



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2210

Introduced 1/13/2016, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

| | |
|----------------|------------------------|
| 5 ILCS 140/2 | from Ch. 116, par. 202 |
| 5 ILCS 140/7 | from Ch. 116, par. 207 |
| 5 ILCS 140/7.5 | |

Amends the Freedom of Information Act. Provides that recordings of a law enforcement officer discharging a firearm, or an officer-involved death, from an in-car video camera or an officer-worn body camera shall not be exempt from inspection and copying, unless the public body asserts an exemption under this Act supported by a court order finding the asserted exemption to be applicable to the requested recording. Requires the court to conduct an expedited hearing on the applicability of the exemption asserted. Incorporates definitions from the Law Enforcement Camera Grant Act and the Police and Community Relations Improvement Act. Effective immediately.

LRB099 15836 HEP 40146 b

1 AN ACT concerning government.

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 Sections 2, 7, and 7.5 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 (Text of Section before amendment by P.A. 99-478)

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
17 under Article 1E of the School Code. "Public body" does not
18 include a child death review team or the Illinois Child Death
19 Review Teams Executive Council established under the Child
20 Death Review Team Act, or a regional youth advisory board or
21 the Statewide Youth Advisory Board established under the
22 Department of Children and Family Services Statewide Youth
23 Advisory Board Act.

1 (b) "Person" means any individual, corporation,
2 partnership, firm, organization or association, acting
3 individually or as a group.

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

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

22 (c-10) "Commercial purpose" means the use of any part of a
23 public record or records, or information derived from public
24 records, in any form for sale, resale, or solicitation or
25 advertisement for sales or services. For purposes of this
26 definition, requests made by news media and non-profit,

1 scientific, or academic organizations shall not be considered
2 to be made for a "commercial purpose" when the principal
3 purpose of the request is (i) to access and disseminate
4 information concerning news and current or passing events, (ii)
5 for articles of opinion or features of interest to the public,
6 or (iii) for the purpose of academic, scientific, or public
7 research or education.

8 (d) "Copying" means the reproduction of any public record
9 by means of any photographic, electronic, mechanical or other
10 process, device or means now known or hereafter developed and
11 available to the public body.

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

17 (f) "News media" means a newspaper or other periodical
18 issued at regular intervals whether in print or electronic
19 format, a news service whether in print or electronic format, a
20 radio station, a television station, a television network, a
21 community antenna television service, or a person or
22 corporation engaged in making news reels or other motion
23 picture news for public showing.

24 (g) "Recurrent requester", as used in Section 3.2 of this
25 Act, means a person that, in the 12 months immediately
26 preceding the request, has submitted to the same public body

1 (i) a minimum of 50 requests for records, (ii) a minimum of 15
2 requests for records within a 30-day period, or (iii) a minimum
3 of 7 requests for records within a 7-day period. For purposes
4 of this definition, requests made by news media and non-profit,
5 scientific, or academic organizations shall not be considered
6 in calculating the number of requests made in the time periods
7 in this definition when the principal purpose of the requests
8 is (i) to access and disseminate information concerning news
9 and current or passing events, (ii) for articles of opinion or
10 features of interest to the public, or (iii) for the purpose of
11 academic, scientific, or public research or education.

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

19 (h) "Voluminous request" means a request that: (i) includes
20 more than 5 individual requests for more than 5 different
21 categories of records or a combination of individual requests
22 that total requests for more than 5 different categories of
23 records in a period of 20 business days; or (ii) requires the
24 compilation of more than 500 letter or legal-sized pages of
25 public records unless a single requested record exceeds 500
26 pages. "Single requested record" may include, but is not

1 limited to, one report, form, e-mail, letter, memorandum, book,
2 map, microfilm, tape, or recording.

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

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

18 (j) "In-car video camera" has the meaning provided in
19 Section 5 of the Law Enforcement Camera Grant Act.

20 (k) "Officer-involved death" has the meaning provided in
21 Section 1-5 of the Police and Community Relations Improvement
22 Act.

23 (l) "Officer-worn body camera" has the meaning provided in
24 Section 5 of the Law Enforcement Camera Grant Act.

25 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
26 99-78, eff. 7-20-15.)

