



2025 FOIA Legislation Analysis

Description

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Executive summary

The foundational principle of Illinois's Freedom of Information Act is that the public is entitled to full and complete information regarding the affairs of government. Many stakeholders—journalists, researchers, government agencies, members of the public, etc.—have a vested interest in how FOIA works.

Dozens of bills impacting FOIA go through the state legislature each year. Some are meant to change FOIA directly. Others have a different purpose but contain language that impacts FOIA, often by adding or changing its exemptions.

BGA Policy conducted an analysis to help those who rely on FOIA understand how the legislature has considered changing access to public documents. It answers these questions:

- How many bills that would have impacted FOIA did the General Assembly consider this past spring?
- How would these bills have impacted FOIA?
- How many of these bills passed?
- Do the bills that passed, or went beyond being introduced, share any themes?

We analyzed legislation from the 104th General Assembly introduced by late summer of 2025 and found 80 bills impacting FOIA. Of those, 55% were written to impact FOIA, while the rest primarily had some other purpose.

Only four bills became law. Two of the bills, [SB 2456](#) and [HB 3339](#), altered FOIA directly. The other two bills, [HB 3363](#) and [SB 1797](#), primarily had a purpose aside from altering FOIA, but nonetheless made changes to it.

HB 3363 created the Office of the State Public Defender and made it subject to FOIA, the first time an element of the judiciary is subject to the statute in Illinois. The other three weakened FOIA by either adding or extending exemptions.

Bills that make conforming changes â?? addressing how records created by the bill would be treated by FOIA â?? can be no less harmful or beneficial to FOIA than bills specifically designed to alter the public access statute, but given their scope, they are treated as their own category for this analysis.

Of the 44 bills that would have altered FOIA directly, 73% would have weakened FOIA, 20% would have widened it, and the remaining 7% wouldnâ??t have done either.

Of the 80 bills analyzed, there were 36 that would have made a conforming change to FOIA. Of those, 92% would have weakened FOIA, 6% would have strengthened it, and the remaining 3% would have had neither a positive nor negative effect.

These findings show that most of the changes the General Assembly considers making to FOIA weaken access to public documents.

Background on FOIA

The Freedom of Information Act was codified on Dec. 27, 1983, when then-Gov. James Thompson signed House Bill 234. Illinois was the last state to have a public access law. In 2009, it got an overhaul when Senate Bill 189 became law. SB 189 made FOIA into the form we know today, although changes have been made since. The 2009 bill made structural changes, such as adding the section granting a presumption of openness, and technical changes, like adding â??electronic communicationsâ?• to a list of public records.

Over the years, FOIA has been used to provide access to government documents in cases big and small. Sometimes requesters even go to court to get records.

In one case, reporter Dan Mihalopoulos sought communications between a Cook County commissioner and staff of the Cook County Board of Commissioners. When his request was denied, Chicago Public Media took the Cook County Office of the President to court, where a ruling forced most of the communications to be turned over.

Other FOIA cases have led to entire classes of public documents being available, and theyâ??ve changed the media and political landscape. In *Kalven v. Chicago*, not only did the courts decide that crucial police misconduct records are available to the public, but access to these documents led to the

incorporation of the Invisible Institute, which maintains one of the most comprehensive datasets of police misconduct in the U.S.

FOIA begins with a presumption of openness. Unless a public body can point to an exemption, any and all documents are available for public access. The rest of the law largely explains how to request public records, what happens after a request and what's exempt.

Although a public body may honor oral requests, written requests are the norm. They are also the requests government is bound to answer. Acceptable methods include: in person, mail, fax or email. Many agencies use online portals, but they cannot require a requester to use a specific method.

Public bodies have five days to comply with a request, which is often extended five days for a variety of reasons. Requests can be declared "unduly burdensome" if they interfere with the public body's typical operations and that burden outweighs the public interest in answering the request. Public bodies must respond in writing to explain why the request is unduly burdensome.

Members of the public who submit 50 requests to the same public body within 12 months, 15 requests within 30 days or seven requests in seven days can be labeled a "recurrent requester." (This doesn't apply to news media, nonprofits or scientific and academic organizations.) Recurrent requesters face extra hurdles, including a waiting period of 21 business days before government agencies are required to respond, and a requirement to pay fees before copying the requested documents.

