

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 "Identity-protection policy" means any policy created to
8 protect social security numbers from unauthorized disclosure.

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

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

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

16 "State agency" means that term as it is defined in Section
17 1-7 of the Illinois State Auditing Act.

18 Section 10. Prohibited Activities.

19 (a) Beginning July 1, 2010, no person or State or local
20 government agency may do any of the following:

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

1 (2) Print an individual's social security number on any
2 card required for the individual to access products or
3 services provided by the person or entity.

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

7 (4) Print an individual's social security number on any
8 materials that are mailed to the individual, through the
9 U.S. Postal Service, any private mail service, electronic
10 mail, or any similar method of delivery, unless State or
11 federal law requires the social security number to be on
12 the document to be mailed. Notwithstanding any provision in
13 this Section to the contrary, social security numbers may
14 be included in applications forms sent by mail, including,
15 but not limited to, any material mailed in connection with
16 the administration of the Unemployment Insurance Act, any
17 material mailed in connection with any tax administered by
18 the Department of Revenue, and documents sent as part of an
19 application or enrollment process or to establish, amend,
20 or terminate an account, contract, or policy or to confirm
21 the accuracy of the social security number. A social
22 security number that may permissibly be mailed under this
23 Section may not be printed, in whole or in part, on a
24 postcard or other mailer that does not require an envelope
25 or be visible on an envelope without the envelope having
26 been opened.

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

4 (1) Collect, use, or disclose a social security number
5 from an individual, unless (i) required to do so under
6 State or federal law, rules, or regulations, or the
7 collection, use, or disclosure of the social security
8 number is otherwise necessary for the performance of that
9 agency's duties and responsibilities; (ii) the need and
10 purpose for the social security number is documented before
11 collection of the social security number; and (iii) the
12 social security number collected is relevant to the
13 documented need and purpose.

14 (2) Require an individual to use his or her social
15 security number to access an Internet website.

16 (3) Use the social security number for any purpose
17 other than the purpose for which it was collected.

18 (c) The prohibitions in subsection (b) do not apply in the
19 following circumstances:

20 (1) The disclosure of social security numbers to
21 agents, employees, contractors, or subcontractors of a
22 governmental entity or disclosure by a governmental entity
23 to another governmental entity or its agents, employees,
24 contractors, or subcontractors if disclosure is necessary
25 in order for the entity to perform its duties and
26 responsibilities; and, if disclosing to a contractor or

1 subcontractor, prior to such disclosure, the governmental
2 entity must first receive from the contractor or
3 subcontractor a copy of the contractor's or
4 subcontractor's policy that sets forth how the
5 requirements imposed under this Act on a governmental
6 entity to protect an individual's social security number
7 will be achieved.

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

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

17 (4) The collection, use, or disclosure of social
18 security numbers for internal verification or
19 administrative purposes.

20 (5) The disclosure of social security numbers by a
21 State agency to any entity for the collection of delinquent
22 child support or of any State debt or to a governmental
23 agency to assist with an investigation or the prevention of
24 fraud.

25 (6) The collection or use of social security numbers to
26 investigate or prevent fraud, to conduct background

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

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

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

1 Section 20. Applicability.

2 (a) This Act does not apply to the collection, use, or
3 disclosure of a social security number as required by State or
4 federal law, rule, or regulation.

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

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

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

23 Section 35. Identity-protection policy; local government.

1 (a) Each local government agency must draft and approve an
2 identity-protection policy within 12 months after the
3 effective date of this Act. The policy must do all of the
4 following:

5 (1) Identify this Act.

6 (2) Require all employees of the local government
7 agency identified as having access to social security
8 numbers in the course of performing their duties to be
9 trained to protect the confidentiality of social security
10 numbers. Training should include instructions on the
11 proper handling of information that contains social
12 security numbers from the time of collection through the
13 destruction of the information.

