**Section 110.290 Consumer Service**

a) For the purposes of this Part, "certified database" or "database" means the consumer reporting service database established pursuant to the Payday Loan Reform Act [815 ILCS 122].

b) The Division shall approve a database as a method of reporting loans as required by Section 17.5 of the Act and by the Payday Loan Reform Act. Upon approving a database, the Department shall provide reasonable notice to all lenders identifying the approved database.

c) Except as otherwise provided in this Section, all personally identifiable information regarding any prospective obligor or obligor obtained by way of the approved database and maintained by the Department is strictly confidential and shall be exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act [5 ILCS 140].

d) The certified database shall comply with all requirements of the Payday Loan Reform Act and associated Payday Loan Reform Act rules (38 Ill. Adm. Code 210) and all requirements of the Consumer Installment Loan Act.

e) A lender may rely on the information contained in the approved database as accurate and is not subject to any administrative penalty or liability as a result of relying on inaccurate information contained in the database.

f) The database provider shall meet all qualifications outlined in the Payday Loan Reform Act.

g) The surety bond required by 815 ILCS 122/2-17 shall also secure the faithful performance of the database’s obligations under the Consumer Installment Loan Act.

h) For any loan other than a title-secured loan the licensee shall enter the following information into the certified database within 90 days after the loan is made:

1) Obligor's Social Security Number, Alien Identification Number, or other official identification number, as approved by the USA Patriot Act rules and regulations (see 31 CFR 1020.220(a)(2)(i)(A)(4)(ii)), issued by a foreign government or government in the United States;

2) Principal amount of the loan;

3) Total of payments;

4) Whether the loan is precomputed or interest-bearing;

5) Maturity date of the loan;

6) Date of the loan;

7) Number and amount of scheduled payments;

8) Zip code of obligor and any co-maker;

9) Security taken;

10) APR;

11) PLPA APR;

12) Whether the loan pays off any prior loan; and

13) Any additional information the Director may require.

i) The licensee shall update the certified database within 90 days if any of the following events occur:

1) Missed payment;

2) Late payment fee charged;

3) Licensee accelerates the loan or otherwise deems the loan immediately due in full;

4) Paying the loan in full;

5) Closing of the loan;

6) Writing off the loan;

7) Involuntary repossession of any security;

8) Voluntary surrender of any security;

9) Sale of any security;

10) Return of any security to consumer; or

11) Any other event as the Director may require.

j) The certified database provider shall indemnify the licensee against all claims and actions arising from illegal or willful or wanton acts on the part of the certified database provider. The certified database provider may charge a fee not to exceed $1 for each loan entered into the certified database under subsection (b). The database provider shall not charge any additional fees or charges to the licensee.

k) A licensee who submits information to a certified database provider in accordance with this Section shall not be liable to any person for any subsequent release or disclosure of that information by the certified database provider, the Department, or any other person acquiring possession of the information, regardless of whether the subsequent release or disclosure was lawful, authorized, or intentional.

l) To the extent the certified database becomes unavailable to a licensee as a result of some event or events outside the control of the licensee including, but not limited to, unavailability due to the certified database being unable to accept information from the licensee or the certified database is decertified, the requirements of this Section and Section 17.5 of the Act shall not be enforceable by the Department until such time as the certified database becomes available.

(Source: Amended at 47 Ill. Reg. 9271, effective June 20, 2023)