1 (Text of Section after amendment by P.A. 99-478)

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

3 (a) "Public body" means all legislative, executive,
4 administrative, or advisory bodies of the State, state
5 universities and colleges, counties, townships, cities,
6 villages, incorporated towns, school districts and all other
7 municipal corporations, boards, bureaus, committees, or
8 commissions of this State, any subsidiary bodies of any of the
9 foregoing including but not limited to committees and
10 subcommittees thereof, and a School Finance Authority created
11 under Article 1E of the School Code. "Public body" does not
12 include a child death review team or the Illinois Child Death
13 Review Teams Executive Council established under the Child
14 Death Review Team Act, or a regional youth advisory board or
15 the Statewide Youth Advisory Board established under the
16 Department of Children and Family Services Statewide Youth
17 Advisory Board Act.

18 (b) "Person" means any individual, corporation,
19 partnership, firm, organization or association, acting
20 individually or as a group.

21 (c) "Public records" means all records, reports, forms,
22 writings, letters, memoranda, books, papers, maps,
23 photographs, microfilms, cards, tapes, recordings, electronic
24 data processing records, electronic communications, recorded
25 information and all other documentary materials pertaining to

1 the transaction of public business, regardless of physical form
2 or characteristics, having been prepared by or for, or having
3 been or being used by, received by, in the possession of, or
4 under the control of any public body.

5 (c-5) "Private information" means unique identifiers,
6 including a person's social security number, driver's license
7 number, employee identification number, biometric identifiers,
8 personal financial information, passwords or other access
9 codes, medical records, home or personal telephone numbers, and
10 personal email addresses. Private information also includes
11 home address and personal license plates, except as otherwise
12 provided by law or when compiled without possibility of
13 attribution to any person.

14 (c-10) "Commercial purpose" means the use of any part of a
15 public record or records, or information derived from public
16 records, in any form for sale, resale, or solicitation or
17 advertisement for sales or services. For purposes of this
18 definition, requests made by news media and non-profit,
19 scientific, or academic organizations shall not be considered
20 to be made for a "commercial purpose" when the principal
21 purpose of the request is (i) to access and disseminate
22 information concerning news and current or passing events, (ii)
23 for articles of opinion or features of interest to the public,
24 or (iii) for the purpose of academic, scientific, or public
25 research or education.

26 (d) "Copying" means the reproduction of any public record

1 by means of any photographic, electronic, mechanical or other
2 process, device or means now known or hereafter developed and
3 available to the public body.

4 (e) "Head of the public body" means the president, mayor,
5 chairman, presiding officer, director, superintendent,
6 manager, supervisor or individual otherwise holding primary
7 executive and administrative authority for the public body, or
8 such person's duly authorized designee.

9 (f) "News media" means a newspaper or other periodical
10 issued at regular intervals whether in print or electronic
11 format, a news service whether in print or electronic format, a
12 radio station, a television station, a television network, a
13 community antenna television service, or a person or
14 corporation engaged in making news reels or other motion
15 picture news for public showing.

16 (g) "Recurrent requester", as used in Section 3.2 of this
17 Act, means a person that, in the 12 months immediately
18 preceding the request, has submitted to the same public body
19 (i) a minimum of 50 requests for records, (ii) a minimum of 15
20 requests for records within a 30-day period, or (iii) a minimum
21 of 7 requests for records within a 7-day period. For purposes
22 of this definition, requests made by news media and non-profit,
23 scientific, or academic organizations shall not be considered
24 in calculating the number of requests made in the time periods
25 in this definition when the principal purpose of the requests
26 is (i) to access and disseminate information concerning news

1 and current or passing events, (ii) for articles of opinion or
2 features of interest to the public, or (iii) for the purpose of
3 academic, scientific, or public research or education.

4 For the purposes of this subsection (g), "request" means a
5 written document (or oral request, if the public body chooses
6 to honor oral requests) that is submitted to a public body via
7 personal delivery, mail, telefax, electronic mail, or other
8 means available to the public body and that identifies the
9 particular public record the requester seeks. One request may
10 identify multiple records to be inspected or copied.

