



Sen. John J. Cullerton

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1 AMENDMENT TO HOUSE BILL 3434

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3434 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Identity Protection Act.

6 Section 5. Definitions. In this Act:

7 "Local government agency" means that term as it is defined  
8 in Section 1-8 of the Illinois State Auditing Act.

9 "Person" means any individual in the employ of a State  
10 agency or local government agency.

11 "Publicly post" or "publicly display" means to  
12 intentionally communicate or otherwise intentionally make  
13 available to the general public.

14 "State agency" means that term as it is defined in Section  
15 1-7 of the Illinois State Auditing Act.

1 Section 10. Prohibited activities.

2 (a) Except as otherwise provided in this Act, beginning  
3 July 1, 2009, no person or State or local government agency may  
4 do any of the following:

5 (1) Publicly post or publicly display in any manner an  
6 individual's social security number.

7 (2) Print an individual's social security number on any  
8 card required for the individual to access products or  
9 services provided by the person or entity; however, a  
10 person or entity that provides an insurance card must print  
11 on the card an identification number unique to the holder  
12 of the card in the format prescribed by Section 15 of the  
13 Uniform Prescription Drug Information Card Act.

14 (3) Require an individual to transmit his or her social  
15 security number over the Internet, unless the connection is  
16 secure or the social security number is encrypted.

17 (4) Require an individual to use his or her social  
18 security number to access an Internet web site, unless a  
19 password or unique personal identification number or other  
20 authentication device is also required to access the  
21 Internet web site.

22 (5) Print an individual's social security number on any  
23 materials that are mailed to the individual, through the  
24 U.S. Postal Service, any private mail service, electronic  
25 mail, or any similar method of delivery, unless State or  
26 federal law requires the social security number to be on

1 the document to be mailed. Notwithstanding any provision in  
2 this Section to the contrary, social security numbers may  
3 be included in applications and forms sent by mail,  
4 including, but not limited to, any material mailed in  
5 connection with the administration of the Unemployment  
6 Insurance Act, any material mailed in connection with any  
7 tax administered by the Department of Revenue, and  
8 documents sent as part of an application or enrollment  
9 process or to establish, amend, or terminate an account,  
10 contract, or policy or to confirm the accuracy of the  
11 social security number. A social security number that may  
12 permissibly be mailed under this Section may not be  
13 printed, in whole or in part, on a postcard or other mailer  
14 that does not require an envelope or be visible on an  
15 envelope or visible without the envelope having been  
16 opened.

17 (6) Collect a social security number from an  
18 individual, unless required to do so under State or federal  
19 law, rules, or regulations, unless the collection of the  
20 social security number is otherwise necessary for the  
21 performance of that agency's duties and responsibilities.  
22 Social security numbers collected by a State or local  
23 government agency must be relevant to the purpose for which  
24 the number was collected and must not be collected unless  
25 and until the need for social security numbers for that  
26 purpose has been clearly documented.

1           (7) When requesting a social security number from an  
2 individual or when filing a document with the clerk of the  
3 circuit court or with the recorder of deeds that has been  
4 generated by a person or agency and on which the person or  
5 agency has requested a social security number, fail to  
6 segregate the social security number on a separate page  
7 from the rest of the record, provide a discrete location  
8 for a social security number when required on a  
9 standardized form, or otherwise place the number in a  
10 manner that makes it easily redacted if required to be  
11 released as part of a public records request.

12           (8) When collecting a social security number from an  
13 individual, fail to provide to the individual, at the time  
14 of or prior to the actual collection of the social security  
15 number by that agency, upon request by the individual, a  
16 statement of the purpose or purposes for which the agency  
17 is collecting and using the social security number.

18           (9) Use the social security number for any purpose  
19 other than the purpose stated in the statement provided  
20 under item (8).

21           (10) Intentionally communicate or otherwise make  
22 available to the general public a person's social security  
23 number or other identifying information.

24           (b) The prohibitions in subsection (a) do not apply in the  
25 following circumstances:

26           (1) The disclosure of social security numbers or other

1 identifying information disclosed to agents, employees, or  
2 contractors of a governmental entity or disclosed by a  
3 governmental entity to another governmental entity or its  
4 agents, employees, or contractors if disclosure is  
5 necessary in order for the entity to perform its duties and  
6 responsibilities and if the governmental entity and its  
7 agents, employees, and contractors maintain the  
8 confidential and exempt status of the social security  
9 numbers or other identifying information.

10 (2) The disclosure of social security numbers or other  
11 identifying information disclosed pursuant to a court  
12 order, warrant, or subpoena.

13 (3) The collection, use, or disclosure of social  
14 security numbers or other identifying information in order  
15 to ensure the safety of: State and local government  
16 employees; persons committed to correctional facilities,  
17 local jails, and other law-enforcement facilities or  
18 retention centers; wards of the State; and all persons  
19 working in or visiting a State or local government agency  
20 facility.

21 (4) The disclosure of social security numbers by a  
22 State agency to any entity for the collection of delinquent  
23 child support or of any State debt.

24 (5) The collection, use, or disclosure of social  
25 security numbers or other identifying information to  
26 investigate or prevent fraud, to conduct background

1 checks, to conduct social or scientific research, to  
2 collect a debt, to obtain a credit report from or furnish  
3 data to a consumer reporting agency under the federal Fair  
4 Credit Reporting Act, to undertake any permissible purpose  
5 that is enumerated under the federal Gramm Leach Bliley  
6 Act, or to locate a missing person, a lost relative, or a  
7 person who is due a benefit, such as a pension benefit or  
8 an unclaimed-property benefit.

