

1 AN ACT concerning privacy.

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 Privacy Protection Act.

6 Section 5. Sale of information. No constitutional
7 officer and no State agency under the jurisdiction of a
8 constitutional officer may sell personal information
9 regarding Illinois citizens, including information contained
10 in public records, to any entity for commercial solicitation
11 purposes without the written consent of each citizen whose
12 personal information will be sold.

13 A commercial purchaser of personal information regarding
14 Illinois citizens must enter into an agreement with the
15 constitutional officer or State agency that requires the
16 purchaser to disclose the commercial use of the intended
17 purchase. The purchaser must agree that he or she will not
18 use the information for commercial solicitation purposes or
19 for criminal purposes. The constitutional officer or State
20 agency must charge the purchaser a fee that represents the
21 commercial value of the information, even if that fee
22 significantly exceeds the reasonable costs of copying and
23 providing the information. The fee charged by a
24 constitutional officer or State agency under this Section is
25 in addition to any charges under the Freedom of Information
26 Act or any other statutory fees.

27 As used in this Act, "commercial solicitation purposes"
28 means the use of information to contact individuals to
29 advertise, offer for sale, market, or sell products or
30 services or to identify potential employees.

1 Section 900. The Illinois Vehicle Code is amended by
2 changing Section 2-123 as follows:

3 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

4 Sec. 2-123. Sale and Distribution of Information.

5 (a) Except as otherwise provided in this Section, the
6 Secretary may make the driver's license, vehicle and title
7 registration lists, in part or in whole, and any statistical
8 information derived from these lists available to local
9 governments, elected state officials, state educational
10 institutions, public libraries and all other governmental
11 units of the State and Federal Government requesting them for
12 governmental purposes. The Secretary shall require any such
13 applicant for services to pay for the costs of furnishing
14 such services and the use of the equipment involved, and in
15 addition is empowered to establish prices and charges for the
16 services so furnished and for the use of the electronic
17 equipment utilized.

18 (b) The Secretary is further empowered to and he may, in
19 his discretion, furnish to any applicant, other than listed
20 in subsection (a) of this Section, vehicle or driver data on
21 a computer tape, disk, or printout at a fixed fee of \$250 in
22 advance and require in addition a further sufficient deposit
23 based upon the Secretary of State's estimate of the total
24 cost of the information requested and a charge of \$25 per
25 1,000 units or part thereof identified or the actual cost,
26 whichever is greater. The Secretary is authorized to refund
27 any difference between the additional deposit and the actual
28 cost of the request. This service shall not be in lieu of an
29 abstract of a driver's record nor of a title or registration
30 search. The information sold pursuant to this subsection
31 shall be the entire vehicle or driver data list, or part
32 thereof.

33 (c) Secretary of State may issue registration lists.

1 The Secretary of State shall compile and publish, at least
2 annually, a list of all registered vehicles. Each list of
3 registered vehicles shall be arranged serially according to
4 the registration numbers assigned to registered vehicles and
5 shall contain in addition the names and addresses of
6 registered owners and a brief description of each vehicle
7 including the serial or other identifying number thereof.
8 Such compilation may be in such form as in the discretion of
9 the Secretary of State may seem best for the purposes
10 intended.

11 (d) The Secretary of State shall furnish no more than 2
12 current available lists of such registrations to the sheriffs
13 of all counties and to the chiefs of police of all cities and
14 villages and towns of 2,000 population and over in this State
15 at no cost. Additional copies may be purchased at the fee of
16 \$500 each or at the cost of producing the list as determined
17 by the Secretary of State.

18 (e) The Secretary of State shall upon written request
19 and the payment of the fee of \$500 furnish the current
20 available list of such motor vehicle registrations to any
21 person so long as the supply of available registration lists
22 shall last.