Voluminous requests, requests made for commercial purposes and other matters can add fees and wait times, but in general FOIA favors openness and allows anyone to see what Illinois government is doing and how it works.

Methodology

Using the legislative tool FastDemocracy, BGA Policy searched for all bills from the current Illinois General Assembly that included the statute section 5 ILCS 140 the Illinois Freedom of Information Act. This search yielded 114 bills. Any bill that was a technical change to the title of FOIA was marked as a "shell bill" and removed from the analysis. Any bill whose final version did not impact FOIA was also removed. For example, if a bill impacted FOIA as introduced, but the subsequent version did not, the bill was removed from the analysis. We found 16 bills that largely served the purpose of repealing existing law. These were also removed, leaving 80 bills.

From there, BGA Policy analyzed whether a bill would make a conforming change to FOIA or whether the purpose of the bill was to alter FOIA itself. A bill that makes a conforming change can still have a positive or negative impact on FOIA, but its overall purpose has more to do with some other endeavor.

We placed bills into those two categories, then into sub-categories of widening FOIA, limiting FOIA or being FOIA-neutral.

Bills flagged as limiting or widening FOIA were further broken down: either as adding or removing an exemption, making requesting documents easier or more cumbersome, or a mix of those. FOIA-neutral and repeal bills were not given further analysis.

Creating a document or record is viewed as neutral in this analysis. However, exempting that new record from FOIA is considered to be limiting FOIA. Under this analysis, all documents were considered to be public documents until exempted.

