



Rep. William Davis

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10200SB2235ham001

LRB102 13780 RAM 26456 a

1 AMENDMENT TO SENATE BILL 2235

2 AMENDMENT NO. _____. Amend Senate Bill 2235 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
3 facility that employs the Authority's electronic toll
4 collection 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
22 shall establish a privacy policy regarding the collection and
23 use of personally identifiable information. Upon its adoption,
24 the policy shall be posted on the Authority's website and a
25 copy shall be included with each transponder transmitted to a
26 user. 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 search warrant, grand jury, subpoena, or
14 lawful order from a court of competent jurisdiction;

15 (6.5) releasing personally identifiable information in
16 response to a subpoena in a pending civil action or lawful
17 order from a civil court of competent jurisdiction in
18 accordance with the following: (i) the Authority must, as
19 soon as practicable but no later than 7 days from its
20 receipt of the subpoena or order, notify the electronic
21 toll collection system user that it has received a
22 subpoena or order that seeks the user's personally
23 identifiable information, and that the user has the right
24 to move to quash the subpoena or set aside the order in the
25 issuing court; (ii) the Authority may use email to notify
26 the user of this subpoena; and (iii) the Authority may

1 adopt rules to carry out this responsibility;

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

6 (8) releasing personally identifiable information to
7 the Authority's Inspector General, the Executive Inspector
8 General, or, at the Authority Inspector General's
9 direction, to law enforcement agencies under paragraphs
10 (5) and (6) of subsection (f) of Section 8.5 of this Act.

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

15 (g) Personally identifiable information generated through
16 the Authority's toll collection process that reveals the date,
17 time, location or direction of travel by an electronic toll
18 collection system user shall be exempt from release under the
19 Illinois Freedom of Information Act. The exemption in this
20 subsection shall not apply to information that concerns (i)
21 the public duties of public employees and officials; (ii)
22 whether an electronic toll collection system user has paid
23 tolls; (iii) whether the Authority is enforcing toll violation
24 penalties against electronic toll collection users who do not
25 pay tolls; (iv) accidents or other incidents that occur on
26 highways under the jurisdiction of the Authority; or (v) the

1 obligation, receipt, and use of the funds of the Authority.
2 The exemption in this subsection (g) shall not be a limitation
3 or restriction on other Freedom of Information Act exemptions
4 applicable to personally identifiable information or private
5 information.

6 (h) The Authority shall make personally identifiable
7 information of a person available to any State or local
8 agency, inspector general, or law enforcement agency in
9 response to a grand jury subpoena or pursuant to an
10 investigation.

11 (i) The Authority shall discard personally identifiable
12 information not required for account maintenance or
13 enforcement within 5 years. The Authority shall make every
14 effort, within practical business and cost constraints, to
15 purge the personal account information of an account that is
16 closed or terminated. In no case shall the Authority maintain
17 personal information more than 5 years after the date an
18 account is closed or terminated unless required by another
19 statute.

20 (j) Nothing in this Section precludes compliance with a
21 court order that has been issued or settlement agreement that
22 has been approved on or before January 1, 2022.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."