



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3282

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

205 ILCS 715/5
205 ILCS 715/17 new

Amends the Data Processing Services for Financial Institutions Act. Changes the definition of "financial institution" to remove a depository institution and include a bank, savings bank, credit union, or a foreign banking corporation that receives certificates of authority from the Department of Financial and Professional Regulation (rather than the Office of Banks and Real Estate). Provides that if a financial institution makes data available to an independent data processing servicer, the data shall remain the property of the financial institution. Effective immediately.

LRB100 10205 SMS 20387 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Data Processing Services for Financial
5 Institutions Act is amended by changing Section 5 and by adding
6 Section 17 as follows:

7 (205 ILCS 715/5)

8 Sec. 5. Definitions. As used in this Act, the following
9 terms shall have the following meanings:

10 "Corporate fiduciary" has the meaning ascribed to that term
11 in the Corporate Fiduciary Act.

12 ~~"Depository institution" means a bank, savings and loan~~
13 ~~association, savings bank, or credit union chartered under the~~
14 ~~laws of Illinois or of the United States.~~

15 "Financial institution" means a bank, savings bank, or
16 credit union chartered under the laws of Illinois or of the
17 United States or a subsidiary thereof, ~~any depository~~
18 ~~institution~~ or a corporate fiduciary that has its main office
19 in Illinois and includes foreign banking corporations that
20 receive certificates of authority from the Department of
21 Financial and Professional Regulation ~~Office of Banks and Real~~
22 ~~Estate~~ under the Foreign Banking Office Act.

23 "Independent data processing servicer" means an entity

1 that provides electronic data processing services to a
2 financial institution, but does not include an entity to the
3 extent the entity processes interchange transactions, as
4 defined in the Electronic Fund Transfer Act.

5 "Interface agreement" means a written agreement specifying
6 the terms and conditions under which an interface of
7 communications, data, or systems between independent data
8 processing servicers shall be accomplished.

9 "Main office" means the location designated as the main
10 office or principal place of business in the charter, articles
11 of incorporation, or certificate of authority of the depository
12 institution or corporate fiduciary.

13 (Source: P.A. 91-742, eff. 6-2-00.)

14 (205 ILCS 715/17 new)

15 Sec. 17. Ownership of financial institution data. If a
16 financial institution transfers or otherwise makes available
17 to an independent data processing servicer any data from the
18 financial institution's records, such data shall at all times
19 remain the property of the financial institution. The
20 independent data processing servicer shall have no right,
21 title, or interest in claiming legal ownership of the data. The
22 transfer of the data by the financial institution only
23 authorizes the independent data processing servicer to
24 exercise temporary control of the data for the limited purpose
25 of performing the contracted services requested by the

1 financial institution.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.