11 (h) "Voluminous request" means a request that: (i) includes
12 more than 5 individual requests for more than 5 different
13 categories of records or a combination of individual requests
14 that total requests for more than 5 different categories of
15 records in a period of 20 business days; or (ii) requires the
16 compilation of more than 500 letter or legal-sized pages of
17 public records unless a single requested record exceeds 500
18 pages. "Single requested record" may include, but is not
19 limited to, one report, form, e-mail, letter, memorandum, book,
20 map, microfilm, tape, or recording.

21 "Voluminous request" does not include a request made by
22 news media and non-profit, scientific, or academic
23 organizations if the principal purpose of the request is: (1)
24 to access and disseminate information concerning news and
25 current or passing events; (2) for articles of opinion or
26 features of interest to the public; or (3) for the purpose of

1 academic, scientific, or public research or education.

2 For the purposes of this subsection (h), "request" means a
3 written document, or oral request, if the public body chooses
4 to honor oral requests, that is submitted to a public body via
5 personal delivery, mail, telefax, electronic mail, or other
6 means available to the public body and that identifies the
7 particular public record or records the requester seeks. One
8 request may identify multiple individual records to be
9 inspected or copied.

10 (i) "Severance agreement" means a mutual agreement between
11 any public body and its employee for the employee's resignation
12 in exchange for payment by the public body.

13 (j) "In-car video camera" has the meaning provided in
14 Section 5 of the Law Enforcement Camera Grant Act.

15 (k) "Officer-involved death" has the meaning provided in
16 Section 1-5 of the Police and Community Relations Improvement
17 Act.

18 (l) "Officer-worn body camera" has the meaning provided in
19 Section 5 of the Law Enforcement Camera Grant Act.

20 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
21 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

22 (5 ILCS 140/7) (from Ch. 116, par. 207)

23 Sec. 7. Exemptions.

24 (1) When a request is made to inspect or copy a public
25 record that contains information that is exempt from disclosure

1 under this Section, but also contains information that is not
2 exempt from disclosure, the public body may elect to redact the
3 information that is exempt. The public body shall make the
4 remaining information available for inspection and copying.
5 Subject to this requirement, the following shall be exempt from
6 inspection and copying:

7 (a) Information specifically prohibited from
8 disclosure by federal or State law or rules and regulations
9 implementing federal or State law.

10 (b) Private information, unless disclosure is required
11 by another provision of this Act, a State or federal law or
12 a court order.

13 (b-5) Files, documents, and other data or databases
14 maintained by one or more law enforcement agencies and
15 specifically designed to provide information to one or more
16 law enforcement agencies regarding the physical or mental
17 status of one or more individual subjects.

18 (c) Personal information contained within public
19 records, the disclosure of which would constitute a clearly
20 unwarranted invasion of personal privacy, unless the
21 disclosure is consented to in writing by the individual
22 subjects of the information. "Unwarranted invasion of
23 personal privacy" means the disclosure of information that
24 is highly personal or objectionable to a reasonable person
25 and in which the subject's right to privacy outweighs any
26 legitimate public interest in obtaining the information.

1 The disclosure of information that bears on the public
2 duties of public employees and officials shall not be
3 considered an invasion of personal privacy.

4 (d) Except as otherwise provided in subsection (4) of
5 this Section, records ~~Records~~ in the possession of any
6 public body created in the course of administrative
7 enforcement proceedings, and any law enforcement or
8 correctional agency for law enforcement purposes, but only
9 to the extent that disclosure would:

10 (i) interfere with pending or actually and
11 reasonably contemplated law enforcement proceedings
12 conducted by any law enforcement or correctional
13 agency that is the recipient of the request;

14 (ii) interfere with active administrative
15 enforcement proceedings conducted by the public body
16 that is the recipient of the request;

17 (iii) create a substantial likelihood that a
18 person will be deprived of a fair trial or an impartial
19 hearing;

20 (iv) unavoidably disclose the identity of a
21 confidential source, confidential information
22 furnished only by the confidential source, or persons
23 who file complaints with or provide information to
24 administrative, investigative, law enforcement, or
25 penal agencies; except that the identities of
26 witnesses to traffic accidents, traffic accident

1 reports, and rescue reports shall be provided by
2 agencies of local government, except when disclosure
3 would interfere with an active criminal investigation
4 conducted by the agency that is the recipient of the
5 request;

6 (v) disclose unique or specialized investigative
7 techniques other than those generally used and known or
8 disclose internal documents of correctional agencies
9 related to detection, observation or investigation of
10 incidents of crime or misconduct, and disclosure would
11 result in demonstrable harm to the agency or public
12 body that is the recipient of the request;

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

15 (vii) obstruct an ongoing criminal investigation
16 by the agency that is the recipient of the request.

