



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB5483

Introduced 2/9/2024, by Rep. Edgar Gonzalez, Jr.

#### SYNOPSIS AS INTRODUCED:

30 ILCS 5/3-2.4	
30 ILCS 5/3-4	from Ch. 15, par. 303-4
30 ILCS 5/3-14	from Ch. 15, par. 303-14
30 ILCS 5/3-15	from Ch. 15, par. 303-15
30 ILCS 5/6-1	from Ch. 15, par. 306-1

Amends the Illinois State Auditing Act. Provides that in order to protect and preserve the integrity, security, and confidentiality of the network, infrastructure, and data of a State agency, any findings resulting from the testing conducted under the provisions shall be included within the applicable State agency's compliance examination report and made available only to the applicable State agency under review. Provides that in order to protect and preserve the integrity, security, and confidentiality of the network, infrastructure, and data of a State agency, any investigations, findings, and recommendations pertaining to State agencies and their information technology controls, privacy programs and practices, and cybersecurity programs and practices, must be redacted and withheld from public disclosure. Restricts the Auditor General from disclosing the contents of the specific findings or recommendations except as permitted. Provides that all audit reports shall be maintained in the Office of the Auditor General as a public record. Establishes that where records or information are required to be disclosed, the Office of the Auditor General shall collect, maintain, and store, all records or information classified as confidential, legally protected, or maintaining an equivalent or greater privacy designation, under the same or greater privacy and security requirements to which such records or information were disclosed by the State agency to the Office of the Auditor General. Effective immediately.

LRB103 37636 MXP 67763 b

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 Illinois State Auditing Act is amended by  
5 changing Sections 3-2.4, 3-4, 3-14, 3-15, and 6-1 as follows:

6 (30 ILCS 5/3-2.4)

7 Sec. 3-2.4. Cybersecurity audit.

8 (a) In conjunction with its annual compliance examination  
9 program, the Auditor General shall review State agencies and  
10 their cybersecurity programs and practices, with a particular  
11 focus on agencies holding large volumes of personal  
12 information.

13 (b) The review required under this Section shall, at a  
14 minimum, assess the following:

15 (1) the effectiveness of State agency cybersecurity  
16 practices;

17 (2) the risks or vulnerabilities of the cybersecurity  
18 systems used by State agencies;

19 (3) the types of information that are most susceptible  
20 to attack;

21 (4) ways to improve cybersecurity and eliminate  
22 vulnerabilities to State cybersecurity systems; and

23 (5) any other information concerning the cybersecurity

1 of State agencies that the Auditor General deems necessary  
2 and proper.

3 (c) In order to protect and preserve the integrity,  
4 security, and confidentiality of the network, infrastructure,  
5 and data of a State agency, any ~~Any~~ findings resulting from the  
6 testing conducted under this Section shall be included within  
7 the applicable State agency's compliance examination report  
8 and made available only to the applicable State agency under  
9 review. Each compliance examination report shall be issued in  
10 accordance with the provisions of Section 3-14. A copy of the  
11 report shall also be delivered to the head of the applicable  
12 State agency ~~and posted on the Auditor General's website~~.

13 (Source: P.A. 100-914, eff. 1-1-19.)

14 (30 ILCS 5/3-4) (from Ch. 15, par. 303-4)

15 Sec. 3-4. Investigations.

16 The Auditor General shall make such investigations as are  
17 directed by either house of the General Assembly or by the  
18 Commission in a resolution specifying the acts, transactions  
19 or practices to be the subject of the investigation.

20 The resolution directing such an investigation may specify  
21 to whom the Auditor General shall make his findings and  
22 recommendations after the investigation ~~and whether those~~  
23 ~~findings and recommendations are to be made public~~.

24 Unless the resolution directing the investigation provides  
25 otherwise, the Auditor General shall direct and provide his

1 findings and recommendations to the Commission, to the  
2 Governor, to the official in charge of each agency included in  
3 the investigation and to each person who was named  
4 individually as a subject of investigation by the directing  
5 resolution, except as restricted hereunder. No other publicity  
6 shall be given to the report and recommendations other than is  
7 provided by this paragraph.

8 The Auditor General may recommend to the Commission that  
9 an investigation be directed with regard to any matter which  
10 he believes to be in the public interest to investigate.

11 In order to protect and preserve the integrity, security,  
12 and confidentiality of the network, infrastructure, and data  
13 of a State agency, any investigations, findings, and  
14 recommendations pertaining to State agencies and their  
15 information technology controls, privacy programs and  
16 practices, and cybersecurity programs and practices, must be  
17 redacted and withheld from public disclosure.

