

ILGL Annual Conference
February 17, 2020

FOIA EXEMPTIONS

a/k/a

1. **The weirdness of FOIA exemption lettering.**
2. **FOIA Exemptions that live outside FOIA.**
3. **What you thought were “permissive” FOIA exemptions may be “mandatory”.**

By Pat Lord

Oddly enough, even just identifying and staying current with FOIA exemptions can sometimes be more difficult than it should be.

1. FOIA exemption letters in Section 7 and Section 7.5 are often double-booked.

When legislation is enacted that adds a subsection to Section 7 or 7.5 of FOIA, the numbering (or in these sections, lettering) reflected in the enrolled Public Act may or may not end up being the letter that the new subsection is ultimately assigned. That is because there may be multiple pieces of legislation proposing FOIA exemptions during the same General Assembly session, and they all cite the next available letter in Section 7 or 7.5 of the Act at the time the legislation is drafted. If more than one of them becomes law, the General Assembly will sort out the lettering later by adopting a Revisory Act or another public act making technical changes to Sections 7 and 7.5.

****See attached listing of FOIA exemptions updated and graciously provided by Leah Bartelt, Deputy Public Access Counselor in the Public Access Bureau of the Illinois Attorney General's Office. For the subsections added by the 101st General Assembly, this listing identifies the numbering as passed in the cited Public Acts, and which therefore may be subject to change.***

For instance, Public Act 101-0434 created new exemption 7(1)(kk) which exempts public bodies' credit card, debit card, bank account, and Federal Employer Identification numbers from disclosure. The legislation was signed by the Governor on 8/20/19, but became effective on 1/1/20. However, if you search 5 ILCS 140/7 in Westlaw, FOIA exemption 7(1)(kk) is shown to be: "Records concerning the work of the threat assessment team of a school district." That exemption was added by Public Act 101-0455, which was signed by the Governor on 8/26/19, and had an immediate effective date. As of February 10, 2020, the exemption created by P.A. 101-0434 still doesn't show up in Section 7 of FOIA, so if you weren't keeping track of new legislation as it comes out, you wouldn't find out about it by doing a basic Westlaw search.

Another example is FOIA exemption 7.5(pp) which, according to Westlaw as of February 10, 2020, exempts: "Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act".

However, Public Act 101-0620, which took effect on 12/20/19 indicates that 7.5(pp) exempts from disclosure "Information prohibited from being disclosed under the Illinois Public Labor Relations Act". FYI, the amended Illinois Public Labor Relations Act, at 5 ILCS 315/6 (c-5), provides that:

<u>(c-5) No employer shall disclose the following information</u>
<u>of any employee: (1) the employee's home address (including ZIP</u>
<u>code and county); (2) the employee's date of birth; (3) the</u>
<u>employee's home and personal phone number; (4) the employee's</u>
<u>personal email address; (5) any information personally</u>
<u>identifying employee membership or membership status in a labor</u>
<u>organization or other voluntary association affiliated with a</u>
<u>labor organization or a labor federation (including whether</u>
<u>employees are members of such organization, the identity of</u>
<u>such organization, whether or not employees pay or authorize</u>
<u>the payment of any dues or moneys to such organization, and the</u>
<u>amounts of such dues or moneys); and (6) emails or other</u>
<u>communications between a labor organization and its members.</u>
<u>As soon as practicable after receiving a request for any</u>
<u>information prohibited from disclosure under this subsection</u>
<u>(c-5), excluding a request from the exclusive bargaining</u>
<u>representative of the employee, the employer must provide a</u>
<u>written copy of the request, or a written summary of any oral</u>
<u>request, to the exclusive bargaining representative of the</u>
<u>employee or, if no such representative exists, to the employee.</u>
<u>The employer must also provide a copy of any response it has</u>
<u>made within 5 business days of sending the response to any</u>
<u>request.</u>

The Illinois Labor Relations Act created other exemptions as well, and other requirements, including (but not limited to):

<u>(oo) Information prohibited from being disclosed under</u>
<u>the Illinois Educational Labor Relations Act.</u>
<u>(qq) Information prohibited from being disclosed under</u>
<u>Section 1-167 of the Illinois Pension Code.</u>

2. Some exemptions live outside of FOIA (“FOIA Orphan Exemptions”).

With the introduction of Section 140/7.5 to FOIA in 2010, many FOIA exemptions that exist in other statutes, (such as the Juvenile Court Act or the Personnel Record Review Act), have been given their own exemption under FOIA. Nonetheless, there are still some statutory provisions that exempt information contained in public records from being disclosed under FOIA that have not yet been incorporated by reference into Section 140/7.5. This is a concern, particularly if they are mandatory exemptions such as the one found in 725 ILCS 5/103-2.1 (“When statements by accused may be used”), par. (g), which includes a mandatory FOIA exemption that provides:

