

(b) In deciding such a case the court may examine in camera any portion of the minutes of a meeting at which a violation of the Act is alleged to have occurred, and may take such additional evidence as it deems necessary.

(c) The court, having due regard for orderly administration and the public interest, as well as for the interests of the parties, may grant such relief as it deems appropriate, including granting a relief by mandamus requiring that a meeting be open to the public, granting an injunction against future violations of this Act, ordering the public body to make available to the public such portion of the minutes of a meeting as is not authorized to be kept confidential under this Act, or declaring null and void any final action taken at a closed meeting in violation of this Act.

(d) The court may assess against any party, except a State's Attorney, reasonable attorney's fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with this Section, provided that costs may be assessed against any private party or parties bringing an action pursuant to this Section only upon the court's determination that the action is malicious or frivolous in nature.
(Source: P.A. 85-1355; 88-621, § 5.)

5 ILCS 120/4 [Penalty]

Sec. 4. Any person violating any of the provisions of this Act shall be guilty of a Class C misdemeanor.
(Source: P.A. 77-2549.)

5 ILCS 120/5 [Severability]

Sec. 5. If any provision of this Act, or the application of this Act to any particular meeting or type of meeting is held invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or the other applications of this Act.
(Source: Laws 1957, p. 2892.)

5 ILCS 120/6 [Home rule units]

Sec. 6. The provisions of this Act constitute minimum requirements for home rule units; any home rule unit may enact an ordinance prescribing more stringent requirements binding upon itself which would serve to give further notice to the public and facilitate public access to meetings.
(Source: P.A. 78-448.)

5 ILCS 120/7 Attendance by a means other than physical presence

Sec. 7. *Attendance by a means other than physical presence.* (a) If a quorum of the members of the public body is physically present as required by Section 2.01 [5 ILCS 120/2.01], a majority of the public body may allow a member of that body to attend the meeting by other means if the member is

prevented from physically attending because of (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency. "Other means" is by video or audio conference.

(b) If a member wishes to attend a meeting by other means, the member must notify the recording secretary or clerk of the public body before the meeting unless advance notice is impractical.

(c) A majority of the public body may allow a member to attend a meeting by other means only in accordance with and to the extent allowed by rules adopted by the public body. The rules must conform to the requirements and restrictions of this Section, may further limit the extent to which attendance by other means is allowed, and may provide for the giving of additional notice to the public or further facilitate public access to meetings.

(d) The limitations of this Section shall not apply to (i) closed meetings of public bodies with statewide jurisdiction or (ii) open or closed meetings of State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action. State advisory boards or bodies and public bodies with statewide jurisdiction, however, may permit members to attend meetings by other means only in accordance with and to the extent allowed by specific procedural rules adopted by the body.
(Source: P.A. 94-1058, § 5.)

FREEDOM OF INFORMATION

FREEDOM OF INFORMATION ACT

- 5 ILCS 140/1 [Public policy]
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5 ILCS 140/1 [Public policy]

Sec. 1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act. Such access is necessary to enable the people to

fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest.

This Act is not intended to be used to violate individual privacy, nor for the purpose of furthering a commercial enterprise, or to disrupt the duly-undertaken work of any public body independent of the fulfillment of any of the fore-mentioned rights of the people to access to information.

This Act is not intended to create an obligation on the part of any public body to maintain or prepare any public record which was not maintained or prepared by such public body at the time when this Act becomes effective, except as otherwise required by applicable local, State or federal law.

These restraints on information access should be seen as limited exceptions to the general rule that the people have a right to know the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of any or all of the people. The provisions of this Act shall be construed to this end.

This Act shall be the exclusive State statute on freedom of information, except to the extent that other State statutes might create additional restrictions on disclosure of information or other laws in Illinois might create additional obligations for disclosure of information to the public.

(Source: P.A. 83-1013.)

5 ILCS 140/1.1 [Short title]

Sec. 1.1. This Act may be cited as the Freedom of Information Act.

(Source: P.A. 86-1475.)

5 ILCS 140/2 Definitions

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

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5/1E-1 et seq.]. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act [20 ILCS 515/1 et seq.].

