



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3329

Introduced 2/19/2021, by Rep. Jeff Keicher - Michael T. Marron
- Tim Butler - Mike Murphy - Jonathan Carroll, et al.

SYNOPSIS AS INTRODUCED:

20 ILCS 1005/1005-55 new
820 ILCS 405/1900

from Ch. 48, par. 640

Amends the Department of Employment Security Law and the Unemployment Insurance Act. Provides that the Department of Employment Security may not use a person's social security number in the Department's correspondence. Requires the Department to develop a system of identifying information to be used instead of social security numbers.

LRB102 12487 JLS 17824 b

1 AN ACT concerning employment.

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

4 Section 5. The Department of Employment Security Law of
5 the Civil Administrative Code of Illinois is amended by adding
6 Section 1005-55 as follows:

7 (20 ILCS 1005/1005-55 new)

8 Sec. 1005-55. Social security numbers; disclosure
9 prohibited. The Department shall not disclose an individual's
10 entire social security number in any correspondence sent to an
11 individual or entity. The Department shall develop a process
12 that allows for identifying information other than an
13 individual's social security number to be used in
14 correspondence.

15 Section 10. The Unemployment Insurance Act is amended by
16 changing Section 1900 as follows:

17 (820 ILCS 405/1900) (from Ch. 48, par. 640)

18 Sec. 1900. Disclosure of information.

19 A. Except as provided in this Section, information
20 obtained from any individual or employing unit during the
21 administration of this Act shall:

- 1 1. be confidential,
- 2 2. not be published or open to public inspection,
- 3 3. not be used in any court in any pending action or
- 4 proceeding,
- 5 4. not be admissible in evidence in any action or
- 6 proceeding other than one arising out of this Act.

7 B. No finding, determination, decision, ruling or order
8 (including any finding of fact, statement or conclusion made
9 therein) issued pursuant to this Act shall be admissible or
10 used in evidence in any action other than one arising out of
11 this Act, nor shall it be binding or conclusive except as
12 provided in this Act, nor shall it constitute res judicata,
13 regardless of whether the actions were between the same or
14 related parties or involved the same facts.

15 C. Any officer or employee of this State, any officer or
16 employee of any entity authorized to obtain information
17 pursuant to this Section, and any agent of this State or of
18 such entity who, except with authority of the Director under
19 this Section, shall disclose information shall be guilty of a
20 Class B misdemeanor and shall be disqualified from holding any
21 appointment or employment by the State.

22 D. An individual or his duly authorized agent may be
23 supplied with information from records only to the extent
24 necessary for the proper presentation of his claim for
25 benefits or with his existing or prospective rights to
26 benefits. Discretion to disclose this information belongs

1 solely to the Director and is not subject to a release or
2 waiver by the individual. Notwithstanding any other provision
3 to the contrary, an individual or his or her duly authorized
4 agent may be supplied with a statement of the amount of
5 benefits paid to the individual during the 18 months preceding
6 the date of his or her request.

7 E. An employing unit may be furnished with information,
8 only if deemed by the Director as necessary to enable it to
9 fully discharge its obligations or safeguard its rights under
10 the Act. Discretion to disclose this information belongs
11 solely to the Director and is not subject to a release or
12 waiver by the employing unit.

13 F. The Director may furnish any information that he may
14 deem proper to any public officer or public agency of this or
15 any other State or of the federal government dealing with:

- 16 1. the administration of relief,
- 17 2. public assistance,
- 18 3. unemployment compensation,
- 19 4. a system of public employment offices,
- 20 5. wages and hours of employment, or
- 21 6. a public works program.

22 The Director may make available to the Illinois Workers'
23 Compensation Commission information regarding employers for
24 the purpose of verifying the insurance coverage required under
25 the Workers' Compensation Act and Workers' Occupational
26 Diseases Act.

1 G. The Director may disclose information submitted by the
2 State or any of its political subdivisions, municipal
3 corporations, instrumentalities, or school or community
4 college districts, except for information which specifically
5 identifies an individual claimant.

6 H. The Director shall disclose only that information
7 required to be disclosed under Section 303 of the Social
8 Security Act, as amended, including:

9 1. any information required to be given the United
10 States Department of Labor under Section 303(a) (6); and

11 2. the making available upon request to any agency of
12 the United States charged with the administration of
13 public works or assistance through public employment, the
14 name, address, ordinary occupation and employment status
15 of each recipient of unemployment compensation, and a
16 statement of such recipient's right to further
17 compensation under such law as required by Section
18 303(a) (7); and

19 3. records to make available to the Railroad
20 Retirement Board as required by Section 303(c) (1); and

21 4. information that will assure reasonable cooperation
22 with every agency of the United States charged with the
23 administration of any unemployment compensation law as
24 required by Section 303(c) (2); and

25 5. information upon request and on a reimbursable
26 basis to the United States Department of Agriculture and

1 to any State food stamp agency concerning any information
2 required to be furnished by Section 303(d); and

3 6. any wage information upon request and on a
4 reimbursable basis to any State or local child support
5 enforcement agency required by Section 303(e); and

6 7. any information required under the income
7 eligibility and verification system as required by Section
8 303(f); and

9 8. information that might be useful in locating an
10 absent parent or that parent's employer, establishing
11 paternity or establishing, modifying, or enforcing child
12 support orders for the purpose of a child support
13 enforcement program under Title IV of the Social Security
14 Act upon the request of and on a reimbursable basis to the
15 public agency administering the Federal Parent Locator
16 Service as required by Section 303(h); and

17 9. information, upon request, to representatives of
18 any federal, State or local governmental public housing
19 agency with respect to individuals who have signed the
20 appropriate consent form approved by the Secretary of
21 Housing and Urban Development and who are applying for or
22 participating in any housing assistance program
23 administered by the United States Department of Housing
24 and Urban Development as required by Section 303(i).

