

1 AN ACT concerning freedom of information.

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) The following shall be exempt from inspection and  
9 copying:

10 (a) Information specifically prohibited from  
11 disclosure by federal or State law or rules and  
12 regulations adopted under federal or State law.

13 (b) Information that, if disclosed, would  
14 constitute a clearly unwarranted invasion of personal  
15 privacy, unless the disclosure is consented to in writing  
16 by the individual subjects of the information. The  
17 disclosure of information that bears on the public duties  
18 of public employees and officials shall not be considered  
19 an invasion of personal privacy. Information exempted  
20 under this subsection (b) shall include but is not  
21 limited to:

22 (i) files and personal information maintained  
23 with respect to clients, patients, residents,  
24 students or other individuals receiving social,  
25 medical, educational, vocational, financial,  
26 supervisory or custodial care or services directly  
27 or indirectly from federal agencies or public  
28 bodies;

29 (ii) personnel files and personal information  
30 maintained with respect to employees, appointees or  
31 elected officials of any public body or applicants

1 for those positions;

2 (iii) files and personal information  
3 maintained with respect to any applicant, registrant  
4 or licensee by any public body cooperating with or  
5 engaged in professional or occupational  
6 registration, licensure or discipline;

7 (iv) information required of any taxpayer in  
8 connection with the assessment or collection of any  
9 tax unless disclosure is otherwise required by State  
10 statute; and

11 (v) information revealing the identity of  
12 persons who file complaints with or provide  
13 information to administrative, investigative, law  
14 enforcement or penal agencies; provided, however,  
15 that identification of witnesses to traffic  
16 accidents, traffic accident reports, and rescue  
17 reports may be provided by agencies of local  
18 government, except in a case for which a criminal  
19 investigation is ongoing, without constituting a  
20 clearly unwarranted per se invasion of personal  
21 privacy under this subsection.

22 (c) Records compiled by any public body for  
23 administrative enforcement proceedings and any law  
24 enforcement or correctional agency for law enforcement  
25 purposes or for internal matters of a public body, but  
26 only to the extent that disclosure would:

27 (i) interfere with pending or actually and  
28 reasonably contemplated law enforcement proceedings  
29 conducted by any law enforcement or correctional  
30 agency;

31 (ii) interfere with pending administrative  
32 enforcement proceedings conducted by any public  
33 body;

34 (iii) deprive a person of a fair trial or an

1           impartial hearing;

2                   (iv) unavoidably disclose the identity of a  
3           confidential source or confidential information  
4           furnished only by the confidential source;

5                   (v) disclose unique or specialized  
6           investigative techniques other than those generally  
7           used and known or disclose internal documents of  
8           correctional agencies related to detection,  
9           observation or investigation of incidents of crime  
10          or misconduct;

11                   (vi) constitute an invasion of personal  
12          privacy under subsection (b) of this Section;

13                   (vii) endanger the life or physical safety of  
14          law enforcement personnel or any other person; or

15                   (viii) obstruct an ongoing criminal  
16          investigation.

17          (d) Criminal history record information maintained  
18          by State or local criminal justice agencies, except the  
19          following which shall be open for public inspection and  
20          copying:

21                   (i) chronologically maintained arrest  
22          information, such as traditional arrest logs or  
23          blotters;

24                   (ii) the name of a person in the custody of a  
25          law enforcement agency and the charges for which  
26          that person is being held;

27                   (iii) court records that are public;

28                   (iv) records that are otherwise available  
29          under State or local law; or

30                   (v) records in which the requesting party is  
31          the individual identified, except as provided under  
32          part (vii) of paragraph (c) of subsection (1) of  
33          this Section.

34          "Criminal history record information" means data

1 identifiable to an individual and consisting of  
2 descriptions or notations of arrests, detentions,  
3 indictments, informations, pre-trial proceedings, trials,  
4 or other formal events in the criminal justice system or  
5 descriptions or notations of criminal charges (including  
6 criminal violations of local municipal ordinances) and  
7 the nature of any disposition arising therefrom,  
8 including sentencing, court or correctional supervision,  
9 rehabilitation and release. The term does not apply to  
10 statistical records and reports in which individuals are  
11 not identified and from which their identities are not  
12 ascertainable, or to information that is for criminal  
13 investigative or intelligence purposes.

