

1 AN ACT concerning employment.

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

4 Section 5. The Unemployment Insurance Act is amended by  
5 changing Section 1900 as follows:

6 (820 ILCS 405/1900) (from Ch. 48, par. 640)

7 Sec. 1900. Disclosure of information.

8 A. Except as provided in this Section, information obtained  
9 from any individual or employing unit during the administration  
10 of this Act shall:

11 1. be confidential,

12 2. not be published or open to public inspection,

13 3. not be used in any court in any pending action or  
14 proceeding,

15 4. not be admissible in evidence in any action or  
16 proceeding other than one arising out of this Act.

17 B. No finding, determination, decision, ruling or order  
18 (including any finding of fact, statement or conclusion made  
19 therein) issued pursuant to this Act shall be admissible or  
20 used in evidence in any action other than one arising out of  
21 this Act, nor shall it be binding or conclusive except as  
22 provided in this Act, nor shall it constitute res judicata,  
23 regardless of whether the actions were between the same or

1 related parties or involved the same facts.

2 C. Any officer or employee of this State, any officer or  
3 employee of any entity authorized to obtain information  
4 pursuant to this Section, and any agent of this State or of  
5 such entity who, except with authority of the Director under  
6 this Section, shall disclose information shall be guilty of a  
7 Class B misdemeanor and shall be disqualified from holding any  
8 appointment or employment by the State.

9 D. An individual or his duly authorized agent may be  
10 supplied with information from records only to the extent  
11 necessary for the proper presentation of his claim for benefits  
12 or with his existing or prospective rights to benefits.  
13 Discretion to disclose this information belongs solely to the  
14 Director and is not subject to a release or waiver by the  
15 individual. Notwithstanding any other provision to the  
16 contrary, an individual or his or her duly authorized agent may  
17 be supplied with a statement of the amount of benefits paid to  
18 the individual during the 18 months preceding the date of his  
19 or her request.

20 E. An employing unit may be furnished with information,  
21 only if deemed by the Director as necessary to enable it to  
22 fully discharge its obligations or safeguard its rights under  
23 the Act. Discretion to disclose this information belongs solely  
24 to the Director and is not subject to a release or waiver by  
25 the employing unit.

26 F. The Director may furnish any information that he may

1 deem proper to any public officer or public agency of this or  
2 any other State or of the federal government dealing with:

- 3 1. the administration of relief,
- 4 2. public assistance,
- 5 3. unemployment compensation,
- 6 4. a system of public employment offices,
- 7 5. wages and hours of employment, or
- 8 6. a public works program.

9 The Director may make available to the Illinois Workers'  
10 Compensation Commission information regarding employers for  
11 the purpose of verifying the insurance coverage required under  
12 the Workers' Compensation Act and Workers' Occupational  
13 Diseases Act.

14 G. The Director may disclose information submitted by the  
15 State or any of its political subdivisions, municipal  
16 corporations, instrumentalities, or school or community  
17 college districts, except for information which specifically  
18 identifies an individual claimant.

19 H. The Director shall disclose only that information  
20 required to be disclosed under Section 303 of the Social  
21 Security Act, as amended, including:

- 22 1. any information required to be given the United  
23 States Department of Labor under Section 303(a)(6); and
- 24 2. the making available upon request to any agency of  
25 the United States charged with the administration of public  
26 works or assistance through public employment, the name,

1 address, ordinary occupation and employment status of each  
2 recipient of unemployment compensation, and a statement of  
3 such recipient's right to further compensation under such  
4 law as required by Section 303(a) (7); and

5 3. records to make available to the Railroad Retirement  
6 Board as required by Section 303(c) (1); and

7 4. information that will assure reasonable cooperation  
8 with every agency of the United States charged with the  
9 administration of any unemployment compensation law as  
10 required by Section 303(c) (2); and

11 5. information upon request and on a reimbursable basis  
12 to the United States Department of Agriculture and to any  
13 State food stamp agency concerning any information  
14 required to be furnished by Section 303(d); and

15 6. any wage information upon request and on a  
16 reimbursable basis to any State or local child support  
17 enforcement agency required by Section 303(e); and

18 7. any information required under the income  
19 eligibility and verification system as required by Section  
20 303(f); and

21 8. information that might be useful in locating an  
22 absent parent or that parent's employer, establishing  
23 paternity or establishing, modifying, or enforcing child  
24 support orders for the purpose of a child support  
25 enforcement program under Title IV of the Social Security  
26 Act upon the request of and on a reimbursable basis to the

1 public agency administering the Federal Parent Locator  
2 Service as required by Section 303(h); and

3 9. information, upon request, to representatives of  
4 any federal, State or local governmental public housing  
5 agency with respect to individuals who have signed the  
6 appropriate consent form approved by the Secretary of  
7 Housing and Urban Development and who are applying for or  
8 participating in any housing assistance program  
9 administered by the United States Department of Housing and  
10 Urban Development as required by Section 303(i).

11 I. The Director, upon the request of a public agency of  
12 Illinois, of the federal government or of any other state  
13 charged with the investigation or enforcement of Section 10-5  
14 of the Criminal Code of 1961 (or a similar federal law or  
15 similar law of another State), may furnish the public agency  
16 information regarding the individual specified in the request  
17 as to:

18 1. the current or most recent home address of the  
19 individual, and

20 2. the names and addresses of the individual's  
21 employers.

