



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4229

Introduced 12/07/05, by Rep. Robert F. Flider - Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

5 ILCS 160/9	from Ch. 116, par. 43.12
5 ILCS 160/11	from Ch. 116, par. 43.14
5 ILCS 160/24	from Ch. 116, par. 43.27

Amends the State Records Act. Requires that each agency's program for efficient management of records require shredding as the means of destroying or disposing of records containing personal information unless otherwise provided by the Act. Makes failure to shred a Class B misdemeanor. Effective immediately.

LRB094 15597 JAM 50929 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning State records.

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

4 Section 5. The State Records Act is amended by changing
5 Sections 9, 11, and 24 as follows:

6 (5 ILCS 160/9) (from Ch. 116, par. 43.12)

7 Sec. 9. The head of each agency shall establish, and
8 maintain an active, continuing program for the economical and
9 efficient management of the records of the agency.

10 Such program:

11 (1) shall provide for effective controls over the creation,
12 maintenance, and use of records in the conduct of current
13 business and shall ensure that agency electronic records, as
14 specified in Section 5-135 of the Electronic Commerce Security
15 Act, are retained in a trustworthy manner so that the records,
16 and the information contained in the records, are accessible
17 and usable for reference for the duration of the retention
18 period; all computer tape or disk maintenance and preservation
19 procedures must be fully applied and, if equipment or programs
20 providing access to the records are updated or replaced, the
21 existing data must remain accessible in the successor format
22 for the duration of the approved retention period;

23 (2) shall provide for cooperation with the Secretary in
24 appointing a records officer and in applying standards,
25 procedures, and techniques to improve the management of
26 records, promote the maintenance and security of records deemed
27 appropriate for preservation, and facilitate the segregation
28 and disposal of records of temporary value; ~~and~~

29 (2.5) shall require shredding as the means of disposing of
30 or destroying records containing personal information when
31 another means is not provided by this Act; and

32 (3) shall provide for compliance with the provisions of

1 this Act and the rules and regulations issued thereunder.

2 (Source: P.A. 92-866, eff. 1-3-03.)

3 (5 ILCS 160/11) (from Ch. 116, par. 43.14)

4 Sec. 11. Violation. All ~~All~~ records made or received by or
5 under the authority of or coming into the custody, control or
6 possession of public officials of this State in the course of
7 their public duties are the property of the State and shall not
8 be mutilated, destroyed, transferred, removed or otherwise
9 damaged or disposed of, in whole or in part except as provided
10 by law. Any person who knowingly and without lawful authority
11 alters, destroys, defaces, removes, or conceals any public
12 record commits a Class 4 felony.

13 (Source: P.A. 92-866, eff. 1-3-03.)

14 (5 ILCS 160/24) (from Ch. 116, par. 43.27)

15 Sec. 24. Auditor General. The Auditor General shall audit
16 agencies for compliance with this Act when conducting
17 compliance audits and shall report his or her findings to the
18 agency and the Secretary.

19 Any officer or employee who violates the provisions of
20 subsection (b) of Section 3 of this Act or who fails to comply
21 with the shredding requirement of an agency's records program
22 under Section 9 of this Act is guilty of a Class B misdemeanor.

23 (Source: P.A. 92-866, eff. 1-3-03.)

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