17 (d-5) A law enforcement record created for law
18 enforcement purposes and contained in a shared electronic
19 record management system if the law enforcement agency that
20 is the recipient of the request did not create the record,
21 did not participate in or have a role in any of the events
22 which are the subject of the record, and only has access to
23 the record through the shared electronic record management
24 system.

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

1 (e-5) Records requested by persons committed to the
2 Department of Corrections if those materials are available
3 in the library of the correctional facility where the
4 inmate is confined.

5 (e-6) Records requested by persons committed to the
6 Department of Corrections if those materials include
7 records from staff members' personnel files, staff
8 rosters, or other staffing assignment information.

9 (e-7) Records requested by persons committed to the
10 Department of Corrections if those materials are available
11 through an administrative request to the Department of
12 Corrections.

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

22 (g) Trade secrets and commercial or financial
23 information obtained from a person or business where the
24 trade secrets or commercial or financial information are
25 furnished under a claim that they are proprietary,
26 privileged or confidential, and that disclosure of the

1 trade secrets or commercial or financial information would
2 cause competitive harm to the person or business, and only
3 insofar as the claim directly applies to the records
4 requested.

5 The information included under this exemption includes
6 all trade secrets and commercial or financial information
7 obtained by a public body, including a public pension fund,
8 from a private equity fund or a privately held company
9 within the investment portfolio of a private equity fund as
10 a result of either investing or evaluating a potential
11 investment of public funds in a private equity fund. The
12 exemption contained in this item does not apply to the
13 aggregate financial performance information of a private
14 equity fund, nor to the identity of the fund's managers or
15 general partners. The exemption contained in this item does
16 not apply to the identity of a privately held company
17 within the investment portfolio of a private equity fund,
18 unless the disclosure of the identity of a privately held
19 company may cause competitive harm.

20 Nothing contained in this paragraph (g) shall be
21 construed to prevent a person or business from consenting
22 to disclosure.

23 (h) Proposals and bids for any contract, grant, or
24 agreement, including information which if it were
25 disclosed would frustrate procurement or give an advantage
26 to any person proposing to enter into a contractor

1 agreement with the body, until an award or final selection
2 is made. Information prepared by or for the body in
3 preparation of a bid solicitation shall be exempt until an
4 award or final selection is made.

5 (i) Valuable formulae, computer geographic systems,
6 designs, drawings and research data obtained or produced by
7 any public body when disclosure could reasonably be
8 expected to produce private gain or public loss. The
9 exemption for "computer geographic systems" provided in
10 this paragraph (i) does not extend to requests made by news
11 media as defined in Section 2 of this Act when the
12 requested information is not otherwise exempt and the only
13 purpose of the request is to access and disseminate
14 information regarding the health, safety, welfare, or
15 legal rights of the general public.

16 (j) The following information pertaining to
17 educational matters:

18 (i) test questions, scoring keys and other
19 examination data used to administer an academic
20 examination;

21 (ii) information received by a primary or
22 secondary school, college, or university under its
23 procedures for the evaluation of faculty members by
24 their academic peers;

25 (iii) information concerning a school or
26 university's adjudication of student disciplinary

1 cases, but only to the extent that disclosure would
2 unavoidably reveal the identity of the student; and

3 (iv) course materials or research materials used
4 by faculty members.

5 (k) Architects' plans, engineers' technical
6 submissions, and other construction related technical
7 documents for projects not constructed or developed in
8 whole or in part with public funds and the same for
9 projects constructed or developed with public funds,
10 including but not limited to power generating and
11 distribution stations and other transmission and
12 distribution facilities, water treatment facilities,
13 airport facilities, sport stadiums, convention centers,
14 and all government owned, operated, or occupied buildings,
15 but only to the extent that disclosure would compromise
16 security.