23 (e-1) The Secretary of State may not sell database
24 information under this subsection without the written consent
25 of each person whose information will be sold. Commercial
26 purchasers of driver, and vehicle, and title record databases
27 shall enter into a written agreement with the Secretary of
28 State that includes disclosure of the commercial use of the
29 intended purchase. These purchasers must agree that they will
30 not use the database information for commercial solicitation
31 purposes or for criminal purposes. In addition to any other
32 fee charged under this Section, the Secretary of State must
33 charge the purchaser a fee that represents the commercial
34 value of the information, even if that fee significantly

1 exceeds the reasonable cost of copying and providing the
 2 information. The term "commercial solicitation purposes"
 3 means the use of driver, vehicle, or title information to
 4 contact individuals to advertise, offer for sale, market, or
 5 sell products or services or to identify potential employees
 6 Affected--drivers,-vehicle-owners,-or-registrants-may-request
 7 that-their-personally-identifiable-information--not--be--used
 8 for-commercial-solicitation-purposes.

9 (e-2) The Secretary of State may not knowingly disclose
 10 or otherwise make available to any person or entity personal
 11 information about any individual obtained by the Secretary of
 12 State's office in connection with a motor vehicle record,
 13 except with the written consent of the individual or as
 14 permitted by subdivision (b)(1) through (11), (13), or (14)
 15 of Section 2721 of the Driver's Privacy Protection Act of
 16 1994 (18 U.S.C. 2721).

17 (f) The Secretary of State shall make a title or
 18 registration search of the records of his office and a
 19 written report on the same for any person, upon written
 20 application of such person, accompanied by a fee of \$5 for
 21 each registration or title search. No fee shall be charged
 22 for a title or registration search, or for the certification
 23 thereof requested by a government agency.

24 The Secretary of State shall certify a title or
 25 registration record upon written request. The fee for
 26 certification shall be \$5 in addition to the fee required for
 27 a title or registration search. Certification shall be made
 28 under the signature of the Secretary of State and shall be
 29 authenticated by Seal of the Secretary of State.

30 The Secretary of State may notify the vehicle owner or
 31 registrant of the request for purchase of his title or
 32 registration information as the Secretary deems appropriate.

33 The vehicle owner or registrant residence address and
 34 other personally identifiable information on the record shall

1 not be disclosed. This nondisclosure shall not apply to
2 requests made by law enforcement officials, government
3 agencies, financial institutions, attorneys, insurers,
4 employers, automobile associated businesses, other business
5 entities for purposes consistent with the Illinois Vehicle
6 Code, the vehicle owner or registrant, or other entities as
7 the Secretary may exempt by rule and regulation. This
8 information may be withheld from the entities listed above,
9 except law enforcement and government agencies upon
10 presentation of a valid court order of protection for the
11 duration of the order.

12 No information shall be released to the requestor until
13 expiration of a 10 day period. This 10 day period shall not
14 apply to requests for information made by law enforcement
15 officials, government agencies, financial institutions,
16 attorneys, insurers, employers, automobile associated
17 businesses, persons licensed as a private detective or firms
18 licensed as a private detective agency under the Private
19 Detective, Private Alarm, and Private Security Act of 1983,
20 who are employed by or are acting on behalf of law
21 enforcement officials, government agencies, financial
22 institutions, attorneys, insurers, employers, automobile
23 associated businesses, and other business entities for
24 purposes consistent with the Illinois Vehicle Code, the
25 vehicle owner or registrant or other entities as the
26 Secretary may exempt by rule and regulation.

27 Any misrepresentation made by a requestor of title or
28 vehicle information shall be punishable as a petty offense,
29 except in the case of persons licensed as a private detective
30 or firms licensed as a private detective agency which shall
31 be subject to disciplinary sanctions under Section 22 or 25
32 of the Private Detective, Private Alarm, and Private Security
33 Act of 1983.

34 (g) 1. The Secretary of State may, upon receipt of a

1 written request and a fee of \$6, furnish to the person or
2 agency so requesting a driver's record. Such document
3 may include a record of: current driver's license
4 issuance information, except that the information on
5 judicial driving permits shall be available only as
6 otherwise provided by this Code; convictions; orders
7 entered revoking, suspending or cancelling a driver's
8 license or privilege; and notations of accident
9 involvement. All other information, unless otherwise
10 permitted by this Code, shall remain confidential.