22 J. Nothing in this Section shall be deemed to interfere  
23 with the disclosure of certain records as provided for in  
24 Section 1706 or with the right to make available to the  
25 Internal Revenue Service of the United States Department of the  
26 Treasury, or the Department of Revenue of the State of

1 Illinois, information obtained under this Act.

2 K. The Department shall make available to the Illinois  
3 Student Assistance Commission, upon request, information in  
4 the possession of the Department that may be necessary or  
5 useful to the Commission in the collection of defaulted or  
6 delinquent student loans which the Commission administers.

7 L. The Department shall make available to the State  
8 Employees' Retirement System, the State Universities  
9 Retirement System, and the Teachers' Retirement System of the  
10 State of Illinois, upon request, information in the possession  
11 of the Department that may be necessary or useful to the System  
12 for the purpose of determining whether any recipient of a  
13 disability benefit from the System is gainfully employed.

14 M. This Section shall be applicable to the information  
15 obtained in the administration of the State employment service,  
16 except that the Director may publish or release general labor  
17 market information and may furnish information that he may deem  
18 proper to an individual, public officer or public agency of  
19 this or any other State or the federal government (in addition  
20 to those public officers or public agencies specified in this  
21 Section) as he prescribes by Rule.

22 N. The Director may require such safeguards as he deems  
23 proper to insure that information disclosed pursuant to this  
24 Section is used only for the purposes set forth in this  
25 Section.

26 O. (Blank).

1 P. Within 30 days after the effective date of this  
2 amendatory Act of 1993 and annually thereafter, the Department  
3 shall provide to the Department of Financial Institutions a  
4 list of individuals or entities that, for the most recently  
5 completed calendar year, report to the Department as paying  
6 wages to workers. The lists shall be deemed confidential and  
7 may not be disclosed to any other person.

8 Q. The Director shall make available to an elected federal  
9 official the name and address of an individual or entity that  
10 is located within the jurisdiction from which the official was  
11 elected and that, for the most recently completed calendar  
12 year, has reported to the Department as paying wages to  
13 workers, where the information will be used in connection with  
14 the official duties of the official and the official requests  
15 the information in writing, specifying the purposes for which  
16 it will be used. For purposes of this subsection, the use of  
17 information in connection with the official duties of an  
18 official does not include use of the information in connection  
19 with the solicitation of contributions or expenditures, in  
20 money or in kind, to or on behalf of a candidate for public or  
21 political office or a political party or with respect to a  
22 public question, as defined in Section 1-3 of the Election  
23 Code, or in connection with any commercial solicitation. Any  
24 elected federal official who, in submitting a request for  
25 information covered by this subsection, knowingly makes a false  
26 statement or fails to disclose a material fact, with the intent

1 to obtain the information for a purpose not authorized by this  
2 subsection, shall be guilty of a Class B misdemeanor.

3 R. The Director may provide to any State or local child  
4 support agency, upon request and on a reimbursable basis,  
5 information that might be useful in locating an absent parent  
6 or that parent's employer, establishing paternity, or  
7 establishing, modifying, or enforcing child support orders.

8 S. The Department shall make available to a State's  
9 Attorney of this State or a State's Attorney's investigator,  
10 upon request, the current address or, if the current address is  
11 unavailable, current employer information, if available, of a  
12 victim of a felony or a witness to a felony or a person against  
13 whom an arrest warrant is outstanding.

14 T. The Director shall make available to the Department of  
15 State Police or a county or municipal law enforcement agency,  
16 upon request, any information concerning the place of  
17 employment or former places of employment and place of  
18 residency when the individual in question has or is presently  
19 receiving benefits from the Department of Employment Security  
20 of a person who is required to register as a sex offender under  
21 the Sex Offender Registration Act that may be useful in  
22 enforcing the registration provisions requiring a sex offender  
23 to disclose his or her place of employment to the law  
24 enforcement agency of the jurisdiction in which the sex  
25 offender is employed.

26 U. Notwithstanding any other rulemaking authority that may



1 exist, neither the Governor nor any agency or agency head under  
2 the jurisdiction of the Governor has any authority to make or  
3 promulgate rules to implement or enforce the provisions of this  
4 amendatory Act of the 95th General Assembly. If, however, the  
5 Governor believes that rules are necessary to implement or  
6 enforce the provisions of this amendatory Act of the 95th  
7 General Assembly, the Governor may suggest rules to the General  
8 Assembly by filing them with the Clerk of the House and the  
9 Secretary of the Senate and by requesting that the General  
10 Assembly authorize such rulemaking by law, enact those  
11 suggested rules into law, or take any other appropriate action  
12 in the General Assembly's discretion. Nothing contained in this  
13 amendatory Act of the 95th General Assembly shall be  
14 interpreted to grant rulemaking authority under any other  
15 Illinois statute where such authority is not otherwise  
16 explicitly given. For the purposes of this Section, "rules" is  
17 given the meaning contained in Section 1-70 of the Illinois  
18 Administrative Procedure Act, and "agency" and "agency head"  
19 are given the meanings contained in Sections 1-20 and 1-25 of  
20 the Illinois Administrative Procedure Act to the extent that  
21 such definitions apply to agencies or agency heads under the  
22 jurisdiction of the Governor.

23 (Source: P.A. 93-311, eff. 1-1-04; 93-721, eff. 1-1-05; 94-911,  
24 eff. 6-23-06.)