14 (3) Direct that only employees who are required to use
15 or handle information or documents that contain social
16 security numbers have access to such information or
17 documents.

18 (4) Require that social security numbers requested
19 from an individual be provided in a manner that makes the
20 social security number easily redacted if required to be
21 released as part of a public records request.

22 (5) Require that, when collecting a social security
23 number or upon request by the individual, a statement of
24 the purpose or purposes for which the agency is collecting
25 and using the social security number be provided.

26 (b) Each local government agency must file a written copy

1 of its privacy policy with the governing board of the unit of
2 local government within 30 days after approval of the policy.
3 Each local government agency must advise its employees of the
4 existence of the policy and make a copy of the policy available
5 to each of its employees, and must also make its privacy policy
6 available to any member of the public, upon request. If a local
7 government agency amends its privacy policy, then that agency
8 must file a written copy of the amended policy with the
9 appropriate entity and must also advise its employees of the
10 existence of the amended policy and make a copy of the amended
11 policy available to each of its employees.

12 (c) Each local government agency must implement the
13 components of its identity-protection policy that are
14 necessary to meet the requirements of this Act within 12 months
15 after the date the identity-protection policy is approved. This
16 subsection (c) shall not affect the requirements of Section 10
17 of this Act.

18 Section 37. Identity-protection policy; State.

19 (a) Each State agency must draft and approve an
20 identity-protection policy within 12 months after the
21 effective date of this Act. The policy must do all of the
22 following:

23 (1) Identify this Act.

24 (2) Require all employees of the State agency
25 identified as having access to social security numbers in

1 the course of performing their duties to be trained to
2 protect the confidentiality of social security numbers.
3 Training should include instructions on proper handling of
4 information that contains social security numbers from the
5 time of collection through the destruction of the
6 information.

7 (3) Direct that only employees who are required to use
8 or handle information or documents that contain social
9 security numbers have access to such information or
10 documents.

11 (4) Require that social security numbers requested
12 from an individual be placed in a manner that makes the
13 social security number easily redacted if required to be
14 released as part of a public records request.

15 (5) Require that, when collecting a social security
16 number or upon request by the individual, a statement of
17 the purpose or purposes for which the agency is collecting
18 and using the social security number be provided.

19 (b) Each State agency must provide a copy of its
20 identity-protection policy to the Social Security Number
21 Protection Task Force within 30 days after the approval of the
22 policy.

23 (c) Each State agency must implement the components of its
24 identity-protection policy that are necessary to meet the
25 requirements of this Act within 12 months after the date the
26 identity-protection policy is approved. This subsection (c)

1 shall not affect the requirements of Section 10 of this Act.

2 Section 40. Judicial branch and clerks of courts. The
3 judicial branch and clerks of the circuit court are not subject
4 to the provisions of this Act, except that the Supreme Court
5 shall, under its rulemaking authority or by administrative
6 order, adopt requirements applicable to the judicial branch,
7 including clerks of the circuit court, regulating the
8 disclosure of social security numbers consistent with the
9 intent of this Act and the unique circumstances relevant in the
10 judicial process.

11 Section 45. Violation. Any person who intentionally
12 violates the prohibitions in Section 10 of this Act is guilty
13 of a Class B misdemeanor.

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

22 Section 55. This Act does not supersede any more

1 restrictive law, rule, or regulation regarding the collection,
2 use, or disclosure of social security numbers.

3 Section 60. Rulemaking conditions. Rulemaking authority to
4 implement this Act, if any, is conditioned on the rules being
5 adopted in accordance with all provisions of the Illinois
6 Administrative Procedure Act and all rules and procedures of
7 the Joint Committee on Administrative Rules; any purported rule
8 not so adopted, for whatever reason, is unauthorized.

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.33 as follows:

11 (30 ILCS 805/8.33 new)

12 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
13 of this Act, no reimbursement by the State is required for the
14 implementation of any mandate created by the Identity
15 Protection Act.