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

(c) "Public records" means all records, reports, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act [5 ILCS 140/7]; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act [5 ILCS 140/7]; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code [105 ILCS 5/30-12.5], concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code [105 ILCS 5/30-9, 105 ILCS 5/30-10, and 105 ILCS 5/30-11]; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act [70 ILCS 3205/1 et seq.].

(d) "Public records" means all records, reports, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act [5 ILCS 140/7]; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act [5 ILCS 140/7]; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code [105 ILCS 5/30-12.5], concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code [105 ILCS 5/30-9, 105 ILCS 5/30-10, and 105 ILCS 5/30-11]; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act [70 ILCS 3205/1 et seq.].

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

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

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

(Source: P.A. 85-1357; 88-614, § 92; 89-681, § 5; 90-144, § 7; 90-670, § 5; 91-935, § 30; 92-335, § 5; 92-468, § 10; 92-547, § 3; 92-651, § 7.)

Effect of Amendments.

The 1996 amendment by P.A. 89-681, effective December 13, 1996, in subsection (c), in the second sentence, substituted a semicolon for "and" preceding "(xiv)" and added at the end "and (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code".

The 1997 amendment by P.A. 90-144, effective July 23, 1997, added subsection (f).

The 1998 amendment by P.A. 90-670, effective July 31, 1998, incorporated the amendment by P.A. 90-144; and added the clause designated as part (xvi) and made a related change in subsection (c).

The 2001 amendment by P.A. 91-935, effective June 1, 2001, in subsection (c) added item (xvii) and made a related change.

The 2001 amendment by P.A. 92-335, effective August 10, 2001, in subsection (f), inserted "whether in print or electronic format" in two places, and inserted "a television network".

The 2001 amendment by P.A. 92-468, effective August 22, 2001, inserted "or the Illinois Child Death Review Teams Executive Council" in the last sentence of subsection (a).

The 2002 amendment by P.A. 92-547, effective June 13, 2002, inserted "and a School Finance Authority created under Article 1E of the School Code" and made a related change in the first sentence of subsection (a).

The 2002 amendment by P.A. 92-651, effective July 11, 2002, combined the amendments by P.A. 92-335 and P.A. 92-468.

Although the amendments by P.A. 92-547, § 3 and P.A. 92-651, § 7 did not take into account the amendments made by the other, the amendments have been combined into a single version by the publisher.

5 ILCS 140/3 [Provision of public records]

Sec. 3. (a) Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of this Act [5 ILCS 140/7]. Notwithstanding any other law, a public body may not grant to any person or entity, whether by contract, license, or otherwise, the exclusive right to access and disseminate any public record as defined in this Act.

(b) Subject to the fee provisions of Section 6 of this Act [5 ILCS 140/6], each public body shall promptly provide, to any person who submits a written re-

quest, a copy of any public record required to be disclosed by subsection (a) of this Section and shall certify such copy if so requested.

(c) Each public body shall, promptly, either comply with or deny a written request for public records within 7 working days after its receipt. Denial shall be by letter as provided in Section 9 of this Act [5 ILCS 140/9]. Failure to respond to a written request within 7 working days after its receipt shall be considered a denial of the request.

(d) The time limits prescribed in paragraph (c) of this Section may be extended in each case for not more than 7 additional working days for any of the following reasons:

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

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

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

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

(v) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of this Act [5 ILCS 140/7] or should be revealed only with appropriate deletions;

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

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

(e) When additional time is required for any of the above reasons, the public body shall notify by letter the person making the written request within the time limits specified by paragraph (c) of this Section of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance, may the delay in processing last longer than 7 working days. A failure to render a decision within 7 working days shall be considered a denial of the request.

(f) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce

the request to manageable proportions. If any body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information. Repeated requests for the same public records by the same person shall be deemed unduly burdensome under this provision.

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

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

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

(Source: P.A. 83-1013; 90-206, § 5.)

Effect of Amendments.

The 1997 amendment by P.A. 90-206, effective July 25, 1997, in subsection (a) added the second sentence.

5 ILCS 140/4 [Public bodies to display information]

Sec. 4. Each public body shall prominently display at each of its administrative or regional offices, make available for inspection and copying, and send through the mail if requested, each of the following:

(a) A brief description of itself, which will include, but not be limited to, a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures, or to which the public body is required to report and be answerable for its operations; and

(b) A brief description of the methods whereby the public may request information and public records, a directory designating by titles and addresses those employees to whom requests for public records should be directed, and any fees allowable under Section 6 of this Act [5 ILCS 140/6].
(Source: P.A. 83-1013.)

