



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4006

Introduced 1/8/2020, by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

605 ILCS 10/19.1

Amends the Toll Highway Act. Provides that the Illinois State Toll Highway Authority may make personally identifiable information of a person available to a law enforcement agency only pursuant to a search warrant. Provides that, absent a search warrant to the contrary, the Authority shall immediately, but in any event within no more than 5 days, notify the person that his or her records have been obtained and shall provide the person with a copy of the search warrant and the identity of the law enforcement agency or peace officer to whom the records were provided. Effective immediately.

LRB101 14653 TAE 63570 b

1 AN ACT concerning transportation.

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

4 Section 5. The Toll Highway Act is amended by changing
5 Section 19.1 as follows:

6 (605 ILCS 10/19.1)

7 Sec. 19.1. Confidentiality of personally identifiable
8 information obtained through electronic toll collection
9 system.

10 (a) For purposes of this Section:

11 "Electronic toll collection system" is a system where a
12 transponder, camera-based vehicle identification system, or
13 other electronic medium is used to deduct payment of a toll
14 from a subscriber's account or to establish an obligation to
15 pay a toll.

16 "Electronic toll collection system user" means any natural
17 person who subscribes to an electronic toll collection system
18 or any natural person who uses a tolled transportation facility
19 that employs the Authority's electronic toll collection
20 system.

21 "Personally identifiable information" means any
22 information that identifies or describes an electronic toll
23 collection system user, including but not limited to travel

1 pattern data, address, telephone number, e-mail address,
2 license plate number, photograph, bank account information, or
3 credit card number.

4 (b) Except as otherwise provided in this Section, the
5 Authority may not sell or otherwise provide to any person or
6 entity personally identifiable information of any electronic
7 toll collection system user that the Authority obtains through
8 the operation of its electronic toll collection system.

9 (c) The Authority may, within practical business and cost
10 constraints, store personally identifiable information of an
11 electronic toll collection system user only if the information
12 is required to perform account functions such as billing,
13 account settlement, or toll violation enforcement activities.

14 (d) By no later than December 31, 2011, the Authority shall
15 establish a privacy policy regarding the collection and use of
16 personally identifiable information. Upon its adoption, the
17 policy shall be posted on the Authority's website and a copy
18 shall be included with each transponder transmitted to a user.
19 The policy shall include but need not be limited to the
20 following:

21 (1) A description of the types of personally
22 identifiable information collected by the Authority.

23 (2) The categories of third-party persons or entities
24 with whom the Authority may share personally identifiable
25 information and for what purposes that information is
26 shared.

1 (3) The process by which the Authority notifies
2 electronic toll collection system users of material
3 changes to its privacy policy.

4 (4) The process by which an electronic toll collection
5 system user may review and request changes to any of his or
6 her personally identifiable information.

7 (5) The effective date of the privacy policy.

8 (e) This Section does not prohibit the Authority from:

9 (1) providing aggregated traveler information derived
10 from collective data relating to a group or category of
11 electronic toll collection system users from which
12 personally identifiable information has been removed;

13 (2) sharing data with another transportation agency or
14 third-party vendor to comply with interoperability
15 specifications and standards regarding electronic toll
16 collection devices and technologies, provided that the
17 other transportation agency or third-party vendor may not
18 use personally identifiable information obtained under
19 this Section for a purpose other than described in this
20 Section;

21 (3) performing financial, legal and accounting
22 functions such as billing, account settlement, toll
23 violation enforcement, or other activities required to
24 operate and manage its toll collection system;

25 (4) communicating about products and services offered
26 by itself, a business partner, or another public agency;

1 (5) using personally identifiable information in
2 research projects, provided that appropriate
3 confidentiality restrictions are employed to protect
4 against the unauthorized release of such information;

5 (6) (blank); ~~releasing personally identifiable~~
6 ~~information in response to a warrant, subpoena or lawful~~
7 ~~order from a court of competent jurisdiction;~~

8 (7) releasing personally identifiable information to
9 law enforcement agencies in the case of an emergency when
10 obtaining a warrant or subpoena would be impractical; and

11 (8) releasing personally identifiable information to
12 the Authority's Inspector General or, at the Inspector
13 General's direction, to law enforcement agencies under
14 paragraphs (5) and (6) of subsection (f) of Section 8.5 of
15 this Act.

16 (f) In any agreement allowing another public entity to use
17 the Authority's toll collection system in a transportation
18 facility, the Authority shall require the other public entity
19 to comply with the requirements of this Section.

20 (g) Personally identifiable information generated through
21 the Authority's toll collection process that reveals the date,
22 time, location or direction of travel by an electronic toll
23 collection system user shall be exempt from release under the
24 Illinois Freedom of Information Act. The exemption in this
25 subsection shall not apply to information that concerns (i) the
26 public duties of public employees and officials; (ii) whether

1 an electronic toll collection system user has paid tolls; (iii)
2 whether the Authority is enforcing toll violation penalties
3 against electronic toll collection users who do not pay tolls;
4 (iv) accidents or other incidents that occur on highways under
5 the jurisdiction of the Authority; or (v) the obligation,
6 receipt, and use of the funds of the Authority. The exemption
7 in this subsection (g) shall not be a limitation or restriction
8 on other Freedom of Information Act exemptions applicable to
9 personally identifiable information or private information.

10 (h) The Authority may make personally identifiable
11 information of a person available to a law enforcement agency
12 only pursuant to a search warrant. Absent a search warrant to
13 the contrary, the Authority shall immediately, but in any event
14 within no more than 5 days, notify the person that his or her
15 records have been obtained and shall provide the person with a
16 copy of the search warrant and the identity of the law
17 enforcement agency or peace officer to whom the records were
18 provided.

19 (Source: P.A. 97-342, eff. 8-12-11.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.