

1 AN ACT concerning State government.

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

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.

16 Section 10. Prohibited activities.

17 (a) Except as otherwise provided in this Act, beginning  
18 July 1, 2010, no person or State or local government agency may  
19 do any of the following:

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

22 (2) Print an individual's social security number on any

1 card required for the individual to access products or  
2 services provided by the person or entity; however, a  
3 person or entity that provides an insurance card must print  
4 on the card an identification number unique to the holder  
5 of the card in the format prescribed by Section 15 of the  
6 Uniform Prescription Drug Information Card Act.

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

10 (4) Require an individual to use his or her social  
11 security number to access an Internet web site, unless a  
12 password or unique personal identification number or other  
13 authentication device is also required to access the  
14 Internet web site.

15 (5) Print an individual's social security number on any  
16 materials that are mailed to the individual, through the  
17 U.S. Postal Service, any private mail service, electronic  
18 mail, or any similar method of delivery, unless State or  
19 federal law requires the social security number to be on  
20 the document to be mailed. Notwithstanding any provision in  
21 this Section to the contrary, social security numbers may  
22 be included in applications and forms sent by mail,  
23 including, but not limited to, any material mailed in  
24 connection with the administration of the Unemployment  
25 Insurance Act, any material mailed in connection with any  
26 tax administered by the Department of Revenue, and

1 documents sent as part of an application or enrollment  
2 process or to establish, amend, or terminate an account,  
3 contract, or policy or to confirm the accuracy of the  
4 social security number. A social security number that may  
5 permissibly be mailed under this Section may not be  
6 printed, in whole or in part, on a postcard or other mailer  
7 that does not require an envelope or be visible on an  
8 envelope or visible without the envelope having been  
9 opened.

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

20 (7) Use the social security number for any purpose  
21 other than the purpose for which it was collected.

22 (8) Intentionally communicate or otherwise make  
23 available to the general public a person's social security  
24 number.

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

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

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

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

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

22           (5) The collection, use, or disclosure of social  
23 security numbers to investigate or prevent fraud, to  
24 conduct background checks, to conduct social or scientific  
25 research, to collect a debt, to obtain a credit report from  
26 or furnish data to a consumer reporting agency under the

1 federal Fair Credit Reporting Act, to undertake any  
2 permissible purpose that is enumerated under the federal  
3 Gramm Leach Bliley Act, or to locate a missing person, a  
4 lost relative, or a person who is due a benefit, such as a  
5 pension benefit or an unclaimed-property benefit.

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

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

20 Section 20. Applicability.

21 (a) This Act does not apply to the collection, use, or  
22 release of a social security number as required by State or  
23 federal law, rule, or regulation, or the use of a social  
24 security number or other identifying information for internal

1 verification or administrative purposes.

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

8 Section 25. Compliance with federal law. If a federal law  
9 takes effect requiring any federal agency to establish a  
10 national unique patient health identifier program, any State or  
11 local government agency that complies with the federal law  
12 shall be deemed to be in compliance with this Act.

13 Section 30. Embedded social security numbers. Beginning  
14 December 31, 2009, no person or State or local government  
15 agency may encode or embed a social security number in or on a  
16 card or document, including, but not limited to, using a bar  
17 code, chip, magnetic strip, RFID technology, or other  
18 technology, in place of removing the social security number as  
19 required by this Act.

20 Section 35. Identity-protection policy; local government.  
21 Each local government agency must establish an  
22 identity-protection policy and must implement that policy on or  
23 before December 31, 2009. The policy must do all of the

1 following:

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

5 (2) Require all employees of the local government  
6 agency identified as having access to social security  
7 numbers in the course of performing their duties to be  
8 trained to protect the confidentiality of social security  
9 numbers and to understand the requirements of this Section.

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

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

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

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

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

22 (8) Require that social security numbers requested  
23 from an individual be segregated on a separate page from  
24 the rest of the record, provide a discrete location for a  
25 social security number when required on a standardized  
26 form, or otherwise place the number in a manner that makes

1           it easily redacted if required to be released as part of a  
2           public records request.

