



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3168

Introduced 2/11/2020, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

605 ILCS 10/19.1

Amends the Toll Highway Act. Provides that records identifying a specific instance of travel by a specific person or vehicle shall be used only as required to ensure the payment and enforcement of tolls, except that such information may be used for specified reasons by State, county, or municipal law enforcement agencies for the comparison of captured license plate data with data held by the Secretary of State, the National Crime Information Center, and the Federal Bureau of Investigation Kidnappings and Missing Persons list. Provides that no data derived from any technology used for an electronic toll collection system under the Act shall be shared with or provided to any law enforcement entity or any law enforcement official without a valid warrant. Provides that certain personally identifiable information generated through the Illinois State Toll Highway Authority's toll collection process shall be used for enforcement purposes only with respect to toll collections. Provides that the Authority shall discard personally identifiable information within 5 years. Provides that the Authority shall make every effort, within practical business and cost constraints, to purge the personal account information of an account that is closed or terminated. Provides that in no case shall the Authority maintain personal information more than 5 years after the date an account is closed or terminated. Provides that the new provisions do not preclude compliance with a court order or settlement agreement that has been approved on or before January 1, 2021. Deletes language providing that the Authority may, within practical business and cost constraints, store personally identifiable information of an electronic toll collection system user only if the information is required to perform account functions such as billing, account settlement, or toll violation enforcement activities.

LRB101 17470 HEP 66880 b

1 AN ACT concerning transportation.

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

4 Section 5. The Toll Highway Act is amended by changing  
5 Section 19.1 as follows:

6 (605 ILCS 10/19.1)

7 Sec. 19.1. Confidentiality of personally identifiable  
8 information obtained through electronic toll collection  
9 system.

10 (a) For purposes of this Section:

11 "Electronic toll collection system" is a system where a  
12 transponder, camera-based vehicle identification system, or  
13 other electronic medium is used to deduct payment of a toll  
14 from a subscriber's account or to establish an obligation to  
15 pay a toll.

16 "Electronic toll collection system user" means any natural  
17 person who subscribes to an electronic toll collection system  
18 or any natural person who uses a tolled transportation facility  
19 that employs the Authority's electronic toll collection  
20 system.

21 "Personally identifiable information" means any  
22 information that identifies or describes an electronic toll  
23 collection system user, including but not limited to travel

1 pattern data, address, telephone number, e-mail address,  
2 license plate number, photograph, bank account information, or  
3 credit card number.

4 (b) Except as otherwise provided in this Section, the  
5 Authority may not sell or otherwise provide to any person or  
6 entity personally identifiable information of any electronic  
7 toll collection system user that the Authority obtains through  
8 the operation of its electronic toll collection system.

9 (c) Records identifying a specific instance of travel by a  
10 specific person or vehicle shall be used only as required to  
11 ensure the payment and enforcement of tolls, except that such  
12 information may be used by State, county, or municipal law  
13 enforcement agencies for the comparison of captured license  
14 plate data with data held by the Secretary of State, the  
15 National Crime Information Center, and the Federal Bureau of  
16 Investigation Kidnappings and Missing Persons list, for the  
17 purpose of identifying any of the following:

18 (1) A stolen vehicle or stolen license plate.

19 (2) A vehicle registered to an individual for whom  
20 there is an outstanding default or arrest warrant for  
21 felony charges.

22 (3) A vehicle associated with a missing person.

23 ~~(c) The Authority may, within practical business and cost~~  
24 ~~constraints, store personally identifiable information of an~~  
25 ~~electronic toll collection system user only if the information~~  
26 ~~is required to perform account functions such as billing,~~

1 ~~account settlement, or toll violation enforcement activities.~~

2 (d) By no later than December 31, 2011, the Authority shall  
3 establish a privacy policy regarding the collection and use of  
4 personally identifiable information. Upon its adoption, the  
5 policy shall be posted on the Authority's website and a copy  
6 shall be included with each transponder transmitted to a user.  
7 The policy shall include but need not be limited to the  
8 following:

9 (1) A description of the types of personally  
10 identifiable information collected by the Authority.

