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LRB095 15627 HLH 46793 a

1 AMENDMENT TO HOUSE BILL 4219

2 AMENDMENT NO. _____. Amend House Bill 4219 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, 2010, 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) Use the social security number for any purpose
2 other than the purpose for which it was collected.

3 (8) Intentionally communicate or otherwise make
4 available to the general public a person's social security
5 number.

6 (b) The prohibitions in subsection (a) do not apply in the
7 following circumstances:

8 (1) The disclosure of social security numbers to
9 agents, employees, or contractors of a governmental entity
10 or disclosed by a governmental entity to another
11 governmental entity or its agents, employees, or
12 contractors if disclosure is necessary in order for the
13 entity to perform its duties and responsibilities and if
14 the governmental entity and its agents, employees, and
15 contractors maintain the confidential and exempt status of
16 the social security numbers.

17 (2) The disclosure of social security numbers pursuant
18 to a court order, warrant, or subpoena.

19 (3) The collection, use, or disclosure of social
20 security numbers in order to ensure the safety of: State
21 and local government employees; persons committed to
22 correctional facilities, local jails, and other
23 law-enforcement facilities or retention centers; wards of
24 the State; and all persons working in or visiting a State
25 or local government agency facility.

26 (4) The disclosure of social security numbers by a

1 State agency to any entity for the collection of delinquent
2 child support or of any State debt.

3 (5) The collection, use, or disclosure of social
4 security numbers to investigate or prevent fraud, to
5 conduct background checks, to conduct social or scientific
6 research, to collect a debt, to obtain a credit report from
7 or furnish data to a consumer reporting agency under the
8 federal Fair Credit Reporting Act, to undertake any
9 permissible purpose that is enumerated under the federal
10 Gramm Leach Bliley Act, or to locate a missing person, a
11 lost relative, or a person who is due a benefit, such as a
12 pension benefit or an unclaimed-property benefit.

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

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

1 individual's social security number.

2 Section 20. Applicability.

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

8 (b) This Act does not apply to documents that are recorded
9 with a county recorder or required to be open to the public
10 under any State or federal law, rule, or regulation, applicable
11 case law, Supreme Court Rule, or the Constitution of the State
12 of Illinois. Notwithstanding this Section, county recorders
13 must comply with the provisions of Section 35 of this Act.

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

19 Section 30. Embedded social security numbers. Beginning
20 December 31, 2009, no person or State or local government
21 agency may encode or embed a social security number in or on a
22 card or document, including, but not limited to, using a bar
23 code, chip, magnetic strip, RFID technology, or other

1 technology, in place of removing the social security number as
2 required by this Act.

3 Section 35. Identity-protection policy; local government.
4 Each local government agency must establish an
5 identity-protection policy and must implement that policy on or
6 before December 31, 2009. The policy must do all of the
7 following:

8 (1) Identify all employees of the local government
9 agency who may have access to social security numbers in
10 the course of performing their duties.

11 (2) Require all employees of the local government
12 agency identified as having access to social security
13 numbers in the course of performing their duties to be
14 trained to protect the confidentiality of social security
15 numbers and to understand the requirements of this Section.

16 (3) Prohibit the unlawful disclosure of social
17 security numbers.

18 (4) Limit the number of employees who have access to
19 information or documents that contain social security
20 numbers.

21 (5) Describe how to properly dispose of information and
22 documents that contain social security numbers.

23 (6) Establish penalties for violation of the privacy
24 policy.

25 (7) Prevent the intentional communication of or

1 ability of the general public to access an individual's
2 social security number.

3 (8) Require that social security numbers requested
4 from an individual be segregated on a separate page from
5 the rest of the record, provide a discrete location for a
6 social security numbers when required on a standardized
7 form, or otherwise place the number in a manner that makes
8 it easily redacted if required to be released as part of a
9 public records request.

10 (9) Require that, when collecting a social security
11 number from an individual, at the time of or prior to the
12 actual collection of the social security number or upon
13 request by the individual, a statement of the purpose or
14 purposes for which the agency is collecting and using the
15 social security number be provided.

