

Effective: January 1, 2010

West's Smith-Hurd Illinois Compiled Statutes Annotated [Currentness](#)

Chapter 5. General Provisions

▢ Freedom of Information

▢ [Act 140. Freedom of Information Act \(Refs & Annos\)](#)

→ **140/7. Exemptions**

<Text of section as amended by P.A. 96-328, P.A. 96-542 and P.A. 96-558. See, also, other §§ 7.>

§ 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

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

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

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

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

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, 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 that is the recipient of the request;
 - (ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;
 - (iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;
 - (iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;
 - (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 or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;
 - (vi) endanger the life or physical safety of law enforcement personnel or any other person; or
 - (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.
- (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 commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

(i) 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 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) The following information pertaining to educational matters:

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

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

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

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

(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, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, con-

vention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

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

(m) 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.

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

(o) 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.

(p) Records 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.

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

(r) 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, 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.

(s) 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. 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.

(t) 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 in-

urance companies, unless disclosure is otherwise required by State law.

(u) 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.

(v) 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.

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

(y) 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 and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

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

(3) 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.

CREDIT(S)

P.A. 83-1013, § 7, eff. July 1, 1984. Amended by P.A. 83-1362, Art. IV, § 27, eff. Sept. 11, 1984; P.A. 84-988, § 3, eff. Sept. 25, 1985; P.A. 84-1252, § 10, eff. Jan. 1, 1987; P.A. 84-1431, Art. 8, § 4, eff. Nov. 25, 1986; P.A. 84-1438, Art. II, § 39, eff. Dec. 22, 1986; P.A. 85-653, § 2, eff. Sept. 20, 1987; P.A. 85-681, § 11, eff. Jan. 1, 1988; P.A. 85-1209, Art. II, § 2-80, eff. Aug. 30, 1988; P.A. 85-1357, § 1, eff. Jan. 1, 1989; P.A. 85-1440, Art. II, § 2-43, eff. Feb. 1, 1989; P.A. 86-251, § 9, eff. Aug. 15, 1989; P.A. 86-870, Art. 5, § 5001, eff. Sept. 8, 1989; P.A. 86-1028, Art. II, § 2-74, eff. Feb. 5, 1990; P.A. 87-241, § 1, eff. Jan. 1, 1992; P.A. 87-673, § 95, eff. Jan. 1, 1992; P.A. 87-895, Art. 2, § 2-65, eff. Aug. 14, 1992; P.A. 88-444, § 5, eff. Jan. 1, 1994; P.A. 90-262, § 75, eff. July 30, 1997; P.A. 90-273, § 50, eff. July 30, 1997; P.A. 90-546, § 90, eff. Dec. 1, 1997; P.A. 90-655, § 8, eff.

July 30, 1998; P.A. 90-737, § 210, eff. Jan. 1, 1999; P.A. 90-759, § 95-5, eff. July 1, 1999; P.A. 91-137, § 5, eff. July 16, 1999; P.A. 91-357, § 7, eff. July 29, 1999; P.A. 91-660, § 800, eff. Dec. 22, 1999; P.A. 92-16, § 7, eff. June 28, 2001; P.A. 92-241, § 5, eff. Aug. 3, 2001; P.A. 92-281, § 5, eff. Aug. 7, 2001; P.A. 92-645, § 5, eff. July 11, 2002; P.A. 92-651, § 7, eff. July 11, 2002; P.A. 93-43, § 5, eff. July 1, 2003; P.A. 93-209, § 3, eff. July 18, 2003; P.A. 93-237, § 5, eff. July 22, 2003; P.A. 93-325, § 5, eff. July 23, 2003; P.A. 93-422, § 10, eff. Aug. 5, 2003; P.A. 93-577, § 93, eff. Aug. 21, 2003; P.A. 93-617, § 70, eff. Dec. 9, 2003; P.A. 94-280, § 5, eff. Jan. 1, 2006; P.A. 94-508, § 5, eff. Jan. 1, 2006; P.A. 94-664, § 5, eff. Jan. 1, 2006; P.A. 94-931, § 10, eff. June 26, 2006; P.A. 94-953, § 5, eff. June 27, 2006; P.A. 94-1055, Art. 95, § 95-10-5, eff. Jan. 1, 2007; P.A. 95-331, § 15, eff. Aug. 21, 2007; P.A. 95-481, Art. 5, § 5-900, eff. Aug. 28, 2007; P.A. 95-941, § 5, eff. Aug. 29, 2008; P.A. 95-988, § 10, eff. June 1, 2009; P.A. 96-328, § 15, eff. Aug. 11, 2009; P.A. 96-542, § 10, eff. Jan. 1, 2010; P.A. 96-558, § 5, eff. Jan. 1, 2010.