18 Investigations, findings, and recommendations under this  
19 Section, pertaining to State agencies and their information  
20 technology controls, privacy programs and practices, and  
21 cybersecurity programs and practices, shall be made available  
22 only to the applicable State agency under review, shall be  
23 delivered to the official in charge of the agency included  
24 within the investigation, and shall be delivered to each  
25 person who was named individually as a subject of the  
26 investigation by the directing resolution.

1       When investigations are directed under this Section, and  
2       pertain to State agencies and their information technology  
3       controls, privacy programs and practices, and cybersecurity  
4       programs and practices, the Auditor General shall direct and  
5       provide the numerical number of findings and affirmatively  
6       state whether recommendations were made, to those specified by  
7       the resolution directing such an investigation and all others  
8       required by this Section. At no time may the Auditor General  
9       disclose the contents of the specific findings or  
10       recommendations except as permitted hereunder.

11       (Source: P.A. 78-884.)

12             (30 ILCS 5/3-14) (from Ch. 15, par. 303-14)

13       Sec. 3-14. Audit reports. Upon completion of any audit the  
14       Auditor General shall issue an audit report which shall  
15       include: a precise statement of the scope of the audit or  
16       review, a statement of the material findings resulting from  
17       the audit, a statement of the underlying cause, evaluative  
18       criteria used and the current and prospective significance  
19       thereof and a statement of explanation or rebuttal which may  
20       have been submitted by the agency audited relevant to the  
21       audit findings included in the report.

22       As part of this report the Auditor General shall prepare a  
23       signed digest of the legislatively significant matters of the  
24       report and, as may be applicable, a concise statement of (1)  
25       any actions taken or contemplated by persons or agencies

1 subsequent to the completion of the audit but prior to the  
2 release of the report, which bear on matters in the report, (2)  
3 any actions the Auditor General considers necessary or  
4 desirable, and (3) any other information the Auditor General  
5 deems useful to the General Assembly in order to understand or  
6 act on any matters presented in the audit.

7 The Auditor General shall submit a copy of each audit  
8 report to the Commission, the Governor, the Speaker and  
9 minority leader of the House of Representatives and the  
10 President and minority leader of the Senate.

11 All audit reports shall be maintained in the Office of the  
12 Auditor General as a public record, subject to Section 3-11.

13 In order to protect and preserve the integrity, security,  
14 and confidentiality of the network, infrastructure, and data  
15 of a State agency, all audit reports containing findings and  
16 recommendations pertaining to State agencies and their  
17 information technology controls, privacy programs and  
18 practices, and cybersecurity programs and practices, must be  
19 redacted and withheld from public disclosure. The unredacted  
20 findings and recommendations pertaining to State agencies and  
21 their cybersecurity programs and practices shall be made  
22 available only to the applicable State agency under review;  
23 provided however, a State agency may disclose findings and  
24 recommendations to a duly authorized third-party who is  
25 providing services or otherwise assisting the State agency  
26 subject to the findings and recommendations with its

1 cybersecurity plan and operations.

2 ~~All audit reports shall be maintained in the Office of the~~  
3 ~~Auditor General as a public record, subject to Section 3-11.~~

4 If the post audit of a State agency discloses an apparent  
5 violation of a penal statute or an apparent instance of  
6 misfeasance, malfeasance or nonfeasance, by any person,  
7 relating to the obligation, expenditure, receipt or use of  
8 public funds of the State, the Auditor General shall  
9 immediately make a written report to the Commission and the  
10 Governor stating that to be the case and setting forth the  
11 underlying facts that have led to that conclusion.

12 (Source: P.A. 82-368.)

13 (30 ILCS 5/3-15) (from Ch. 15, par. 303-15)

14 Sec. 3-15. Reports of Auditor General. By March 1, each  
15 year, the Auditor General shall submit to the Commission, the  
16 General Assembly and the Governor an annual report summarizing  
17 all audits, investigations and special studies made under this  
18 Act during the last preceding calendar year.

19 As it relates to information technology controls, privacy  
20 programs and practices, and cybersecurity findings and  
21 recommendations, in order to protect and preserve the  
22 integrity, security, and confidentiality of the network,  
23 infrastructure, and data of a State agency, reports under this  
24 Section may only contain the numerical number of information  
25 technology controls, privacy programs and practices, and

1 cybersecurity findings and affirmatively state whether  
2 recommendations were made. At no time may the Auditor General  
3 disclose the contents of the specific findings or  
4 recommendations except as permitted hereunder.