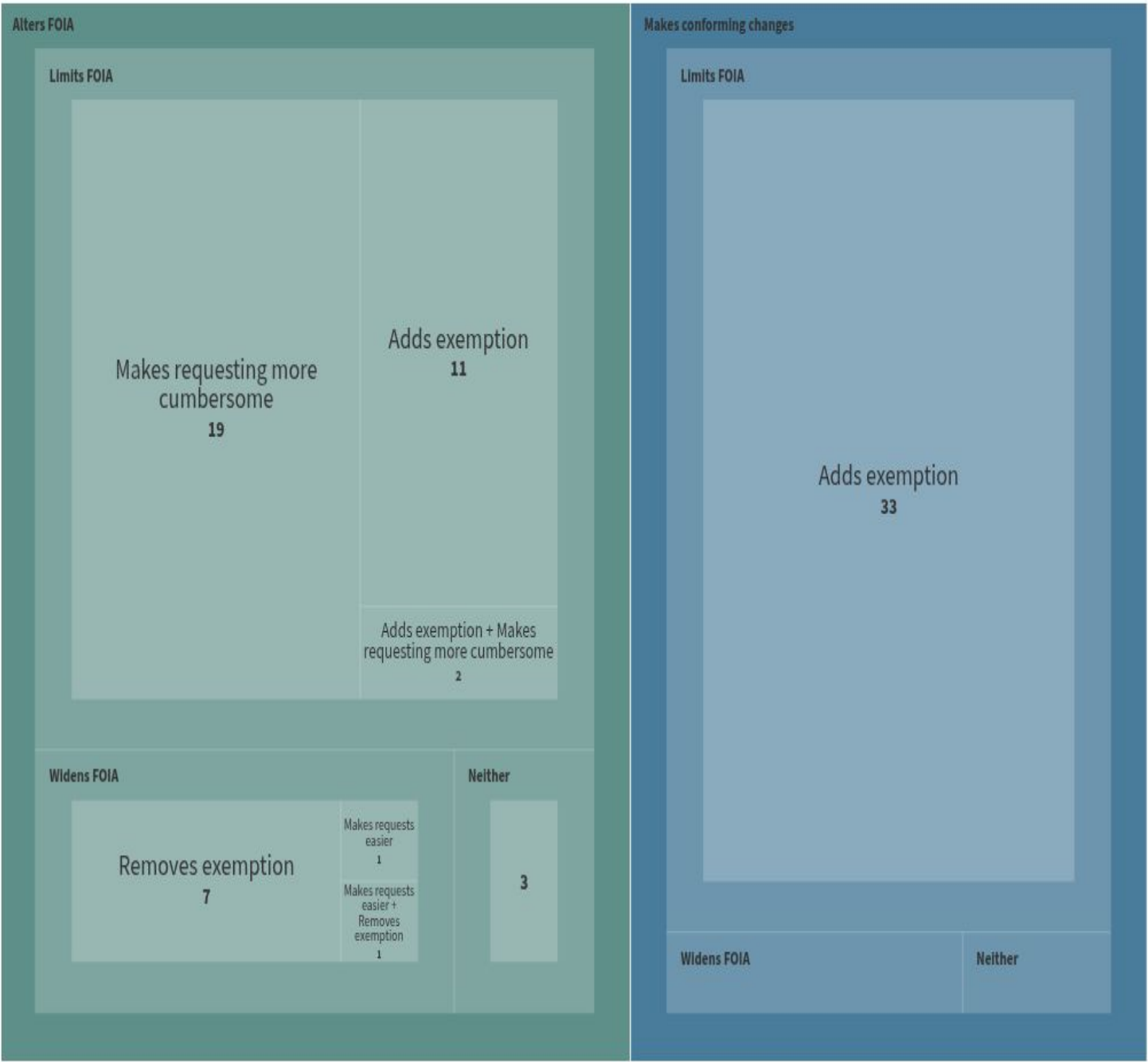
Findings

Of the 80 bills in the analysis, 36 would have made conforming changes to FOIA, and the remaining 44 would have specifically altered FOIA. Within the category of altering FOIA, 32 bills would have weakened FOIA, nine would have widened FOIA and three were FOIA-neutral.

Of the 36 bills that would have made conforming changes, 33 would have weakened FOIA, two would have widened FOIA and the last one was FOIA-neutral.

Breakdown of Bills That Alter or Make Conforming Changes to FOIA

Select a section to zoom in.



The bills that alter FOIA

Bills that alter FOIA directly can aid or impede public access to government documents. The two main areas of concern are the exemptions in section 7 and the various elements throughout FOIA that impact the process of requesting information.

Exemptions keep the public from accessing certain information. Changes to the requesting process can have disparate, but no less impactful, implications for accessing government documents.

Limiting FOIA

Of the 44 bills that alter FOIA, 32 limit the statute. The majority, 19, make requesting more cumbersome, while 11 add an exemption. Two others do both. Only two bills that limit FOIA became law, and they both added an exemption. The other 30 bills were introduced but went no further.

Making requests more cumbersome

None of the 19 bills that made requesting more cumbersome went beyond being introduced.

List of bills: [HB 31](#), [HB 1740](#), [HB 2334](#), [HB 2370](#), [HB 2578](#), [HB 2792](#), [HB 2881](#), [HB 2882](#), [HB 2883](#), [HB 2884](#), [HB 2887](#), [HB 2888](#), [SB 1357](#), [SB 2142](#), [SB 2167](#), [SB 2169](#), [SB 2170](#), [SB 2171](#), [SB 2172](#)

Adding an exemption

A total of 11 bills would have altered FOIA by adding an exemption. Two of them became law: [SB 2456](#) and [HB 3339](#). The other nine were only introduced.

SB 2456 extends the time that images from cameras under the Expressway Camera Act remain exempt from FOIA. Before SB 2456 became law, this exemption was set to expire on July 1, 2025. These images will now remain exempt until July 1, 2028.

HB 3339 impacts the same section of FOIA and further expands upon the exemption that SB 2456 extended by adding all automated license plate reader information used and collected by the Illinois State Police. This includes not only the data created by a reader, but also any information created from an analysis of reader data.

List of bills: [HB 21](#), [HB 1468](#), [HB 2421](#), [HB 2518](#), [HB 3339](#), [HB 3611](#), [HB 4084](#), [SB 1489](#), [SB 1590](#), [SB 2436](#), [SB 2456](#)

Adding an exemption and making requests more cumbersome

Both bills that would have added an exemption and made requesting more cumbersome only got so far as being introduced. They focused on limiting access to body cam footage.

List of bills: [HB 3515](#), [HB 4000](#)

Widening FOIA

Of the 44 bills that would have altered FOIA, nine expanded it. Seven would have exclusively removed an exemption, one would have exclusively made requesting easier, and one bill would have done both. All nine only made it so far as being introduced.

Removing an exemption

All seven bills that would have removed an exemption got no further than being introduced.

List of bills: [HB 1855](#), [HB 1856](#), [HB 2576](#), [HB 2722](#), [HB 3592](#), [SB 1665](#), [SB 1826](#)

Making requests easier

The one bill that would have made requesting easier got no further than being introduced.

List of bills: [SB 226](#)

Removing an exemption and making requests easier

The one bill that would have done both only got so far as being introduced.

