



Sen. John F. Curran

Filed: 2/7/2022

10200SB3766sam001

LRB102 23310 AWJ 35961 a

1 AMENDMENT TO SENATE BILL 3766

2 AMENDMENT NO. _____. Amend Senate Bill 3766 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Records Act is amended by adding
5 Section 14a as follows:

6 (5 ILCS 160/14a new)

7 Sec. 14a. Encryption and automatic deletion of records.

8 (a) When an agency generates a record in an encrypted
9 format, an encryption key must be available to de-encrypt the
10 record for its entire retention period as established by the
11 State Records Commission. Agencies must comply with the
12 provisions of this Act when destroying or disposing of
13 encrypted public records. A person who encrypts a public
14 record without lawful authority and with the intent to defraud
15 a party, public officer, or entity commits a Class 4 felony.

16 (b) When an agency maintains a digital format record

1 within a digital storage system that allows the user to set
2 retention timers, these timers must be set to retain the
3 record for its entire retention period as established by the
4 State Records Commission, including the time necessary for the
5 record disposal process. Agencies must comply with the
6 provisions of this Act when destroying or disposing of public
7 records maintained in a digital format record within a digital
8 storage system that allows the user to set retention timers. A
9 person who sets a retention timer for a public record that is
10 not set to the entire retention period as established by the
11 State Records Commission with the intent to defraud a party,
12 public officer, or entity commits a Class 4 felony.

13 Section 10. The Local Records Act is amended by adding
14 Section 30 as follows:

15 (50 ILCS 205/30 new)

16 Sec. 30. Encryption and automatic deletion of records.

17 (a) When an agency generates a record in an encrypted
18 format, an encryption key must be available to de-encrypt the
19 record for its entire retention period as established by the
20 Local Records Commission. Agencies must comply with the
21 provisions of this Act when destroying or disposing of
22 encrypted public records. A person who encrypts a public
23 record without lawful authority and with the intent to defraud
24 a party, public officer, or entity commits a Class 4 felony.

1 (b) When an agency maintains a digital format record
2 within a digital storage system that allows the user to set
3 retention timers, these timers must be set to retain the
4 record for its entire retention period as established by the
5 Local Records Commission, including the time necessary for the
6 record disposal process. Agencies must comply with the
7 provisions of this Act when destroying or disposing of public
8 records maintained in a digital format record within a digital
9 storage system that allows the user to set retention timers. A
10 person who sets a retention timer for a public record that is
11 not set to the entire retention period as established by the
12 Local Records Commission with the intent to defraud a party,
13 public officer, or entity commits a Class 4 felony."