11 (2) The categories of third-party persons or entities  
12 with whom the Authority may share personally identifiable  
13 information and for what purposes that information is  
14 shared.

15 (3) The process by which the Authority notifies  
16 electronic toll collection system users of material  
17 changes to its privacy policy.

18 (4) The process by which an electronic toll collection  
19 system user may review and request changes to any of his or  
20 her personally identifiable information.

21 (5) The effective date of the privacy policy.

22 (d-5) No data derived from any technology used for an  
23 electronic toll collection system under this Act, including,  
24 but not limited to, location, date and time, speed of travel,  
25 photograph, license plate number, GPS coordinates, or other  
26 identifying information regarding any vehicle, shall be shared

1 with or provided to any law enforcement entity or any law  
2 enforcement official without a valid warrant.

3 (e) This Section does not prohibit the Authority from:

4 (1) providing aggregated traveler information derived  
5 from collective data relating to a group or category of  
6 electronic toll collection system users from which  
7 personally identifiable information has been removed;

8 (2) sharing data with another transportation agency or  
9 third-party vendor to comply with interoperability  
10 specifications and standards regarding electronic toll  
11 collection devices and technologies, provided that the  
12 other transportation agency or third-party vendor may not  
13 use personally identifiable information obtained under  
14 this Section for a purpose other than described in this  
15 Section;

16 (3) performing financial, legal and accounting  
17 functions such as billing, account settlement, toll  
18 violation enforcement, or other activities required to  
19 operate and manage its toll collection system;

20 (4) communicating about products and services offered  
21 by itself, a business partner, or another public agency;

22 (5) using personally identifiable information in  
23 research projects, provided that appropriate  
24 confidentiality restrictions are employed to protect  
25 against the unauthorized release of such information;

26 (6) releasing personally identifiable information in

1 response to a ~~warrant, subpoena or~~ lawful order from a  
2 court of competent jurisdiction;

3 (7) releasing personally identifiable information to  
4 law enforcement agencies in the case of an emergency when  
5 obtaining a warrant or subpoena would be impractical; and

6 (8) releasing personally identifiable information to  
7 the Authority's Inspector General or, at the Inspector  
8 General's direction, to law enforcement agencies under  
9 paragraphs (5) and (6) of subsection (f) of Section 8.5 of  
10 this Act.

11 (f) In any agreement allowing another public entity to use  
12 the Authority's toll collection system in a transportation  
13 facility, the Authority shall require the other public entity  
14 to comply with the requirements of this Section.

15 (g) Personally identifiable information generated through  
16 the Authority's toll collection process that reveals the date,  
17 time, location or direction of travel by an electronic toll  
18 collection system user shall be exempt from release under the  
19 Illinois Freedom of Information Act and the information shall  
20 be used for enforcement purposes only with respect to toll  
21 collections as specified in this Act. The exemption in this  
22 subsection shall not apply to information that concerns (i) the  
23 public duties of public employees and officials; (ii) whether  
24 an electronic toll collection system user has paid tolls; (iii)  
25 whether the Authority is enforcing toll violation penalties  
26 against electronic toll collection users who do not pay tolls;

1 (iv) accidents or other incidents that occur on highways under  
2 the jurisdiction of the Authority; or (v) the obligation,  
3 receipt, and use of the funds of the Authority. The exemption  
4 in this subsection (g) shall not be a limitation or restriction  
5 on other Freedom of Information Act exemptions applicable to  
6 personally identifiable information or private information.

7 (h) The Authority shall discard personally identifiable  
8 information within 5 years. The Authority shall make every  
9 effort, within practical business and cost constraints, to  
10 purge the personal account information of an account that is  
11 closed or terminated. In no case shall the Authority maintain  
12 personal information more than 5 years after the date an  
13 account is closed or terminated.

14 (i) Nothing in this Section precludes compliance with a  
15 court order or settlement agreement that has been approved on  
16 or before January 1, 2021.

17 (Source: P.A. 97-342, eff. 8-12-11.)