17 (l) Minutes of meetings of public bodies closed to the
18 public as provided in the Open Meetings Act until the
19 public body makes the minutes available to the public under
20 Section 2.06 of the Open Meetings Act.

21 (m) Communications between a public body and an
22 attorney or auditor representing the public body that would
23 not be subject to discovery in litigation, and materials
24 prepared or compiled by or for a public body in
25 anticipation of a criminal, civil or administrative
26 proceeding upon the request of an attorney advising the

1 public body, and materials prepared or compiled with
2 respect to internal audits of public bodies.

3 (n) Records relating to a public body's adjudication of
4 employee grievances or disciplinary cases; however, this
5 exemption shall not extend to the final outcome of cases in
6 which discipline is imposed.

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

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

21 (q) Test questions, scoring keys, and other
22 examination data used to determine the qualifications of an
23 applicant for a license or employment.

24 (r) The records, documents, and information relating
25 to real estate purchase negotiations until those
26 negotiations have been completed or otherwise terminated.

1 With regard to a parcel involved in a pending or actually
2 and reasonably contemplated eminent domain proceeding
3 under the Eminent Domain Act, records, documents and
4 information relating to that parcel shall be exempt except
5 as may be allowed under discovery rules adopted by the
6 Illinois Supreme Court. The records, documents and
7 information relating to a real estate sale shall be exempt
8 until a sale is consummated.

9 (s) Any and all proprietary information and records
10 related to the operation of an intergovernmental risk
11 management association or self-insurance pool or jointly
12 self-administered health and accident cooperative or pool.
13 Insurance or self insurance (including any
14 intergovernmental risk management association or self
15 insurance pool) claims, loss or risk management
16 information, records, data, advice or communications.

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

23 (u) Information that would disclose or might lead to
24 the disclosure of secret or confidential information,
25 codes, algorithms, programs, or private keys intended to be
26 used to create electronic or digital signatures under the

1 Electronic Commerce Security Act.

2 (v) Vulnerability assessments, security measures, and
3 response policies or plans that are designed to identify,
4 prevent, or respond to potential attacks upon a community's
5 population or systems, facilities, or installations, the
6 destruction or contamination of which would constitute a
7 clear and present danger to the health or safety of the
8 community, but only to the extent that disclosure could
9 reasonably be expected to jeopardize the effectiveness of
10 the measures or the safety of the personnel who implement
11 them or the public. Information exempt under this item may
12 include such things as details pertaining to the
13 mobilization or deployment of personnel or equipment, to
14 the operation of communication systems or protocols, or to
15 tactical operations.

16 (w) (Blank).

17 (x) Maps and other records regarding the location or
18 security of generation, transmission, distribution,
19 storage, gathering, treatment, or switching facilities
20 owned by a utility, by a power generator, or by the
21 Illinois Power Agency.

22 (y) Information contained in or related to proposals,
23 bids, or negotiations related to electric power
24 procurement under Section 1-75 of the Illinois Power Agency
25 Act and Section 16-111.5 of the Public Utilities Act that
26 is determined to be confidential and proprietary by the

1 Illinois Power Agency or by the Illinois Commerce
2 Commission.

3 (z) Information about students exempted from
4 disclosure under Sections 10-20.38 or 34-18.29 of the
5 School Code, and information about undergraduate students
6 enrolled at an institution of higher education exempted
7 from disclosure under Section 25 of the Illinois Credit
8 Card Marketing Act of 2009.

9 (aa) Information the disclosure of which is exempted
10 under the Viatical Settlements Act of 2009.

11 (bb) Records and information provided to a mortality
12 review team and records maintained by a mortality review
13 team appointed under the Department of Juvenile Justice
14 Mortality Review Team Act.

15 (cc) Information regarding interments, entombments, or
16 inurnments of human remains that are submitted to the
17 Cemetery Oversight Database under the Cemetery Care Act or
18 the Cemetery Oversight Act, whichever is applicable.

19 (dd) Correspondence and records (i) that may not be
20 disclosed under Section 11-9 of the Public Aid Code or (ii)
21 that pertain to appeals under Section 11-8 of the Public
22 Aid Code.