5 ILCS 140/5 [Records list]

Sec. 5. As to public records prepared or received after the effective date of this Act, each public body shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to this

Act. Each public body shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

(Source: P.A. 83-1013.)

5 ILCS 140/6 Authority to charge fees

Sec. 6. *Authority to charge fees.* (a) Each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the public body to copy records. Such fees shall exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by State statute. Such fees shall be imposed according to a standard scale of fees, established and made public by the body imposing them.

(b) Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public. In setting the amount of the waiver or reduction, the public body may take into consideration the amount of materials requested and the cost of copying them.

(c) The purposeful imposition of a fee not consistent with subsections (6)(a) and (b) of this Act shall be considered a denial of access to public records for the purposes of judicial review.

(d) The fee for an abstract of a driver's record shall be as provided in Section 6-118 of "The Illinois Vehicle Code", approved September 29, 1969, as amended [625 ILCS 5/6-118].

(Source: P.A. 85-1357; 90-144, § 7.)

Effect of Amendments.

The 1997 amendment by P.A. 90-144, effective July 23, 1997, added the section catchline; and in subsection (b) added the third sentence.

5 ILCS 140/7 Exemptions

Sec. 7. *Exemptions.* (1) The following shall be exempt from inspection and copying:

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

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

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

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

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

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

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

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

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

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

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

(iii) deprive a person of a fair trial or an impartial hearing;

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

(v) disclose unique or specialized investigative techniques other than those generally used and

known or disclose internal documents of correctional agencies related to detection, observation, investigation of incidents of crime or misconduct.

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

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

(viii) obstruct an ongoing criminal investigation.

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

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

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

(iii) court records that are public;

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

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

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

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

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

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700/4002].

(ii) inform public a priv portfo either ment exem the a of a fund' tion ident inves unles held Ne cons cons (h) I agreeer disclos advan contr or fin or for shall made (i) tems, or pr could or pu graph not defin the r and disse safet (j) nati nati cant (k sion mer whc proj but mis tre: um ope (ing (the IL mi the

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

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

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

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 [5 ILCS 140/2] of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

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

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

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

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act [5 ILCS 120/1 et seq.] until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act [5 ILCS 120/2.06].

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

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

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

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

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

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.], records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

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

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

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

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

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

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act [220 ILCS 5/5-108].

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

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

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

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325/1 et seq.].

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act [420 ILCS 44/30].

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/55].

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act [70-3615/2.11] or the St. Clair County Transit District under the Bi-State Transit Safety Act [45-111/1 et seq.].

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act [110 ILCS 979/50].

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act [5 ILCS 430/1-1 et seq.].

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act [5 ILCS 175/1-101 et seq.].

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code [65 ILCS 5/11-21.5-5].

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act [50 ILCS 751/1 et seq.].

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

(mm) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility or by the Illinois Power Agency.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code [625 ILCS 5/11-212].

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act [765 ILCS 77/1 et seq.].

(pp) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act [765 ILCS 77/1 et seq.], except to the extent authorized under that Article.

(qq) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act [725 ILCS 124/10 and 725 ILCS 124/15]. This subsection (qq) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(rr) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act [20 ILCS 3855/1-75] and Section 16-111.5 of the Public Utilities Act [220 ILCS 5/16-111.5] that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(2) This Section does not authorize withholding of information or limit the availability of records to the

public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 86-251; 86-870; 86-1028; 87-241; 87-673; 87-895; 88-444, § 5; 90-262, § 75; 90-273, § 50; 90-546, § 90; 90-655, § 8; 90-737, § 210; 90-759, § 95-5; 91-137, § 5; 91-357, § 7; 91-660, § 800; 92-16, § 7; 92-241, § 5; 92-281, § 5; 92-645, § 5; 92-651, § 7; 93-43, § 5; 93-209, § 3; 93-237, § 5; 93-325, § 5; 93-422, § 10; 93-577, § 93; 93-617, § 70; 94-280, § 5; 94-508, § 5; 94-664, § 5; 94-931, § 10; 94-953, § 5; 94-1055, § 95-10-5; 95-331, § 15; 95-481, § 5-900.)

Effect of Amendments.