(g) Any electronic recording of any statement made by an accused during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided in Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

There are other “orphan” FOIA exemptions, but there is no one cohesive list of them all. Therefore, I propose that an FOIA Orphan Exemption List be established, and whenever anyone runs across a statute that prohibits disclosure of information under FOIA which is not already cited in Section 7 or 7.5 of FOIA, it can be added to the list. Until a more formal and permanent host for such a list can be identified, I hereby volunteer to accept all FOIA Orphan Exemption nominations and to keep the list available on the ILGL website. Nominations can be sent to lordp@naperville.il.us.

3. Some exemptions that appear to be “permissive” can, in some instances, become “mandatory”.

After years of thinking that most, although not all, FOIA exemptions are “permissive” (i.e. exemptions where information *may be* redacted, but information that is *not required* to be redacted), it was unsettling to find out that two of the most frequently relied upon “permissive” exemptions: 7(1)(b) – private information, and 7(1)(c) – personal information, could become “mandatory” and could result in potential civil rights liability for public entities and their employees.

This occurred in the case of *Munn v. Aurora*, currently pending in the U.S. District Court for the Northern District of Illinois, 17 cv 05296. In that case, the records manager in the police department inadvertently failed to redact home addresses and other private information pertaining to police officers and their family members, and that information was provided in response to a FOIA request submitted by an individual in prison who was a known member of the Latin Kings. The police officers whose information had been FOIAed had helped to convict the FOIA requester. After the city notified the police officers of the disclosure, the officers filed suit in federal court claiming that the disclosure placed them and their family members in danger, and that they suffered damages while attempting to alleviate that danger, including installing home electronic security systems and even (possibly) relocating. The court determined that the essence of plaintiffs’ case was the cause of action of “state created danger” and denied a motion to dismiss brought by defendants. A motion for summary judgment is currently pending.

The moral of the story is that FOIA requests should be evaluated to determine (*if* it can be determined since FOIA officers typically don’t know why a request is being made), if disclosure of information might result in harm, and to err on the side of redaction if there is any doubt. For instance, in a domestic violence case, a FOIA officer would want to be careful not to disclose the home or work address of an alleged victim to a requester who is the suspected abuser. While that may sound like common sense, FOIA officers will need to take the time to consider the context of FOIA requests to undertake such an evaluation. Since they are often dealing with numerous FOIA requests, with tight timeframes for a response, time is usually not a luxury they have.

(5 ILCS 140/) Freedom of Information Act. [February 11, 2020]

Sec. 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.

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

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

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including,

but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(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.

The information included under this exemption includes 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, convention 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, insurance companies, or pharmacy benefit managers, 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.

(w) (Blank).

- (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.
- (z) Information about students exempted from disclosure under Sections 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.
- (aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.
- (bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.
- (cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.
- (dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.
- (ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.
- (ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.
- (gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.
- (hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.
- (ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those

materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

[kk] Records concerning the work of the threat assessment team of a school district. **[Added by Public Act 101-455, eff. 8-26-19]**

[kk] The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person. **[Added by Public Act 101-434, eff. 1-1-20]**

Sec. 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 records 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 carriers under the Emergency Telephone System 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 Record 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.
- (t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the

Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

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

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

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

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

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

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

[oo] Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act. **[Added by Public Act 101-375, eff. 8-16-19]**

[oo] Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act. **[Added by Public Act 101-375, eff. 8-16-19]**

[oo] Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act. **[Added by Public Act 101-013, eff. 6-12-19]**

[oo] Information that is exempt from disclosure under the Cannabis Regulation and Tax Act. **[Added by Public Act 101-027, eff. 6-25-19]**

[oo] Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act. **[Added by Public Act 101-221, eff. 1-1-20]**

[oo] Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act. **[Added by Public Act 101-236, eff. 1-1-20]**

[oo] Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act. **[Added by Public Act 101-377, eff. 8-16-19]**

[oo] Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code. **[Added by Public Act 101-452, eff. 1-1-20]**

[oo] Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act. **[Added by Public Act 101-466, eff. 1-1-20]**

[oo] Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code. **[Added by Public Act 101-600, eff. 12-6-19]**

[oo] Information prohibited from being disclosed under the Illinois Educational Labor Relations Act. **[Added by Public Act 101-620, eff. 12-20-19]**

[pp] Information prohibited from being disclosed under the Illinois Public Labor Relations Act. **[Added by Public Act 101-620, eff. 12-20-19]**

[qq] Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code. **[Added by Public Act 101-620, eff. 12-20-19]**