5       Once each 3 months, the Auditor General shall submit to  
6 the Commission a quarterly report concerning the operation of  
7 his office, including relevant fiscal and personnel matters,  
8 details of any contractual services utilized during that  
9 period, a summary of audits and studies still in process and  
10 such other information as the Commission requires.

11       The Auditor General shall prepare and distribute such  
12 other reports as may be required by the Commission.

13       All post audits directed by resolution of the House or  
14 Senate shall be reported to the members of the General  
15 Assembly, unless the directing resolution specifies otherwise.

16       The requirement for reporting to the General Assembly  
17 shall be satisfied by filing copies of the report as required  
18 by Section 3.1 of the General Assembly Organization Act, and  
19 filing such additional copies with the State Government Report  
20 Distribution Center for the General Assembly as is required  
21 under paragraph (t) of Section 7 of the State Library Act.

22       (Source: P.A. 100-1148, eff. 12-10-18.)

23       (30 ILCS 5/6-1) (from Ch. 15, par. 306-1)

24       Sec. 6-1. Effect on other laws. The powers and duties of  
25 the Auditor General under this Act and the system of audits



1 established by this Act are in addition to any other powers,  
2 duties or audits required or authorized by law.

3 Where records or information are classified as  
4 confidential, legally protected, or records or information  
5 with maintain an equivalent or greater privacy designation, by  
6 or pursuant to law, such records or information shall be  
7 disclosed to the Office of the Auditor General as necessary  
8 and to the extent required for the performance of an  
9 authorized post audit. Federal tax information shall only be  
10 provided in accordance with federal law and regulation  
11 applicable to the safeguarding of federal tax information.

12 Where records or information are required to be disclosed,  
13 the Office of the Auditor General shall collect, maintain, and  
14 store, all records or information classified as confidential,  
15 legally protected, or with maintaining an equivalent or  
16 greater privacy designation, under the same or greater privacy  
17 and security requirements to which such records or information  
18 were disclosed by the State agency to the Office of the Auditor  
19 General.

20 Confidential records or information disclosed to the  
21 Office of the Auditor General shall be subject to the same  
22 legal, confidentiality, legal confidentiality and protective  
23 restrictions in the Office of the Auditor General as such  
24 records and information have in the hands of the official  
25 authorized custodian. Any penalties applicable to the  
26 officially authorized custodian or his employees for the

1 violation of any confidentiality or protective restrictions  
2 applicable to such records or information shall also apply to  
3 the officers, employees, contractors, and agents of the Office  
4 of the Auditor General.

5 The Office of the Auditor General may not publish any  
6 confidential legally protected, or records or information with  
7 an equivalent or greater privacy designation, ~~information or~~  
8 ~~records~~ in any report, including data and statistics, if such  
9 information as published is directly or indirectly matchable  
10 to any individual.

11 The Office of the Auditor General may not publish any  
12 records or information in any report, generated by, through,  
13 in conjunction with, or on behalf of the Office of the Auditor  
14 General, which includes any of the following data disclosed by  
15 a State agency: Cybersecurity assessments, cybersecurity  
16 measures, and cybersecurity response policies or plans and the  
17 like, that are designed to identify, prevent, or respond to  
18 potential cyberattacks upon a public body or agency's  
19 personnel or systems, facilities, or installations, the  
20 destruction or exploitation of which would constitute a clear  
21 and present danger to the health, safety or security of the  
22 public body or agency. For the purposes of this Section,  
23 records and information detailing the mobilization and  
24 deployment of personnel, vendors, teams, or equipment in  
25 preparation or response to a cybersecurity policy or plan and  
26 the like, the cybersecurity or privacy product and solutions

1 names or configurations and the like, the operation of  
2 communication systems or protocols and the like, or other  
3 cybersecurity operations and the like, may not be published.

4 Inside the Office of the Auditor General, confidential  
5 legally protected, or records or information with an  
6 equivalent or greater privacy designation, ~~records or~~  
7 information may be used only for official purposes.

8 Any officer, employee, contractor, or agent of the Office  
9 of the Auditor General who violates any legal confidentiality  
10 or protective restriction, or privacy and security  
11 requirement, governing any records or information shall be  
12 guilty of a Class A misdemeanor unless a greater penalty is  
13 otherwise provided by law.

14 Where this Act expressly governs or grants authority for  
15 regulations to govern other auditing procedures, this Act  
16 supersedes all other statutes to the contrary. To the extent  
17 that this Act conflicts with another statute, this Act  
18 prevails.

19 Except as provided in this Section, this Act does not  
20 supersede or repeal by implication any other statute.

21 (Source: P.A. 102-61, eff. 7-9-21.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.