

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, and all other governmental units of the State
11 and Federal Government requesting them for governmental
12 purposes. The Secretary shall require any such applicant for
13 services to pay for the costs of furnishing such services and
14 the use of the equipment involved, and in addition is
15 empowered to establish prices and charges for the services so
16 furnished and for the use of the electronic equipment
17 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, other electronic format or computer
22 processable medium, or printout at a fixed fee of \$250 in
23 advance and require in addition a further sufficient deposit
24 based upon the Secretary of State's estimate of the total
25 cost of the information requested and a charge of \$25 per
26 1,000 units or part thereof identified or the actual cost,
27 whichever is greater. The Secretary is authorized to refund
28 any difference between the additional deposit and the actual
29 cost of the request. This service shall not be in lieu of an
30 abstract of a driver's record nor of a title or registration
31 search. This service may be limited to entities purchasing a
32 minimum number of records as required by administrative rule.
33 The information sold pursuant to this subsection shall be the

1 entire vehicle or driver data list, or part thereof. The
2 information sold pursuant to this subsection shall not
3 contain personally identifying information unless the
4 information is to be used for one of the purposes identified
5 in subsection (f-5) of this Section. The Secretary of State
6 may not sell database information under this subsection
7 without the written consent of each person whose information
8 will be sold. Commercial purchasers of driver, and vehicle,
9 and title record databases shall enter into a written
10 agreement with the Secretary of State that includes
11 disclosure of the commercial use of the information to be
12 purchased. These purchasers must agree that they will not
13 use the database information for commercial solicitation
14 purposes or for criminal purposes. In addition to any other
15 fee charged under this Section, the Secretary of State must
16 charge the purchaser a fee that represents the commercial
17 value of the information, even if that fee significantly
18 exceeds the reasonable cost of copying and providing the
19 information. The term "commercial solicitation purposes"
20 means the use of driver, vehicle, or title information to
21 contact individuals to advertise, offer for sale, market, or
22 sell products or services or to identify potential employees.

23 (c) Secretary of State may issue registration lists.
24 The Secretary of State shall compile and publish, at least
25 annually, a list of all registered vehicles. Each list of
26 registered vehicles shall be arranged serially according to
27 the registration numbers assigned to registered vehicles and
28 shall contain in addition the names and addresses of
29 registered owners and a brief description of each vehicle
30 including the serial or other identifying number thereof.
31 Such compilation may be in such form as in the discretion of
32 the Secretary of State may seem best for the purposes
33 intended.

34 (d) The Secretary of State shall furnish no more than 2

1 current available lists of such registrations to the sheriffs
2 of all counties and to the chiefs of police of all cities and
3 villages and towns of 2,000 population and over in this State
4 at no cost. Additional copies may be purchased by the
5 sheriffs or chiefs of police at the fee of \$500 each or at
6 the cost of producing the list as determined by the Secretary
7 of State. Such lists are to be used for governmental
8 purposes only.

9 (e) (Blank).

10 (e-1) (Blank).

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

19 (f) The Secretary of State shall make a title or
20 registration search of the records of his office and a
21 written report on the same for any person, upon written
22 application of such person, accompanied by a fee of \$5 for
23 each registration or title search. The written application
24 shall set forth the intended use of the requested
25 information. No fee shall be charged for a title or
26 registration search, or for the certification thereof
27 requested by a government agency. The report of the title or
28 registration search shall not contain personally identifying
29 information unless the request for a search was made for one
30 of the purposes identified in subsection (f-5) of this
31 Section.

32 The Secretary of State shall certify a title or
33 registration record upon written request. The fee for
34 certification shall be \$5 in addition to the fee required for

1 a title or registration search. Certification shall be made
2 under the signature of the Secretary of State and shall be
3 authenticated by Seal of the Secretary of State.

4 The Secretary of State may notify the vehicle owner or
5 registrant of the request for purchase of his title or
6 registration information as the Secretary deems appropriate.

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

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

29 (f-5) The Secretary of State shall not disclose or
30 otherwise make available to any person or entity any
31 personally identifying information obtained by the Secretary
32 of State in connection with a driver's license, vehicle, or
33 title registration record unless the information is disclosed
34 for one of the following purposes:

1 (1) For use by any government agency, including any
2 court or law enforcement agency, in carrying out its
3 functions, or any private person or entity acting on
4 behalf of a federal, State, or local agency in carrying
5 out its functions.

6 (2) For use in connection with matters of motor
7 vehicle or driver safety and theft; motor vehicle
8 emissions; motor vehicle product alterations, recalls, or
9 advisories; performance monitoring of motor vehicles,
10 motor vehicle parts, and dealers; and removal of
11 non-owner records from the original owner records of
12 motor vehicle manufacturers.

13 (3) For use in the normal course of business by a
14 legitimate business or its agents, employees, or
15 contractors, but only:

16 (A) to verify the accuracy of personal
17 information submitted by an individual to the
18 business or its agents, employees, or contractors;
19 and

20 (B) if such information as so submitted is not
21 correct or is no longer correct, to obtain the
22 correct information, but only for the purposes of
23 preventing fraud by, pursuing legal remedies
24 against, or recovering on a debt or security
25 interest against, the individual.