25 I. The Director, upon the request of a public agency of
26 Illinois, of the federal government or of any other state

1 charged with the investigation or enforcement of Section 10-5
2 of the Criminal Code of 2012 (or a similar federal law or
3 similar law of another State), may furnish the public agency
4 information regarding the individual specified in the request
5 as to:

6 1. the current or most recent home address of the
7 individual, and

8 2. the names and addresses of the individual's
9 employers.

10 J. Nothing in this Section shall be deemed to interfere
11 with the disclosure of certain records as provided for in
12 Section 1706 or with the right to make available to the
13 Internal Revenue Service of the United States Department of
14 the Treasury, or the Department of Revenue of the State of
15 Illinois, information obtained under this Act.

16 K. The Department shall make available to the Illinois
17 Student Assistance Commission, upon request, information in
18 the possession of the Department that may be necessary or
19 useful to the Commission in the collection of defaulted or
20 delinquent student loans which the Commission administers.

21 L. The Department shall make available to the State
22 Employees' Retirement System, the State Universities
23 Retirement System, the Teachers' Retirement System of the
24 State of Illinois, and the Department of Central Management
25 Services, Risk Management Division, upon request, information
26 in the possession of the Department that may be necessary or

1 useful to the System or the Risk Management Division for the
2 purpose of determining whether any recipient of a disability
3 benefit from the System or a workers' compensation benefit
4 from the Risk Management Division is gainfully employed.

5 M. This Section shall be applicable to the information
6 obtained in the administration of the State employment
7 service, except that the Director may publish or release
8 general labor market information and may furnish information
9 that he may deem proper to an individual, public officer or
10 public agency of this or any other State or the federal
11 government (in addition to those public officers or public
12 agencies specified in this Section) as he prescribes by Rule.

13 N. The Director may require such safeguards as he deems
14 proper to insure that information disclosed pursuant to this
15 Section is used only for the purposes set forth in this
16 Section.

17 O. Nothing in this Section prohibits communication with an
18 individual or entity through unencrypted e-mail or other
19 unencrypted electronic means as long as the communication does
20 not contain the individual's or entity's name in combination
21 with any one or more of the individual's or entity's social
22 security number; driver's license or State identification
23 number; credit or debit card number; or any required security
24 code, access code, or password that would permit access to
25 further information pertaining to the individual or entity.

26 P. (Blank).

1 Q. The Director shall make available to an elected federal
2 official the name and address of an individual or entity that
3 is located within the jurisdiction from which the official was
4 elected and that, for the most recently completed calendar
5 year, has reported to the Department as paying wages to
6 workers, where the information will be used in connection with
7 the official duties of the official and the official requests
8 the information in writing, specifying the purposes for which
9 it will be used. For purposes of this subsection, the use of
10 information in connection with the official duties of an
11 official does not include use of the information in connection
12 with the solicitation of contributions or expenditures, in
13 money or in kind, to or on behalf of a candidate for public or
14 political office or a political party or with respect to a
15 public question, as defined in Section 1-3 of the Election
16 Code, or in connection with any commercial solicitation. Any
17 elected federal official who, in submitting a request for
18 information covered by this subsection, knowingly makes a
19 false statement or fails to disclose a material fact, with the
20 intent to obtain the information for a purpose not authorized
21 by this subsection, shall be guilty of a Class B misdemeanor.

22 R. The Director may provide to any State or local child
23 support agency, upon request and on a reimbursable basis,
24 information that might be useful in locating an absent parent
25 or that parent's employer, establishing paternity, or
26 establishing, modifying, or enforcing child support orders.

1 S. The Department shall make available to a State's
2 Attorney of this State or a State's Attorney's investigator,
3 upon request, the current address or, if the current address
4 is unavailable, current employer information, if available, of
5 a victim of a felony or a witness to a felony or a person
6 against whom an arrest warrant is outstanding.

7 T. The Director shall make available to the Department of
8 State Police, a county sheriff's office, or a municipal police
9 department, upon request, any information concerning the
10 current address and place of employment or former places of
11 employment of a person who is required to register as a sex
12 offender under the Sex Offender Registration Act that may be
13 useful in enforcing the registration provisions of that Act.

14 U. The Director shall make information available to the
15 Department of Healthcare and Family Services and the
16 Department of Human Services for the purpose of determining
17 eligibility for public benefit programs authorized under the
18 Illinois Public Aid Code and related statutes administered by
19 those departments, for verifying sources and amounts of
20 income, and for other purposes directly connected with the
21 administration of those programs.

22 V. The Director shall make information available to the
23 State Board of Elections as may be required by an agreement the
24 State Board of Elections has entered into with a multi-state
25 voter registration list maintenance system.

26 W. The Director shall make information available to the

1 State Treasurer's office and the Department of Revenue for the
2 purpose of facilitating compliance with the Illinois Secure
3 Choice Savings Program Act, including employer contact
4 information for employers with 25 or more employees and any
5 other information the Director deems appropriate that is
6 directly related to the administration of this program.

7 X. The Director shall make information available, upon
8 request, to the Illinois Student Assistance Commission for the
9 purpose of determining eligibility for the adult vocational
10 community college scholarship program under Section 65.105 of
11 the Higher Education Student Assistance Act.

12 Y. No correspondence (including, but not limited to,
13 certified or registered mail) originating from the Department
14 and sent to an individual or entity may contain the
15 individual's social security number as a means of identifying
16 the person.

17 (Source: P.A. 100-484, eff. 9-8-17; 101-315, eff. 1-1-20.)