

# SB3575



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3575

Introduced 2/14/2020, by Sen. Melinda Bush

### SYNOPSIS AS INTRODUCED:

605 ILCS 10/19.1

Amends the Toll Highway Act. Makes a technical change in a Section concerning confidentiality of personally identifiable information obtained through electronic toll collection system.

LRB101 19976 HEP 69502 b

A BILL FOR

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 ~~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) releasing personally identifiable information in  
6 response to a warrant, subpoena or lawful order from a  
7 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 (Source: P.A. 97-342, eff. 8-12-11.)