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

16 (f) Preliminary drafts, notes, recommendations,  
17 memoranda and other records in which opinions are  
18 expressed, or policies or actions are formulated, except  
19 that a specific record or relevant portion of a record  
20 shall not be exempt when the record is publicly cited and  
21 identified by the head of the public body. The exemption  
22 provided in this paragraph (f) extends to all those  
23 records of officers and agencies of the General Assembly  
24 that pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial  
26 information obtained from a person or business where the  
27 trade secrets or information are proprietary, privileged  
28 or confidential, or where disclosure of the trade secrets  
29 or information may cause competitive harm, including all  
30 information determined to be confidential under Section  
31 4002 of the Technology Advancement and Development Act.  
32 Nothing contained in this paragraph (g) shall be  
33 construed to prevent a person or business from consenting  
34 to disclosure.

1           (h) Proposals and bids for any contract, grant, or  
 2 agreement, including information which if it were  
 3 disclosed would frustrate procurement or give an  
 4 advantage to any person proposing to enter into a  
 5 contractor agreement with the body, until an award or  
 6 final selection is made. Information prepared by or for  
 7 the body in preparation of a bid solicitation shall be  
 8 exempt until an award or final selection is made.

9           (i) Valuable formulae, computer graphic systems,  
 10 designs, drawings and research data obtained or produced  
 11 by any public body when disclosure could reasonably be  
 12 expected to produce private gain or public loss.

13           (j) Test questions, scoring keys and other  
 14 examination data used to administer an academic  
 15 examination or determined the qualifications of an  
 16 applicant for a license or employment.

17           (k) Architects' plans and engineers' technical  
 18 submissions for projects not constructed or developed in  
 19 whole or in part with public funds and for projects  
 20 constructed or developed with public funds, to the extent  
 21 that disclosure would compromise security.

22           (l) Library circulation and order records  
 23 identifying library users with specific materials.

24           (m) Minutes of meetings of public bodies closed to  
 25 the public as provided in the Open Meetings Act until the  
 26 public body makes the minutes available to the public  
 27 under Section 2.06 of the Open Meetings Act.

28           (n) Communications between a public body and an  
 29 attorney or auditor representing the public body that  
 30 would not be subject to discovery in litigation, and  
 31 materials prepared or compiled by or for a public body in  
 32 anticipation of a criminal, civil or administrative  
 33 proceeding upon the request of an attorney advising the  
 34 public body, and materials prepared or compiled with

1 respect to internal audits of public bodies.

2 (o) Information received by a primary or secondary  
3 school, college or university under its procedures for  
4 the evaluation of faculty members by their academic  
5 peers.

6 (p) Administrative or technical information  
7 associated with automated data processing operations,  
8 including but not limited to software, operating  
9 protocols, computer program abstracts, file layouts,  
10 source listings, object modules, load modules, user  
11 guides, documentation pertaining to all logical and  
12 physical design of computerized systems, employee  
13 manuals, and any other information that, if disclosed,  
14 would jeopardize the security of the system or its data  
15 or the security of materials exempt under this Section.

16 (q) Documents or materials relating to collective  
17 negotiating matters between public bodies and their  
18 employees or representatives, except that any final  
19 contract or agreement shall be subject to inspection and  
20 copying.

21 (r) Drafts, notes, recommendations and memoranda  
22 pertaining to the financing and marketing transactions of  
23 the public body. The records of ownership, registration,  
24 transfer, and exchange of municipal debt obligations, and  
25 of persons to whom payment with respect to these  
26 obligations is made.