The 1997 amendment by P.A. 90-262, effective July 30, 1997, in subdivision (1)(dd) substituted "Section 30 of the Radon Industry Licensing Act" for "Section 7 of the Radon Mitigation Act".

The 1997 amendment by P.A. 90-273, effective July 30, 1997, added subdivision (1)(ff).

The 1997 amendment by P.A. 90-546, effective December 1, 1997, added subdivision (1)(ff).

The 1998 amendment by P.A. 90-655, effective July 30, 1998, redesignated the former second version of subsection (1)(ff), as enacted by P.A. 90-546, as subsection (1)(gg).

The 1998 amendment by P.A. 90-737, effective January 1, 1999, designated former subsection (1)(ff) as present subsection (1)(gg), and added subsection (1)(hh).

The 1998 amendment by P.A. 90-759, effective July 1, 1999, redesignated former subsection (1)(ff) as present subsection (1)(gg) and added subsection (1)(hh), which appears above as the second subsection (1)(hh).

The 1999 amendment by P.A. 91-137, effective July 16, 1999, substituted the present subdivision (1)(ii) designation for the former second (1)(hh) designation and inserted "Beginning July 1, 1999" at the beginning of present subdivision (1)(ii); and added subdivision (1)(jj).

The 1999 amendment by P.A. 91-357, effective July 29, 1999, redesignated former subsection (hh) as added by P.A. 90-759, effective July 1, 1999 as present subsection (ii), and added "Beginning July 1, 1999" at the beginning of present subsection (ii).

The 1999 amendment by P.A. 91-660, effective December 22, 1999, substituted the subsection (1)(ii) designation for the second (1)(hh) designation and added "Beginning July 1, 1999" at the beginning; and added subsection (1)(jj).

The 2001 amendment by P.A. 92-16, effective June 28, 2001, substituted the subsection (1)(kk) designation for the former duplicate subsection (1)(jj) designation, and incorporated the amendments by P.A. 91-137, P.A. 91-357, and P.A. 91-660.

The 2001 amendment by P.A. 92-241, effective August 3, 2001, in subsection (1)(i) inserted "computer graphic systems"; and the former duplicate subsection (1)(j) was redesignated to subsection (1)(kk).

The 2001 amendment by P.A. 92-281, effective August 7, 2001, in subsection (1)(f) substituted "St. Clair County Transit District" for "State of Missouri"; and made stylistic changes.

The 2002 amendment by P.A. 92-645, effective July 11, 2002, substituted "geographic" for "graphic" in subsection (1)(i).

The 2002 amendment by P.A. 92-651, effective July 11, 2002, combined the amendments by P.A. 92-241 and P.A. 92-281.

The 2003 amendment by P.A. 93-43, effective July 1, 2003, added the second sentence in paragraph (i).

The 2003 amendment by P.A. 93-209, effective July 18, 2003, added subsection (1)(ll).

The 2003 amendment by P.A. 93-577, effective August 21, 2003, added subsection (ll).

The 2003 amendment by P.A. 93-237, effective July 22, 2003, added subsection (1)(b)(vi).

The 2003 amendment by P.A. 93-325, effective July 23, 2003, added "including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings" in subsection (1)(k).

The 2003 amendment by P.A. 93-422, effective August 5, 2003, in subsection (1)(k), inserted "and other construction related technical documents", "the same", and "but only", and made related changes; and added subsections (1)(ll) and (1)(mm).

The 2003 amendment by P.A. 93-617, effective December 9, 2003, in subsection (1)(hh) substituted "the State Officials and Employees Ethics Act" for "Section 80 of the State Gift Ban Act"; and redesignated the former duplicate versions of subsection (1)(11) as new subsections (1)(nn) and (oo).

The 2005 amendment by P.A. 94-280, effective January 1, 2006, added (1)(pp).

The 2005 amendment by P.A. 94-508, effective January 1, 2006, added the (g)(i) designation and added (g)(ii), and made a related change.

The 2005 amendment by P.A. 94-664, effective January 1, 2006, added (1)(pp).

The 2006 amendment by P.A. 94-931, effective June 26, 2006, in (1)(oo) substituted "Executive Council under the Abuse Prevention" for "Residential Health Care Facility Resident Sexual Assault and Death Review Teams Executive Council under the Residential Health Care Facility Resident Sexual Assault and Death"; and redesignated former duplicate (1)(pp) as (1)(qq) and made a related change.