List of bills: [HB 3465](#)

Neither widening nor limiting FOIA

Three bills that would have altered FOIA had no impact on exemptions or making requests.

List of bills: [HB 2885](#), [SB 1386](#), [SB 2173](#)

Conforming changes to FOIA

If a bill makes a conforming change to FOIA, it is no more or less likely to have an adverse or beneficial effect on it. It simply means that the bill, at its core, is about something other than FOIA. As in the preceding section, bills can impact FOIA in a number of ways, but for the requester, what matters most is whether a bill adds or removes an exemption, or makes the requesting process easier or not.

BGA Policy found 36 bills that would have made conforming changes that impacted FOIA.

Limiting FOIA

There are 33 bills in the analysis that would have made conforming changes and, in so doing, limit FOIA, all of them by adding an exemption. Five bills went beyond being introduced, but only one became law: [SB 1797](#), [HB 2827](#), [HB 2857](#), [HB 3163](#) and [HB 3477](#) all fell short of becoming law.

SB 1797 added a new exemption to FOIA, for information prohibited from disclosure under the Digital Assets Regulation Act deemed “confidential supervisory information.” That’s information that the Department of Financial and Professional Regulation acquires during its regulatory activities, or documents prepared using such information.

HB 2827 would have created the Homeschool Act, adding protections for ensuring homeschooled students receive adequate education, mandating reporting of when guardians take their children out of public school and begin homeschooling and made conforming changes to FOIA to exempt the records that contain confidential information that would have been generated under this act.

HB 2857 would have created the Highway Work Zone Safety Act, mandating the creation of automated traffic control systems in highway construction and maintenance speed zones. The collected information would have been exempt under FOIA.

HB 3163 would have amended the Reproductive Health Act to allow health care professionals who provide abortion-related care to ask any governmental agency, person, business or association from disclosing any of their personal information. It would have exempted this information from disclosure under FOIA.

HB 3477 would have created the Small Business Financing Transparency Act and created provisions regarding the disclosure requirements for various financing methods, added penalties for failure to comply with disclosure requirements and made conforming changes to FOIA.

List of bills: [HB 1026](#), [HB 1078](#), [HB 1143](#), [HB 1159](#), [HB 1768](#), [HB 1829](#), [HB 1833](#), [HB 2595](#), [HB 2827](#), [HB 2832](#), [HB 2857](#), [HB 2992](#), [HB 3163](#), [HB 3212](#), [HB 3477](#), [HB 3483](#), [HB 3666](#), [HB 3778](#), [HB 3794](#), [SB 5](#), [SB 260](#), [SB 299](#), [SB 1200](#), [SB 1512](#), [SB 1797](#), [SB 1907](#), [SB 2006](#), [SB 2030](#), [SB 2184](#), [SB 2294](#), [SB 2327](#), [SB 2413](#), [SB 2486](#)

Widening FOIA

Two bills in BGA Policy’s analysis would have made conforming changes that expanded FOIA. Only one, [HB 3363](#), became law. This analysis finds that HB 3363 overall expands FOIA, but it does technically both add an exemption and remove one.

HB 3363 is an overhaul of Illinois’s public defender system. Before this bill, many public defenders had been under the jurisdiction of the circuit court, making them exempt from FOIA. By making the Office of the State Public Defender subject to FOIA, and moving local public defenders out from under the sole discretion of that circuit’s chief judge, this bill greatly widens access to government documents via FOIA.

This bill also adds an exemption for records created or compiled by a state public defender or any auxiliary of the public defense system created by the State Public Defender Act that contain

individual client information, records subject to attorney-client privilege, records not discoverable in litigation, training materials, records related to attorney consultation and representation strategy. This exemption does not apply to deidentified, aggregated administrative records, such as general case processing and workload information. Analysis by BGA Policy finds that this exemption is superfluous given that the material would be covered under other exemptions â?? 7(1)(b), 7(1)(c), 7(1)(m) or a combination thereof â?? and so this exemption is of weakened material impact on FOIA and does not outweigh the great gain to FOIA by moving so many governmental entities into the realm of FOIA.

List of bills: [HB 1717](#), [HB 3363](#)

Neither widening nor limiting FOIA

In BGA Policyâ??s analysis, one bill would have neither widened nor limited FOIA. It got no further than being introduced.

List of bills: [HB 1039](#)