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

9           Each local government agency must file a written copy of  
10          its privacy policy with the governing board of the unit of  
11          local government. Each local government agency must also  
12          provide a written copy of the policy to each of its employees,  
13          and must also make its privacy policy available to any member  
14          of the public, upon request. If a local government agency  
15          amends its privacy policy, then that agency must file a written  
16          copy of the amended policy with the appropriate entity and must  
17          also provide each of its employees with a new written copy of  
18          the amended policy.

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

23                 (1) Identify all employees of the State agency who may  
24                 have access to social security numbers in the performance  
25                 of their duties.



1           (2) Require all employees of the State agency  
2 identified as having access to social security numbers in  
3 the performance of their duties to be trained to protect  
4 the confidentiality of social security numbers and to  
5 understand the requirements of this Section.

6           (3) Prohibit the unlawful disclosure of social  
7 security numbers.

8           (4) Limit the number of employees who have access to  
9 information or documents that contain social security  
10 numbers.

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

13           (6) Establish penalties for violation of the privacy  
14 policy.

15           (7) Prevent the intentional communication of or  
16 ability of the general public to access an individual's  
17 social security number.

18           (8) Require that social security numbers requested  
19 from an individual be segregated on a separate page from  
20 the rest of the record, provide a discrete location for a  
21 social security number when required on a standardized  
22 form, or otherwise place the number in a manner that makes  
23 it easily redacted if required to be released as part of a  
24 public records request.

25           (9) Require that, when collecting a social security  
26 number from an individual, at the time of or prior to the

1 actual collection of the social security number or upon  
2 request by the individual, a statement of the purpose or  
3 purposes for which the agency is collecting and using the  
4 social security number be provided.

5 The Task Force will study the recommendations from the  
6 State agencies and will make its recommendation to the General  
7 Assembly of the changes needed to implement the policies by  
8 December 31, 2009.

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. Violation. Any person who intentionally  
19 violates the prohibitions in Section 10 of this Act is guilty  
20 of a Class B misdemeanor.

21 Section 50. Home rule. A home rule unit of local  
22 government, any non-home rule municipality, or any non-home  
23 rule county may regulate the use of social security numbers,

1 but that regulation must be no less restrictive than this Act.  
2 This Act is a limitation under subsection (i) of Section 6 of  
3 Article VII of the Illinois Constitution on the concurrent  
4 exercise by home rule units of powers and functions exercised  
5 by the State.

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

9 Section 60. Rulemaking. Notwithstanding any other  
10 rulemaking authority that may exist, neither the Governor nor  
11 any agency or agency head under the jurisdiction of the  
12 Governor has any authority to make or promulgate rules to  
13 implement or enforce the provisions of this Act. If, however,  
14 the Governor believes that rules are necessary to implement or  
15 enforce the provisions of this Act, the Governor may suggest  
16 rules to the General Assembly by filing them with the Clerk of  
17 the House and the Secretary of the Senate and by requesting  
18 that the General Assembly authorize such rulemaking by law,  
19 enact those suggested rules into law, or take any other  
20 appropriate action in the General Assembly's discretion.  
21 Nothing contained in this Act shall be interpreted to grant  
22 rulemaking authority under any other Illinois statute where  
23 such authority is not otherwise explicitly given. For the  
24 purposes of this Section, "rules" is given the meaning

1 contained in Section 1-70 of the Illinois Administrative  
2 Procedure Act, and "agency" and "agency head" are given the  
3 meanings contained in Sections 1-20 and 1-25 of the Illinois  
4 Administrative Procedure Act to the extent that such  
5 definitions apply to agencies or agency heads under the  
6 jurisdiction of the Governor.

7 Section 90. The State Mandates Act is amended by adding  
8 Section 8.32 as follows:

9 (30 ILCS 805/8.32 new)

10 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
11 of this Act, no reimbursement by the State is required for the  
12 implementation of any mandate created by this amendatory Act of  
13 the 95th General Assembly.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.