The 2006 amendment by P.A. 94-953, effective June 27, 2006, renumbered former duplicate (1)(pp) as (1)(qq) and made a related change; and deleted "and appeal" before "of the case" in (1)(qq) in the last sentence.

The 2006 amendment by P.A. 94-1055, effective January 1, 2007, substituted "the Eminent Domain Act" for "Article VII of the Code of Civil Procedure" in (1)(s); and renumbered former duplicate (1)(pp) as (1)(qq) and made a related change.

The 2007 revisory amendment by P.A. 95-331, effective August 21, 2007, combined earlier multiple amendments to the section.

The 2007 amendment by P.A. 95-481, effective August 28, 2007, in (1)(mm) deleted "a utility's" after "security of" and added "owned by a utility or by the Illinois Power Agency"; and added (1)(rr).

This section was affected by multiple amendments of the Illinois General Assembly. Although these amendments failed to take each other into account, they do not conflict and have been combined in a single version by the editor.

5 ILCS 140/7.1 [Department of Public Aid and Department of Human Services]

Sec. 7.1. Nothing in this Act shall be construed to prohibit publication and dissemination by the Department of Healthcare and Family Services or the Department of Human Services of the names and addresses of entities which have had receipt of benefits or payments under the Illinois Public Aid Code [305 ILCS 5/1-1 et seq.] suspended or terminated or future receipt barred, pursuant to Section 11-26 of that Code [305 ILCS 5/11-26]. (Source: P.A. 84-1254; 89-507, § 90L-2; 95-331, § 15.)

Effect of Amendments.

The 1996 amendment by P.A. 89-507, effective July 1, 1997, inserted "or the Department of Human Services".

The 2007 revisory amendment by P.A. 95-331, effective August 21, 2007, substituted "Department of Healthcare and Family Services" for "Department of Public Aid".

5 ILCS 140/8 [Deletion of exempt information]

Sec. 8. If any public record that is exempt from disclosure under Section 7 of this Act [5 ILCS 140/7] contains any material which is not exempt, the public body shall delete the information which is

exempt and make the remaining information available for inspection and copying.
(Source: P.A. 85-1357.)

5 ILCS 140/9 [Notice of denial]

Sec. 9. (a) Each public body or head of a public body denying a request for public records shall notify by letter the person making the request of the decision to deny such, the reasons for the denial, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of his right to appeal to the head of the public body. Each notice of denial of an appeal by the head of a public body shall inform such person of his right to judicial review under Section 11 of this Act [5 ILCS 140/11].

(b) When a request for public records is denied on the grounds that the records are exempt under Section 7 of this Act [5 ILCS 140/7], the notice of denial shall specify the exemption claimed to authorize the denial. Copies of all notices of denial shall be retained by each public body in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.
(Source: P.A. 83-1013.)

5 ILCS 140/10 [Appeal of denial]

Sec. 10. (a) Any person denied access to inspect or copy any public record may appeal the denial by sending a written notice of appeal to the head of the public body. Upon receipt of such notice the head of the public body shall promptly review the public record, determine whether under the provisions of this Act such record is open to inspection and copying, and notify the person making the appeal of such determination within 7 working days after the notice of appeal.

(b) Any person making a request for public records shall be deemed to have exhausted his administrative remedies with respect to such request if the head of the public body affirms the denial or fails to act within the time limit provided in subsection (a) of this Section.

(Source: P.A. 83-1013.)

5 ILCS 140/11 [Injunctive or declaratory relief]

Sec. 11. (a) Any person denied access to inspect or copy any public record by the head of a public body may file suit for injunctive or declaratory relief.

(b) Where the denial is from the head of a public body of the State, suit may be filed in the circuit court for the county where the public body has its principal office or where the person denied access resides.

(c) Where the denial is from the head of a municipality or other public body, except as provided in subsection (b) of this Section, suit may be filed in the

circuit court for the county where the public body is located.

(d) The circuit court shall have the jurisdiction to enjoin the public body from withholding public records and to order the production of any public records improperly withheld from the person seeking access. If the public body can show that exceptional circumstances exist, and that the body is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in camera inspection, the court shall order the public body to provide an index of the records to which access has been denied. The index shall include the following:

(i) A description of the nature or contents of each document withheld, or each deletion from a released document, provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and

(ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act.