Formerly Ill.Rev.Stat.1991, ch. 116, ¶ 207.

Current through 96-816, with the exception of 96-759, 96-782, 96-784, 96-791 to 96-793, 96-795, 96-799 to 96-802, 96-804, 96-805, and 96-810 to 96-813, of the 2009 Reg. Sess.

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Chapter 5. General Provisions

▣ Freedom of Information

▣ [Act 140](#). Freedom of Information Act ([Refs & Annos](#))

→ **140/7.1. Receipt of benefits or payments suspended or terminated; publication of names and addresses**

§ 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 [\[FN1\]](#) suspended or terminated or future receipt barred, pursuant to Section 11-26 of that Code. [\[FN2\]](#)

CREDIT(S)

P.A. 83-1013, § 7.1, added by P.A. 84-1254, § 2, eff. Jan. 1, 1987. Amended by [P.A. 89-507, Art. 90, § 90L-2, eff. July 1, 1997](#); [P.A. 95-331, § 15, eff. Aug. 21, 2007](#).

Formerly [Ill.Rev.Stat.1991, ch. 116, ¶ 207.1](#).

[\[FN1\]](#) 305 ILCS 5/1-1 et seq.

[\[FN2\]](#) 305 ILCS 5/11-26.

Current through 96-816, with the exception of 96-759, 96-782, 96-784, 96-791 to 96-793, 96-795, 96-799 to 96-802, 96-804, 96-805, and 96-810 to 96-813, of the 2009 Reg. Sess.

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Effective: January 1, 2010

West's Smith-Hurd Illinois Compiled Statutes Annotated [Currentness](#)

Chapter 5. General Provisions

▣ Freedom of Information

▣ [Act 140. Freedom of Information Act \(Refs & Annos\)](#)

→ **140/7.5. Statutory Exemptions**

<Text of section added effective Jan. 1, 2010.>

§ 7.5. Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

- (a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.
- (b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.
- (c) 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.
- (d) 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.
- (e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.
- (f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.
- (g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.
- (h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and re-

cords of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) 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.

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

(k) 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.

(l) 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.

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

(n) 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. This subsection (n) 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.

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

(p) 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 or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

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

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

CREDIT(S)

P.A. 83-1013, § 7.5, added by [P.A. 96-542, § 10, eff. Jan. 1, 2010](#).

Current through 96-816, with the exception of 96-759, 96-782, 96-784, 96-791 to 96-793, 96-795, 96-799 to 96-802, 96-804, 96-805, and 96-810 to 96-813, of the 2009 Reg. Sess.

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West's Smith-Hurd Illinois Compiled Statutes Annotated [Currentness](#)

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▣ Freedom of Information

▣ [Act 140](#). Freedom of Information Act ([Refs & Annos](#))

→ **140/8. Nonexempt materials contained in exempt records**

§ 8. If any public record that is exempt from disclosure under Section 7 of this Act 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.

CREDIT(S)

P.A. 83-1013, § 8, eff. July 1, 1984. Amended by [P.A. 85-1357, § 1, eff. Jan. 1, 1989](#).

Formerly [Ill.Rev.Stat.1991, ch. 116, ¶ 208](#).

Current through 96-816, with the exception of 96-759, 96-782, 96-784, 96-791 to 96-793, 96-795, 96-799 to 96-802, 96-804, 96-805, and 96-810 to 96-813, of the 2009 Reg. Sess.

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