23 (ee) The names, addresses, or other personal
24 information of persons who are minors and are also
25 participants and registrants in programs of park
26 districts, forest preserve districts, conservation

1 districts, recreation agencies, and special recreation
2 associations.

3 (ff) The names, addresses, or other personal
4 information of participants and registrants in programs of
5 park districts, forest preserve districts, conservation
6 districts, recreation agencies, and special recreation
7 associations where such programs are targeted primarily to
8 minors.

9 (gg) Confidential information described in Section
10 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

11 (hh) The report submitted to the State Board of
12 Education by the School Security and Standards Task Force
13 under item (8) of subsection (d) of Section 2-3.160 of the
14 School Code and any information contained in that report.

15 (ii) Records requested by persons committed to or
16 detained by the Department of Human Services under the
17 Sexually Violent Persons Commitment Act or committed to the
18 Department of Corrections under the Sexually Dangerous
19 Persons Act if those materials: (i) are available in the
20 library of the facility where the individual is confined;
21 (ii) include records from staff members' personnel files,
22 staff rosters, or other staffing assignment information;
23 or (iii) are available through an administrative request to
24 the Department of Human Services or the Department of
25 Corrections.

26 jj ~~(ii)~~ Confidential information described in Section

1 5-535 of the Civil Administrative Code of Illinois.

2 (1.5) Any information exempt from disclosure under the
3 Judicial Privacy Act shall be redacted from public records
4 prior to disclosure under this Act.

5 (2) A public record that is not in the possession of a
6 public body but is in the possession of a party with whom the
7 agency has contracted to perform a governmental function on
8 behalf of the public body, and that directly relates to the
9 governmental function and is not otherwise exempt under this
10 Act, shall be considered a public record of the public body,
11 for purposes of this Act.

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

16 (4) Notwithstanding any other provision of this Section,
17 recordings of a law enforcement officer discharging a firearm,
18 or an officer-involved death, from an in-car video camera or an
19 officer-worn body camera shall not be exempt from inspection
20 and copying, unless the public body asserts an exemption under
21 this Act supported by a court order finding the asserted
22 exemption to be applicable to the requested recording. Upon
23 motion filed by a public body receiving such a request, the
24 court shall conduct an expedited hearing on the applicability
25 of the exemption asserted by the public body to the recordings
26 requested.

1 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;
2 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;
3 revised 10-14-15.)

4 (5 ILCS 140/7.5)

5 Sec. 7.5. Statutory exemptions. To the extent provided for
6 by the statutes referenced below, the following shall be exempt
7 from inspection and copying:

8 (a) All information determined to be confidential
9 under Section 4002 of the Technology Advancement and
10 Development Act.

11 (b) Library circulation and order records identifying
12 library users with specific materials under the Library
13 Records Confidentiality Act.

14 (c) Applications, related documents, and medical
15 records received by the Experimental Organ Transplantation
16 Procedures Board and any and all documents or other records
17 prepared by the Experimental Organ Transplantation
18 Procedures Board or its staff relating to applications it
19 has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating
22 to known or suspected cases of sexually transmissible
23 disease or any information the disclosure of which is
24 restricted under the Illinois Sexually Transmissible
25 Disease Control Act.

1 (e) Information the disclosure of which is exempted
2 under Section 30 of the Radon Industry Licensing Act.

3 (f) Firm performance evaluations under Section 55 of
4 the Architectural, Engineering, and Land Surveying
5 Qualifications Based Selection Act.

6 (g) Information the disclosure of which is restricted
7 and exempted under Section 50 of the Illinois Prepaid
8 Tuition Act.

9 (h) Information the disclosure of which is exempted
10 under the State Officials and Employees Ethics Act, and
11 records of any lawfully created State or local inspector
12 general's office that would be exempt if created or
13 obtained by an Executive Inspector General's office under
14 that Act.

15 (i) Information contained in a local emergency energy
16 plan submitted to a municipality in accordance with a local
17 emergency energy plan ordinance that is adopted under
18 Section 11-21.5-5 of the Illinois Municipal Code.

19 (j) Information and data concerning the distribution
20 of surcharge moneys collected and remitted by wireless
21 carriers under the Wireless Emergency Telephone Safety
22 Act.