16 Each local government agency must file a written copy of
17 its privacy policy with the governing board of the unit of
18 local government. Each local government agency must also
19 provide a written copy of the policy to each of its employees,
20 and must also make its privacy policy available to any member
21 of the public, upon request. If a local government agency
22 amends its privacy policy, then that agency must file a written
23 copy of the amended policy with the appropriate entity and must
24 also provide each of its employees with a new written copy of
25 the amended policy.

1 Section 37. Identity-protection policy; State. Each State
2 agency must recommend to the Social Security Number Task Force
3 an identity-protection policy on or before September 30, 2009.
4 The policy must do all of the following:

5 (1) Identify all employees of the State agency who may
6 have access to social security numbers in the performance
7 of their duties.

8 (2) Require all employees of the State agency
9 identified as having access to social security numbers in
10 the performance of their duties to be trained to protect
11 the confidentiality of social security numbers and to
12 understand the requirements of this Section.

13 (3) Prohibit the unlawful disclosure of social
14 security numbers.

15 (4) Limit the number of employees who have access to
16 information or documents that contain social security
17 numbers.

18 (5) Describe how to properly dispose of information and
19 documents that contain social security numbers.

20 (6) Establish penalties for violation of the privacy
21 policy.

22 (7) Prevent the intentional communication of or
23 ability of the general public to access an individual's
24 social security number.

25 (8) Require that social security numbers requested
26 from an individual be segregated on a separate page from

1 the rest of the record, provide a discrete location for a
2 social security numbers when required on a standardized
3 form, or otherwise place the number in a manner that makes
4 it easily redacted if required to be released as part of a
5 public records request.

6 (9) Require that, when collecting a social security
7 number from an individual, at the time of or prior to the
8 actual collection of the social security number or upon
9 request by the individual, a statement of the purpose or
10 purposes for which the agency is collecting and using the
11 social security number be provided.

12 The Task Force will study the recommendations from the
13 State agencies and will make its recommendation to the General
14 Assembly of the changes needed to implement the policies by
15 December 31, 2009.

16 Section 40. Judicial branch and clerks of courts. The
17 judicial branch and clerks of the circuit court are not subject
18 to the provisions of this Act, except that the Supreme Court
19 shall, under its rulemaking authority or by administrative
20 order, adopt requirements applicable to the judicial branch,
21 including clerks of the circuit court, regulating the
22 disclosure of social security numbers consistent with the
23 intent of this Act and the unique circumstances relevant in the
24 judicial process.

1 Section 45. Violation. Any person who intentionally
2 violates the prohibitions in Section 10 of this Act is guilty
3 of a Class B misdemeanor.

4 Section 50. Home rule. A home rule unit of local
5 government, any non-home rule municipality, or any non-home
6 rule county may regulate the use of social security numbers,
7 but that regulation must be no less restrictive than this Act.
8 This Act is a limitation under subsection (i) of Section 6 of
9 Article VII of the Illinois Constitution on the concurrent
10 exercise by home rule units of powers and functions exercised
11 by the State.

12 Section 55. This Act does not supersede any more
13 restrictive law, rule, or regulation regarding the collection,
14 use, or release of social security numbers.

15 Section 60. Rulemaking. Notwithstanding any other
16 rulemaking authority that may exist, neither the Governor nor
17 any agency or agency head under the jurisdiction of the
18 Governor has any authority to make or promulgate rules to
19 implement or enforce the provisions of this Act. If, however,
20 the Governor believes that rules are necessary to implement or
21 enforce the provisions of this Act, the Governor may suggest
22 rules to the General Assembly by filing them with the Clerk of
23 the House and the Secretary of the Senate and by requesting

1 that the General Assembly authorize such rulemaking by law,
2 enact those suggested rules into law, or take any other
3 appropriate action in the General Assembly's discretion.
4 Nothing contained in this Act shall be interpreted to grant
5 rulemaking authority under any other Illinois statute where
6 such authority is not otherwise explicitly given. For the
7 purposes of this Section, "rules" is given the meaning
8 contained in Section 1-70 of the Illinois Administrative
9 Procedure Act, and "agency" and "agency head" are given the
10 meanings contained in Sections 1-20 and 1-25 of the Illinois
11 Administrative Procedure Act to the extent that such
12 definitions apply to agencies or agency heads under the
13 jurisdiction of the Governor.

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.32 as follows:

16 (30 ILCS 805/8.32 new)

17 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this amendatory Act of
20 the 95th General Assembly.

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