provisions of Section 6 of this Act,
15 each public body shall promptly provide, to any person who
16 submits a request, a copy of any public record required to be

1 disclosed by subsection (a) of this Section and shall certify
2 such copy if so requested.

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

15 (d) Each public body shall, promptly, either comply with or
16 deny a request for public records within 5 business days after
17 its receipt of the request, unless the time for response is
18 properly extended under subsection (e) of this Section. Denial
19 shall be in writing as provided in Section 9 of this Act.
20 Failure to comply with a written request, extend the time for
21 response, or deny a request within 5 business days after its
22 receipt shall be considered a denial of the request. A public
23 body that fails to respond to a request within the requisite
24 periods in this Section but thereafter provides the requester
25 with copies of the requested public records may not impose a
26 fee for such copies. A public body that fails to respond to a

1 request received may not treat the request as unduly burdensome
2 under subsection (g).

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

6 (i) the requested records are stored in whole or in
7 part at other locations than the office having charge of
8 the requested records;

9 (ii) the request requires the collection of a
10 substantial number of specified records;

11 (iii) the request is couched in categorical terms and
12 requires an extensive search for the records responsive to
13 it;

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

17 (v) the requested records require examination and
18 evaluation by personnel having the necessary competence
19 and discretion to determine if they are exempt from
20 disclosure under Section 7 of this Act or should be
21 revealed only with appropriate deletions;

22 (vi) the request for records cannot be complied with by
23 the public body within the time limits prescribed by
24 paragraph (c) of this Section without unduly burdening or
25 interfering with the operations of the public body;

26 (vii) there is a need for consultation, which shall be

1 conducted with all practicable speed, with another public
2 body or among two or more components of a public body
3 having a substantial interest in the determination or in
4 the subject matter of the request.

5 The person making a request and the public body may agree
6 in writing to extend the time for compliance for a period to be
7 determined by the parties. If the requester and the public body
8 agree to extend the period for compliance, a failure by the
9 public body to comply with any previous deadlines shall not be
10 treated as a denial of the request for the records.

11 (f) When additional time is required for any of the above
12 reasons, the public body shall, within 5 business days after
13 receipt of the request, notify the person making the request of
14 the reasons for the extension and the date by which the
15 response will be forthcoming. Failure to respond within the
16 time permitted for extension shall be considered a denial of
17 the request. A public body that fails to respond to a request
18 within the time permitted for extension but thereafter provides
19 the requester with copies of the requested public records may
20 not impose a fee for those copies. A public body that requests
21 an extension and subsequently fails to respond to the request
22 may not treat the request as unduly burdensome under subsection
23 (g).

24 (g) Requests calling for all records falling within a
25 category shall be complied with unless compliance with the
26 request would be unduly burdensome for the complying public

1 body and there is no way to narrow the request and the burden
2 on the public body outweighs the public interest in the
3 information. Before invoking this exemption, the public body
4 shall extend to the person making the request an opportunity to
5 confer with it in an attempt to reduce the request to
6 manageable proportions. If any public body responds to a
7 categorical request by stating that compliance would unduly
8 burden its operation and the conditions described above are
9 met, it shall do so in writing, specifying the reasons why it
10 would be unduly burdensome and the extent to which compliance
11 will so burden the operations of the public body. Such a
12 response shall be treated as a denial of the request for
13 information.

14 Repeated requests from the same person for the same records
15 that are unchanged or identical to records previously provided
16 or properly denied under this Act shall be deemed unduly
17 burdensome under this provision.

18 (h) Each public body may promulgate rules and regulations
19 in conformity with the provisions of this Section pertaining to
20 the availability of records and procedures to be followed,
21 including:

22 (i) the times and places where such records will be
23 made available, and

24 (ii) the persons from whom such records may be
25 obtained.

26 (i) The time periods for compliance or denial of a request

1 to inspect or copy records set out in this Section shall not
2 apply to requests for records made for a commercial purpose,
3 requests by a recurrent requester, or voluminous requests. Such
4 requests shall be subject to the provisions of Sections 3.1,
5 3.2, and 3.6 of this Act, as applicable.

6 (j) Unless an exemption under Section 7 or 7.5 of this Act
7 applies, a member of the General Assembly is not required to
8 submit a request for information to a public body as defined by
9 this Act. If a member of the General Assembly seeks information
10 from a public body in furtherance of the member's official
11 duties, the information shall be provided to the member without
12 the filing of a request for information under this Act.

13 (Source: P.A. 98-1129, eff. 12-3-14.)".