23 (k) Law enforcement officer identification information
24 or driver identification information compiled by a law
25 enforcement agency or the Department of Transportation
26 under Section 11-212 of the Illinois Vehicle Code.

1 (1) Records and information provided to a residential
2 health care facility resident sexual assault and death
3 review team or the Executive Council under the Abuse
4 Prevention Review Team Act.

5 (m) Information provided to the predatory lending
6 database created pursuant to Article 3 of the Residential
7 Real Property Disclosure Act, except to the extent
8 authorized under that Article.

9 (n) Defense budgets and petitions for certification of
10 compensation and expenses for court appointed trial
11 counsel as provided under Sections 10 and 15 of the Capital
12 Crimes Litigation Act. This subsection (n) shall apply
13 until the conclusion of the trial of the case, even if the
14 prosecution chooses not to pursue the death penalty prior
15 to trial or sentencing.

16 (o) Information that is prohibited from being
17 disclosed under Section 4 of the Illinois Health and
18 Hazardous Substances Registry Act.

19 (p) Security portions of system safety program plans,
20 investigation reports, surveys, schedules, lists, data, or
21 information compiled, collected, or prepared by or for the
22 Regional Transportation Authority under Section 2.11 of
23 the Regional Transportation Authority Act or the St. Clair
24 County Transit District under the Bi-State Transit Safety
25 Act.

26 (q) Information prohibited from being disclosed by the

1 Personnel Records Review Act.

2 (r) Information prohibited from being disclosed by the
3 Illinois School Student Records Act.

4 (s) Information the disclosure of which is restricted
5 under Section 5-108 of the Public Utilities Act.

6 (t) All identified or deidentified health information
7 in the form of health data or medical records contained in,
8 stored in, submitted to, transferred by, or released from
9 the Illinois Health Information Exchange, and identified
10 or deidentified health information in the form of health
11 data and medical records of the Illinois Health Information
12 Exchange in the possession of the Illinois Health
13 Information Exchange Authority due to its administration
14 of the Illinois Health Information Exchange. The terms
15 "identified" and "deidentified" shall be given the same
16 meaning as in the Health Insurance Portability and
17 Accountability and Portability Act of 1996, Public Law
18 104-191, or any subsequent amendments thereto, and any
19 regulations promulgated thereunder.

20 (u) Records and information provided to an independent
21 team of experts under Brian's Law.

22 (v) Names and information of people who have applied
23 for or received Firearm Owner's Identification Cards under
24 the Firearm Owners Identification Card Act or applied for
25 or received a concealed carry license under the Firearm
26 Concealed Carry Act, unless otherwise authorized by the

1 Firearm Concealed Carry Act; and databases under the
2 Firearm Concealed Carry Act, records of the Concealed Carry
3 Licensing Review Board under the Firearm Concealed Carry
4 Act, and law enforcement agency objections under the
5 Firearm Concealed Carry Act.

6 (w) Personally identifiable information which is
7 exempted from disclosure under subsection (g) of Section
8 19.1 of the Toll Highway Act.

9 (x) Information which is exempted from disclosure
10 under Section 5-1014.3 of the Counties Code or Section
11 8-11-21 of the Illinois Municipal Code.

12 (y) Confidential information under the Adult
13 Protective Services Act and its predecessor enabling
14 statute, the Elder Abuse and Neglect Act, including
15 information about the identity and administrative finding
16 against any caregiver of a verified and substantiated
17 decision of abuse, neglect, or financial exploitation of an
18 eligible adult maintained in the Registry established
19 under Section 7.5 of the Adult Protective Services Act.

20 (z) Records and information provided to a fatality
21 review team or the Illinois Fatality Review Team Advisory
22 Council under Section 15 of the Adult Protective Services
23 Act.

24 (aa) Information which is exempted from disclosure
25 under Section 2.37 of the Wildlife Code.

26 (bb) Information which is or was prohibited from

1 disclosure by the Juvenile Court Act of 1987.

2 (cc) ~~(bb)~~ Recordings made under the Law Enforcement
3 Officer-Worn Body Camera Act, except to the extent
4 authorized under that Act or under subsection (4) of
5 Section 7 of this Act.

6 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
7 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
8 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
9 revised 10-14-15.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.