



Rep. Margo McDermed

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10100HB4006ham001

LRB101 14653 HEP 71036 a

1 AMENDMENT TO HOUSE BILL 4006

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4006 by replacing  
3 everything after the enacting clause with the following:

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

1 person who subscribes to an electronic toll collection system  
2 or any natural person who uses a tolled transportation facility  
3 that employs the Authority's electronic toll collection  
4 system.

5 "Personally identifiable information" means any  
6 information that identifies or describes an electronic toll  
7 collection system user, including but not limited to travel  
8 pattern data, address, telephone number, e-mail address,  
9 license plate number, photograph, bank account information, or  
10 credit card number.

11 (b) Except as otherwise provided in this Section, the  
12 Authority may not sell or otherwise provide to any person or  
13 entity personally identifiable information of any electronic  
14 toll collection system user that the Authority obtains through  
15 the operation of its electronic toll collection system.

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

21 (d) By no later than December 31, 2011, the Authority shall  
22 establish a privacy policy regarding the collection and use of  
23 personally identifiable information. Upon its adoption, the  
24 policy shall be posted on the Authority's website and a copy  
25 shall be included with each transponder transmitted to a user.  
26 The policy shall include but need not be limited to the

1 following:

2 (1) A description of the types of personally  
3 identifiable information collected by the Authority.

4 (2) The categories of third-party persons or entities  
5 with whom the Authority may share personally identifiable  
6 information and for what purposes that information is  
7 shared.

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

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

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

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

16 (1) providing aggregated traveler information derived  
17 from collective data relating to a group or category of  
18 electronic toll collection system users from which  
19 personally identifiable information has been removed;

20 (2) sharing data with another transportation agency or  
21 third-party vendor to comply with interoperability  
22 specifications and standards regarding electronic toll  
23 collection devices and technologies, provided that the  
24 other transportation agency or third-party vendor may not  
25 use personally identifiable information obtained under  
26 this Section for a purpose other than described in this

1 Section;

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

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

8 (5) using personally identifiable information in  
9 research projects, provided that appropriate  
10 confidentiality restrictions are employed to protect  
11 against the unauthorized release of such information;

12 (6) releasing personally identifiable information in  
13 response to a warrant, subpoena or lawful order from a  
14 court of competent jurisdiction in accordance with the  
15 following:

16 (A) No party to any proceeding, nor his or her  
17 attorney, shall serve a subpoena seeking to obtain  
18 access to records or communications under this Act  
19 unless the subpoena is accompanied by a written order  
20 issued by a judge, or by the written consent of the  
21 person whose records are being sought, authorizing the  
22 disclosure of the records or the issuance of the  
23 subpoena.

24 (B) No such written order shall be issued without  
25 written notice of the motion to the person whose  
26 personally identifiable information is being sought.

1           (C) Prior to the issuance of the order, each party  
2           or other person entitled to notice shall be permitted  
3           an opportunity to be heard.

4           (D) In the absence of the written consent under  
5           this Act of the person whose records are being sought,  
6           the Authority shall not comply with a subpoena for  
7           records or communications under this Act unless the  
8           subpoena is accompanied by a written order authorizing  
9           the issuance of the subpoena or the disclosure of the  
10           records. Each subpoena issued by a court or  
11           administrative agency shall include the following  
12           language: "The Authority shall not comply with a  
13           subpoena for personally identifiable information  
14           unless the subpoena is accompanied by a written order  
15           that authorizes the issuance of the subpoena and the  
16           disclosure of records or communications or by the  
17           written consent under of the person whose records are  
18           being sought.";

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

22           (8) releasing personally identifiable information to  
23           the Authority's Inspector General or, at the Inspector  
24           General's direction, to law enforcement agencies under  
25           paragraphs (5) and (6) of subsection (f) of Section 8.5 of  
26           this Act.

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

5           (g) Personally identifiable information generated through  
6 the Authority's toll collection process that reveals the date,  
7 time, location or direction of travel by an electronic toll  
8 collection system user shall be exempt from release under the  
9 Illinois Freedom of Information Act. The exemption in this  
10 subsection shall not apply to information that concerns (i) the  
11 public duties of public employees and officials; (ii) whether  
12 an electronic toll collection system user has paid tolls; (iii)  
13 whether the Authority is enforcing toll violation penalties  
14 against electronic toll collection users who do not pay tolls;  
15 (iv) accidents or other incidents that occur on highways under  
16 the jurisdiction of the Authority; or (v) the obligation,  
17 receipt, and use of the funds of the Authority. The exemption  
18 in this subsection (g) shall not be a limitation or restriction  
19 on other Freedom of Information Act exemptions applicable to  
20 personally identifiable information or private information.

21           (h) The Authority shall make personally identifiable  
22 information of a person available to any State or local agency  
23 or inspector general or law enforcement agency pursuant to an  
24 investigation.

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

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