9 (c) If any State agency or local government agency has  
10 adopted standards for the collection, use, or disclosure of  
11 social security numbers or other identifying information that  
12 are stricter than the standards under this Act with respect to  
13 the protection of that identifying information, then, in the  
14 event of any conflict with the provisions of this Act, the  
15 stricter standards adopted by the State agency or local  
16 government agency shall control.

17 Section 15. Public inspection and copying of information  
18 and documents. Notwithstanding any other provision of this Act  
19 to the contrary, a person or State or local government agency  
20 must comply with the provisions of any other State law with  
21 respect to allowing the public inspection and copying of  
22 information or documents containing all or any portion of an  
23 individual's social security number or other identifying  
24 information.

1 Section 20. Applicability.

2 (a) This Act does not apply to the collection, use, or  
3 release of a social security number or other identifying  
4 information, as required by State or federal law, rule, or  
5 regulation, or the use of a social security number or other  
6 identifying information for internal verification or  
7 administrative purposes.

8 (b) This Act does not apply to documents that are recorded  
9 or required to be open to the public under any State or federal  
10 law, rule, or regulation, applicable case law, Supreme Court  
11 Rule, or the Constitution of the State of Illinois.

12 (c) This Act does not apply to the City of Chicago.

13 Section 25. Compliance with federal law. If a federal law  
14 takes effect requiring any federal agency to establish a  
15 national unique patient health identifier program, any State or  
16 local government agency that complies with the federal law  
17 shall be deemed to be in compliance with this Act.

18 Section 30. Embedded social security numbers. Beginning  
19 December 31, 2008, no person or State or local government  
20 agency may encode or embed a social security number in or on a  
21 card or document, including, but not limited to, using a bar  
22 code, chip, magnetic strip, RFID technology, or other  
23 technology, in place of removing the social security number as  
24 required by this Act.

1           Section 35. Identity-protection policy. Each State agency  
2 and local government agency must establish an  
3 identity-protection policy and must implement that policy on or  
4 before December 31, 2008. The policy must do all of the  
5 following:

6           (1) Require all employees of the State or local  
7 government agency to be trained to protect the  
8 confidentiality of social security numbers and to  
9 understand the requirements of this Section.

10           (2) Prohibit the unlawful disclosure of social  
11 security numbers.

12           (3) Limit the number of employees who have access to  
13 information or documents that contain social security  
14 numbers.

15           (4) Describe how to properly dispose of information and  
16 documents that contain social security numbers.

17           (5) Establish penalties for violation of the privacy  
18 policy.

19           (6) Prevent the intentional communication of or  
20 ability of the general public to access an individual's  
21 social security number.

22           Each State agency must file a written copy of its privacy  
23 policy with the Clerk of the House of Representatives and the  
24 Secretary of the Senate. Each local government agency must file  
25 a written copy of its privacy policy with the governing board



1 of the unit of local government. Each State or local government  
2 agency must also provide a written copy of the policy to each  
3 of its employees, and must also make its privacy policy  
4 available to any member of the public, upon request. If a State  
5 or local government agency amends its privacy policy, then that  
6 agency must file a written copy of the amended policy with the  
7 appropriate entity and must also provide each of its employees  
8 with a new written copy of the amended policy.

9 Section 40. Judicial branch and clerks of courts. The  
10 judicial branch and clerks of the circuit court are not subject  
11 to the provisions of this Act, except that the Supreme Court  
12 shall, under its rulemaking authority or by administrative  
13 order, adopt requirements applicable to the judicial branch,  
14 including clerks of the circuit court, regulating the  
15 disclosure of social security numbers consistent with the  
16 intent of this Act and the unique circumstances relevant in the  
17 judicial process.

18 Section 45. Home rule. A home rule unit, other than the  
19 City of Chicago, may not regulate the use of social security  
20 numbers in a manner that is inconsistent with this Act. This  
21 Act is a limitation under subsection (i) of Section 6 of  
22 Article VII of the Illinois Constitution on the concurrent  
23 exercise by home rule units of powers and functions exercised  
24 by the State.

1           Section 50. This Act does not supersede any more  
2 restrictive law, rule, or regulation regarding the collection,  
3 use, or release of social security numbers.

4           Section 70. The Department of Revenue Law of the Civil  
5 Administrative Code of Illinois is amended by adding Section  
6 2505-555 as follows:

7           (20 ILCS 2505/2505-555 new)

8           Sec. 2505-555. Study concerning tax increment financing  
9 information on tax bills.

10           (a) The Department must conduct a study to determine the  
11 feasibility for each county to include, on the property tax  
12 bills for each taxpayer in that county, information concerning  
13 any tax increment financing project that affects the taxpayer.

14           (b) The information on a taxpayer's property tax bill must  
15 include, for each tax increment financing project that affects  
16 the taxpayer:

17                 (1) a description of the project;

18                 (2) a statement of initial total equalized assessed  
19 value of the property in the project area before the tax  
20 increment financing;

21                 (3) a statement of the current total equalized assessed  
22 value of the property in the project area;

23                 (4) a statement of the impact of the tax increment

1 financing on each tax rate for each affected taxing  
2 district; and

3 (5) projections for future impacts of the tax increment  
4 financing on each tax rate for each affected taxing  
5 district.

6 (c) The study under this Section must include an analysis  
7 of any obstacles that a county will face in including the  
8 information on property tax bills and identify any possible  
9 solutions to those obstacles.

10 (d) No later than April 1, 2008, the Department must submit  
11 a report to the Governor and the General Assembly concerning  
12 the study under this Section.

13 Section 90. The State Mandates Act is amended by adding  
14 Section 8.31 as follows:

15 (30 ILCS 805/8.31 new)

16 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
17 of this Act, no reimbursement by the State is required for the  
18 implementation of any mandate created by the Identity  
19 Protection Act.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."