(g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

(h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a public record substantially prevails in a proceeding under this Section, the court may award such person reasonable attorneys' fees and costs. If, however, the court finds that the fundamental purpose of the request was to further the commercial interests of the requestor, the court may award reasonable attorneys' fees and costs if the court finds that the record or records in question were of clearly significant interest to the general public and that the public body lacked any reasonable basis in law for withholding the record.
(Source: P.A. 85-1357; 93-466, § 5.)

Effect of Amendments.

The 2003 amendment by P.A. 93-466, effective January 1, 2004.

inserted the language beginning "and costs. If, however" and ending "attorneys' fees and costs" in subsection (i).

GOVERNMENTAL ETHICS ILLINOIS GOVERNMENTAL ETHICS ACT

ARTICLE 4A.

DISCLOSURE OF ECONOMIC INTERESTS

5 ILCS 420/4A-101	Persons required to file
5 ILCS 420/4A-102	[Interests to be listed]
5 ILCS 420/4A-103	[Form of statement filed with Secretary of State]
5 ILCS 420/4A-104	[Form of statement filed with county clerk]
5 ILCS 420/4A-105	Time for filing
5 ILCS 420/4A-106	[Procedures concerning statements]
5 ILCS 420/4A-106.1	1994 school district and community college district filings
5 ILCS 420/4A-107	[Violations; penalties]

5 ILCS 420/4A-101 Persons required to file

Sec. 4A-101. *Persons required to file.* The following persons shall file verified written statements of economic interests, as provided in this Article:

- (a) Members of the General Assembly and candidates for nomination or election to the General Assembly.
- (b) Persons holding an elected office in the Executive Branch of this State, and candidates for nomination or election to these offices.
- (c) Members of a Commission or Board created by the Illinois Constitution, and candidates for nomination or election to such Commission or Board.
- (d) Persons whose appointment to office is subject to confirmation by the Senate.
- (e) Holders of, and candidates for nomination or election to, the office of judge or associate judge of the Circuit Court and the office of judge of the Appellate or Supreme Court.
- (f) Persons who are employed by any branch, agency, authority or board of the government of this State, including but not limited to, the Illinois State Highway Authority, the Illinois Housing Development Authority, the Illinois Community College Board, and institutions under the jurisdiction of the Board of Trustees of the University of Illinois, Board of Trustees of Southern Illinois University, Board of Trustees of Chicago State University, Board of Trustees of Eastern Illinois University, Board of Trustees of Governor's State University, Board of Trustees of Illinois State University, Board of Trustees of Northeastern Illinois University, Board of Trustees of Northern Illinois University, Board of Trustees of Western Illinois University, or Board of Trustees of the Illinois Mathematics and Science Academy, and are compensated for services as em-

ployees and not as independent contractors and who:

- (1) are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;
 - (2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or more;
 - (3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;
 - (4) have authority for the approval of professional licenses;
 - (5) have responsibility with respect to the financial inspection of regulated nongovernmental entities;
 - (6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the State;
 - (7) have supervisory responsibility for 20 or more employees of the State; or
 - (8) negotiate, assign, authorize, or grant naming rights or sponsorship rights regarding any property or asset of the State, whether real, personal, tangible, or intangible.
- (g) Persons who are elected to office in a unit of local government, and candidates for nomination or election to that office, including regional superintendents of school districts.
- (h) Persons appointed to the governing board of a unit of local government, or of a special district, and persons appointed to a zoning board, or zoning board of appeals, or to a regional, county, or municipal plan commission, or to a board of review of any county, and persons appointed to the Board of the Metropolitan Pier and Exposition Authority and any Trustee appointed under Section 22 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/22], and persons appointed to a board or commission of a unit of local government who have authority to authorize the expenditure of public funds. This subsection does not apply to members of boards or commissions who function in an advisory capacity.
- (i) Persons who are employed by a unit of local government and are compensated for services as employees and not as independent contractors and who:
- (1) are, or function as, the head of a department, division, bureau, authority or other administrative unit within the unit of local government, or who exercise similar authority within the unit of local government;
 - (2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the unit of local government in the amount of \$1,000 or greater;