27 (s) The records, documents and information relating  
28 to real estate purchase negotiations until those  
29 negotiations have been completed or otherwise terminated.  
30 With regard to a parcel involved in a pending or actually  
31 and reasonably contemplated eminent domain proceeding  
32 under Article VII of the Code of Civil Procedure,  
33 records, documents and information relating to that  
34 parcel shall be exempt except as may be allowed under

1           discovery rules adopted by the Illinois Supreme Court.  
2           The records, documents and information relating to a real  
3           estate sale shall be exempt until a sale is consummated.

4           (t) Any and all proprietary information and records  
5           related to the operation of an intergovernmental risk  
6           management association or self-insurance pool or jointly  
7           self-administered health and accident cooperative or  
8           pool.

9           (u) Information concerning a university's  
10          adjudication of student or employee grievance or  
11          disciplinary cases, to the extent that disclosure would  
12          reveal the identity of the student or employee and  
13          information concerning any public body's adjudication of  
14          student or employee grievances or disciplinary cases,  
15          except for the final outcome of the cases.

16          (v) Course materials or research materials used by  
17          faculty members.

18          (w) Information related solely to the internal  
19          personnel rules and practices of a public body.

20          (x) Information contained in or related to  
21          examination, operating, or condition reports prepared by,  
22          on behalf of, or for the use of a public body responsible  
23          for the regulation or supervision of financial  
24          institutions or insurance companies, unless disclosure is  
25          otherwise required by State law.

26          (y) Information the disclosure of which is  
27          restricted under Section 5-108 of the Public Utilities  
28          Act.

29          (z) Manuals or instruction to staff that relate to  
30          establishment or collection of liability for any State  
31          tax or that relate to investigations by a public body to  
32          determine violation of any criminal law.

33          (aa) Applications, related documents, and medical  
34          records received by the Experimental Organ

1 Transplantation Procedures Board and any and all  
2 documents or other records prepared by the Experimental  
3 Organ Transplantation Procedures Board or its staff  
4 relating to applications it has received.

5 (bb) Insurance or self insurance (including any  
6 intergovernmental risk management association or self  
7 insurance pool) claims, loss or risk management  
8 information, records, data, advice or communications.

9 (cc) Information and records held by the Department  
10 of Public Health and its authorized representatives  
11 relating to known or suspected cases of sexually  
12 transmissible disease or any information the disclosure  
13 of which is restricted under the Illinois Sexually  
14 Transmissible Disease Control Act.

15 (dd) Information the disclosure of which is  
16 exempted under Section 30 of the Radon Industry Licensing  
17 Act.

18 (ee) Firm performance evaluations under Section 55  
19 of the Architectural, Engineering, and Land Surveying  
20 Qualifications Based Selection Act.

21 (ff) Security portions of system safety program  
22 plans, investigation reports, surveys, schedules, lists,  
23 data, or information compiled, collected, or prepared by  
24 or for the Regional Transportation Authority under  
25 Section 2.11 of the Regional Transportation Authority Act  
26 or the State of Missouri under the Bi-State Transit  
27 Safety Act.

28 (gg) Information the disclosure of which is  
29 restricted and exempted under Section 50 of the Illinois  
30 Prepaid Tuition Act.

31 (hh) Information the disclosure of which is  
32 exempted under Section 80 of the State Gift Ban Act.

33 (ii) Beginning July 1, 1999, information that would  
34 disclose or might lead to the disclosure of secret or



1 confidential information, codes, algorithms, programs, or  
2 private keys intended to be used to create electronic or  
3 digital signatures under the Electronic Commerce Security  
4 Act.

5 (jj) Information contained in a local emergency  
6 energy plan submitted to a municipality in accordance  
7 with a local emergency energy plan ordinance that is  
8 adopted under Section 11-21.5-5 of the Illinois Municipal  
9 Code.

10 (kk) ~~(jj)~~ Information and data concerning the  
11 distribution of surcharge moneys collected and remitted  
12 by wireless carriers under the Wireless Emergency  
13 Telephone Safety Act.

14 (2) This Section does not authorize withholding of  
15 information or limit the availability of records to the  
16 public, except as stated in this Section or otherwise  
17 provided in this Act.

18 (Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97;  
19 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff.  
20 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357,  
21 eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.