**Section 1030.140 Use of Captured Images**

a) The Secretary of State shall maintain a file of all images captured in the process of issuing a driver's license or identification card.

1) No other entity shall maintain a file of all or any subset of images, or store them as part of a database or separately established collection, unless explicitly authorized by law or this Section.

2) Images may be retained in hard copy or electronic format only as part of a case record by a criminal justice agency, as required to complete an investigation, to provide evidence or other documentation for the investigation, or as required for any subsequent law enforcement action. The images must remain confidential, be available only to criminal justice agencies, and be disposed of in accordance with established record retention policies pertaining to criminal justice records.

3) Images retrieved for the sole purpose of secondary dissemination shall not be stored by the disseminating agency, except for the purposes of transmission.

4) Illinois State Police may store images retrieved for the purpose of verification and issuance of Firearm Owner Identification Cards, Concealed Carry License Cards, and for use on their Sex Offender Registry.

5) Upon the request of the individual, the Secretary of State may maintain a captured image as part of its Lobbyist Registration database, which is available for access by the general public.

b) The images shall not be publicly displayed or accessed by or distributed to persons other than those authorized by this Section, unless otherwise explicitly allowed by law.

1) The images shall be *confidential and shall not be disclosed, except to the following persons and for the following* reasons:

A) *The individual, upon written request* [625 ILCS 5/6-110.1];

B) A family member or estate executor of a deceased individual, upon written request and submission of a copy of the death certificate or other proof of death and other information, at the discretion of the Department, including but not limited to the deceased individual's driver's license number, State issued ID number, social security number, date of birth, date of death and last address;

C) Police *officers and employees of the Secretary of State who have a need to have access to the stored images* to:

i) *issue or control driver's licenses and identification cards* [625 ILCS 5/6-110.1];

ii) conduct an investigation into fraudulent activities or misconduct;

iii) conduct hearings regarding the cancellation, suspension or revocation of a driver's license or identification card; or

iv) register individuals under the Lobbyist Registration Act [25 ILCS 170];

D) Illinois and federal criminal justice agencies for lawful civil or criminal law enforcement investigations;

E) Criminal justice agencies from other states or jurisdictions for the purpose of lawful civil or criminal law enforcement investigations;

F) For use and display by the Illinois State Police in their Sex Offender Registry maintained by law and for display in the Secretary of State Lobbyist Registry;

G) Other jurisdictions that issue official State driver's licenses and identification cards to ensure that an individual has a valid driver's license or identification card, is not fraudulently using identity information, is not fraudulently attempting to obtain or use a driver's license or identification card, or for similar investigations by a jurisdiction that are related to the issuance and control of driver's licenses and identification cards;

H) A central issuance driver's license or identification card vendor contracted by the Department solely for the purpose of producing a driver's license/identification card; or

I) Public Defenders for use in the investigation and defense of a person for whom the public defender has been appointed by the court and who has been issued Uniform Citation and Complaint for a violation of the Illinois Vehicle Code or charged with a felony or misdemeanor.

2) Broad secondary dissemination to the public or to persons other than those authorized by this Section can occur if the law enforcement entity responsible for the investigation for which the image was requested deems further dissemination of the image to be necessary for locating a suspect or crime victim or for protecting public or officer safety in the course of a criminal investigation, and if:

A) No other suitable image is available;

B) Additional methods of verification of the person's identity and image have been completed;

C) The following disclaimer language is included:

"Only for use as authorized by 625 ILCS 5/6-110.1 and 92 Ill. Adm. Code 1030.140. This information and image cannot be certified to be anything other than the information and image of the individual who presented himself or herself to the Secretary of State's Office with the required forms of identification."; and

D) It is approved in advance in writing by the Secretary of State Department of Police.

3) Only images of a suspect in the investigation for which the image was requested shall be used in any line-up or photo array.

c) Recipients of images from the Secretary of State may not disseminate images further, except criminal justice agencies may disseminate images to other eligible criminal justice agencies for the purposes of the investigation for which the image was originally requested.

1) The Secretary of State shall establish procedures for electronic and hard copy dissemination of images that ensure secure transmission and adherence with all established law and rules regarding images.

2) Any agency that secondarily disseminates an image must have the ability to identify other eligible entities and provide records of dissemination and must have the ability to ensure that the secondary recipient or requestor meets the definition of criminal justice agency. Secondary dissemination will require verification of the recipient's LEADS certification or similar level of verification if LEADS certification is not applicable and may require other levels of verification established by the Secretary of State that are necessary to ensure secure and legal distribution and use of images.

3) Methods of requesting and disseminating the images must include a provision that the request for and subsequent receipt of the images serves as an agreement to keep the images confidential and to adhere to all established law and rule regarding the images and must include any disclaimers required by the Secretary of State.

(Source: Amended at 48 Ill. Reg. 6080, effective April 5, 2024)