11 2. The Secretary of State may certify an abstract
12 of a driver's record upon written request therefor.
13 Such certification shall be made under the signature of
14 the Secretary of State and shall be authenticated by the
15 Seal of his office.

16 3. All requests for driving record information
17 shall be made in a manner prescribed by the Secretary.

18 The Secretary of State may notify the affected
19 driver of the request for purchase of his driver's record
20 as the Secretary deems appropriate.

21 The affected driver residence address and other
22 personally identifiable information on the record shall
23 not be disclosed. This nondisclosure shall not apply to
24 requests made by law enforcement officials, government
25 agencies, financial institutions, attorneys, insurers,
26 employers, automobile associated businesses, other
27 business entities for purposes consistent with the
28 Illinois Vehicle Code, the affected driver, or other
29 entities as the Secretary may exempt by rule and
30 regulation. This information may be withheld from the
31 entities listed above, except law enforcement and
32 government agencies, upon presentation of a valid court
33 order of protection for the duration of the order.

34 No information shall be released to the requester

1 until expiration of a 10 day period. This 10 day period
2 shall not apply to requests for information made by law
3 enforcement officials, government agencies, financial
4 institutions, attorneys, insurers, employers, automobile
5 associated businesses, persons licensed as a private
6 detective or firms licensed as a private detective agency
7 under the Private Detective, Private Alarm, and Private
8 Security Act of 1983, who are employed by or are acting
9 on behalf of law enforcement officials, government
10 agencies, financial institutions, attorneys, insurers,
11 employers, automobile associated businesses, and other
12 business entities for purposes consistent with the
13 Illinois Vehicle Code, the affected driver or other
14 entities as the Secretary may exempt by rule and
15 regulation.

16 Any misrepresentation made by a requestor of driver
17 information shall be punishable as a petty offense,
18 except in the case of persons licensed as a private
19 detective or firms licensed as a private detective agency
20 which shall be subject to disciplinary sanctions under
21 Section 22 or 25 of the Private Detective, Private Alarm,
22 and Private Security Act of 1983.

23 4. The Secretary of State may furnish without fee,
24 upon the written request of a law enforcement agency, any
25 information from a driver's record on file with the
26 Secretary of State when such information is required in
27 the enforcement of this Code or any other law relating to
28 the operation of motor vehicles, including records of
29 dispositions; documented information involving the use of
30 a motor vehicle; whether such individual has, or
31 previously had, a driver's license; and the address and
32 personal description as reflected on said driver's
33 record.

34 5. Except as otherwise provided in this Section,

1 the Secretary of State may furnish, without fee,
2 information from an individual driver's record on file,
3 if a written request therefor is submitted by any public
4 transit system or authority, public defender, law
5 enforcement agency, a state or federal agency, or an
6 Illinois local intergovernmental association, if the
7 request is for the purpose of a background check of
8 applicants for employment with the requesting agency, or
9 for the purpose of an official investigation conducted by
10 the agency, or to determine a current address for the
11 driver so public funds can be recovered or paid to the
12 driver, or for any other lawful purpose.

13 The Secretary may also furnish the courts a copy of
14 an abstract of a driver's record, without fee, subsequent
15 to an arrest for a violation of Section 11-501 or a
16 similar provision of a local ordinance. Such abstract
17 may include records of dispositions; documented
18 information involving the use of a motor vehicle as
19 contained in the current file; whether such individual
20 has, or previously had, a driver's license; and the
21 address and personal description as reflected on said
22 driver's record.

23 6. Any certified abstract issued by the Secretary
24 of State or transmitted electronically by the Secretary
25 of State pursuant to this Section, to a court or on
26 request of a law enforcement agency, for the record of a
27 named person as to the status of the person's driver's
28 license shall be prima facie evidence of the facts
29 therein stated and if the name appearing in such abstract
30 is the same as that of a person named in an information
31 or warrant, such abstract shall be prima facie evidence
32 that the person named in such information or warrant is
33 the same person as the person named in such abstract and
34 shall be admissible for any prosecution under this Code

1 and be admitted as proof of any prior conviction or proof
2 of records, notices, or orders recorded on individual
3 driving records maintained by the Secretary of State.

