

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
19 facility that employs the Authority's electronic toll
20 collection 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 Records identifying a specific instance of travel by a
15 specific person or vehicle shall be used only as required to
16 ensure the payment and enforcement of tolls and for law
17 enforcement purposes.

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

25 (1) A description of the types of personally
26 identifiable information collected by the Authority.

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

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

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

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

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

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

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

25 (3) performing financial, legal and accounting
26 functions such as billing, account settlement, toll

1 violation enforcement, or other activities required to
2 operate and manage its toll collection system;

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

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

9 (6) releasing personally identifiable information in
10 response to a warrant, grand jury, subpoena, or lawful
11 order from a court of competent jurisdiction;

12 (7) releasing personally identifiable information to
13 law enforcement agencies if exigent circumstances make ~~in~~
14 ~~the case of an emergency when~~ obtaining a warrant or
15 subpoena ~~would be~~ impractical; and

16 (8) releasing personally identifiable information to
17 the Authority's Inspector General or, at the Inspector
18 General's direction, to law enforcement agencies under
19 paragraphs (5) and (6) of subsection (f) of Section 8.5 of
20 this Act.

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

25 (g) Personally identifiable information generated through
26 the Authority's toll collection process that reveals the date,

1 time, location or direction of travel by an electronic toll
2 collection system user shall be exempt from release under the
3 Illinois Freedom of Information Act and the information shall
4 be used for enforcement purposes with respect to toll
5 collections as specified in this Act and any action brought by
6 a prosecutor acting in such a capacity. The exemption in this
7 subsection shall not apply to information that concerns (i)
8 the public duties of public employees and officials; (ii)
9 whether an electronic toll collection system user has paid
10 tolls; (iii) whether the Authority is enforcing toll violation
11 penalties against electronic toll collection users who do not
12 pay tolls; (iv) accidents or other incidents that occur on
13 highways under the jurisdiction of the Authority; or (v) the
14 obligation, receipt, and use of the funds of the Authority.
15 The exemption in this subsection (g) shall not be a limitation
16 or restriction on other Freedom of Information Act exemptions
17 applicable to personally identifiable information or private
18 information.

19 (h) The Authority shall make personally identifiable
20 information of a person available in response to a grand jury
21 subpoena and to a law enforcement agency pursuant to an
22 investigation.

23 (i) The Authority shall discard personally identifiable
24 information within 5 years. The Authority shall make every
25 effort, within practical business and cost constraints, to
26 purge the personal account information of an account that is

1 closed or terminated. In no case shall the Authority maintain
2 personal information more than 5 years after the date an
3 account is closed or terminated.

4 (j) Nothing in this Section precludes compliance with a
5 court order or settlement agreement that has been approved on
6 or before January 1, 2022.

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