4 7. Subject to any restrictions contained in the
5 Juvenile Court Act of 1987, and upon receipt of a proper
6 request and a fee of \$6, the Secretary of State shall
7 provide a driver's record to the affected driver, or the
8 affected driver's attorney, upon verification. Such
9 record shall contain all the information referred to in
10 paragraph 1 of this subsection (g) plus: any recorded
11 accident involvement as a driver; information recorded
12 pursuant to subsection (e) of Section 6-117 and paragraph
13 (4) of subsection (a) of Section 6-204 of this Code. All
14 other information, unless otherwise permitted by this
15 Code, shall remain confidential.

16 (h) The Secretary shall not disclose social security
17 numbers except pursuant to a written request by, or with the
18 prior written consent of, the individual except: (1) to
19 officers and employees of the Secretary who have a need to
20 know the social security numbers in performance of their
21 official duties, (2) to law enforcement officials for a
22 lawful, civil or criminal law enforcement investigation, and
23 if the head of the law enforcement agency has made a written
24 request to the Secretary specifying the law enforcement
25 investigation for which the social security numbers are being
26 sought, (3) to the United States Department of
27 Transportation, or any other State, pursuant to the
28 administration and enforcement of the Commercial Motor
29 Vehicle Safety Act of 1986, (4) pursuant to the order of a
30 court of competent jurisdiction, or (5) to the Department of
31 Public Aid for utilization in the child support enforcement
32 duties assigned to that Department under provisions of the
33 Public Aid Code after the individual has received advanced
34 meaningful notification of what redisclosure is sought by the

1 Secretary in accordance with the federal Privacy Act;
2 provided, the redisclosure shall not be authorized by the
3 Secretary prior to September 30, 1992.

4 (i) The Secretary of State is empowered to promulgate
5 rules and regulations to effectuate this Section.

6 (j) Medical statements or medical reports received in
7 the Secretary of State's Office shall be confidential. No
8 confidential information may be open to public inspection or
9 the contents disclosed to anyone, except officers and
10 employees of the Secretary who have a need to know the
11 information contained in the medical reports and the Driver
12 License Medical Advisory Board, unless so directed by an
13 order of a court of competent jurisdiction.

14 (k) All fees collected under this Section shall be paid
15 into the Road Fund of the State Treasury, except that \$3 of
16 the \$6 fee for a driver's record shall be paid into the
17 Secretary of State Special Services Fund.

18 (l) The Secretary of State shall report his
19 recommendations to the General Assembly by January 1, 1993,
20 regarding the sale and dissemination of the information
21 maintained by the Secretary, including the sale of lists of
22 driver and vehicle records.

23 (m) Notations of accident involvement that may be
24 disclosed under this Section shall not include notations
25 relating to damage to a vehicle or other property being
26 transported by a tow truck. This information shall remain
27 confidential, provided that nothing in this subsection (m)
28 shall limit disclosure of any notification of accident
29 involvement to any law enforcement agency or official.

30 (n) Requests made by the news media for driver's
31 license, vehicle, or title registration information may be
32 furnished without charge or at a reduced charge, as
33 determined by the Secretary, when the specific purpose for
34 requesting the documents is deemed to be in the public

1 interest. Waiver or reduction of the fee is in the public
2 interest if the principal purpose of the request is to access
3 and disseminate information regarding the health, safety, and
4 welfare or the legal rights of the general public and is not
5 for the principal purpose of gaining a personal or commercial
6 benefit.

7 (Source: P.A. 90-144, eff. 7-23-97; 90-330, eff. 8-8-97;
8 90-400, eff. 8-15-97; 90-655, eff. 7-30-98; 91-37, eff.
9 7-1-99; 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.)