26 (4) For use in research activities and for use in
27 producing statistical reports, if the personally
28 identifying information is not published, redisclosed, or
29 used to contact individuals.

30 (5) For use in connection with any civil, criminal,
31 administrative, or arbitral proceeding in any federal,
32 State, or local court or agency or before any
33 self-regulatory body, including the service of process,
34 investigation in anticipation of litigation, and the

1 execution or enforcement of judgments and orders, or
2 pursuant to an order of a federal, State, or local court.

3 (6) For use by any insurer or insurance support
4 organization or by a self-insured entity or its agents,
5 employees, or contractors in connection with claims
6 investigation activities, antifraud activities, rating,
7 or underwriting.

8 (7) For use in providing notice to the owners of
9 towed or impounded vehicles.

10 (8) For use by any private investigative agency or
11 security service licensed in Illinois for any purpose
12 permitted under this subsection.

13 (9) For use by an employer or its agent or insurer
14 to obtain or verify information relating to a holder of a
15 commercial driver's license that is required under
16 chapter 313 of title 49 of the United States Code.

17 (10) For use in connection with the operation of
18 private toll transportation facilities.

19 (11) For use by any requester, if the requester
20 demonstrates it has obtained the written consent of the
21 individual to whom the information pertains.

22 (12) For use by members of the news media, as
23 defined in Section 1-148.5, for the purpose of
24 newsgathering when the request relates to the operation
25 of a motor vehicle or public safety.

26 (13) For any other use specifically authorized by
27 law, if that use is related to the operation of a motor
28 vehicle or public safety.

29 (g) 1. The Secretary of State may, upon receipt of a
30 written request and a fee of \$6, furnish to the person or
31 agency so requesting a driver's record. Such document
32 may include a record of: current driver's license
33 issuance information, except that the information on
34 judicial driving permits shall be available only as

1 otherwise provided by this Code; convictions; orders
2 entered revoking, suspending or cancelling a driver's
3 license or privilege; and notations of accident
4 involvement. All other information, unless otherwise
5 permitted by this Code, shall remain confidential.
6 Information released pursuant to a request for a driver's
7 record shall not contain personally identifying
8 information, unless the request for the driver's record
9 was made for one of the purposes set forth in subsection
10 (f-5) of this Section.

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 and
18 shall set forth the intended use of the requested
19 information.

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

23 No information shall be released to the requester
24 until expiration of a 10 day period. This 10 day period
25 shall not apply to requests for information made by law
26 enforcement officials, government agencies, financial
27 institutions, attorneys, insurers, employers, automobile
28 associated businesses, persons licensed as a private
29 detective or firms licensed as a private detective agency
30 under the Private Detective, Private Alarm, and Private
31 Security Act of 1983, who are employed by or are acting
32 on behalf of law enforcement officials, government
33 agencies, financial institutions, attorneys, insurers,
34 employers, automobile associated businesses, and other

1 business entities for purposes consistent with the
2 Illinois Vehicle Code, the affected driver or other
3 entities as the Secretary may exempt by rule and
4 regulation.

5 Any misrepresentation made by a requestor of driver
6 information shall be punishable as a petty offense,
7 except in the case of persons licensed as a private
8 detective or firms licensed as a private detective agency
9 which shall be subject to disciplinary sanctions under
10 Section 22 or 25 of the Private Detective, Private Alarm,
11 and Private Security Act of 1983.

12 4. The Secretary of State may furnish without fee,
13 upon the written request of a law enforcement agency, any
14 information from a driver's record on file with the
15 Secretary of State when such information is required in
16 the enforcement of this Code or any other law relating to
17 the operation of motor vehicles, including records of
18 dispositions; documented information involving the use of
19 a motor vehicle; whether such individual has, or
20 previously had, a driver's license; and the address and
21 personal description as reflected on said driver's
22 record.

23 5. Except as otherwise provided in this Section,
24 the Secretary of State may furnish, without fee,
25 information from an individual driver's record on file,
26 if a written request therefor is submitted by any public
27 transit system or authority, public defender, law
28 enforcement agency, a state or federal agency, or an
29 Illinois local intergovernmental association, if the
30 request is for the purpose of a background check of
31 applicants for employment with the requesting agency, or
32 for the purpose of an official investigation conducted by
33 the agency, or to determine a current address for the
34 driver so public funds can be recovered or paid to the

1 driver, or for any other purpose set forth in subsection
2 (f-5) of this Section.

3 The Secretary may also furnish the courts a copy of
4 an abstract of a driver's record, without fee, subsequent
5 to an arrest for a violation of Section 11-501 or a
6 similar provision of a local ordinance. Such abstract
7 may include records of dispositions; documented
8 information involving the use of a motor vehicle as
9 contained in the current file; whether such individual
10 has, or previously had, a driver's license; and the
11 address and personal description as reflected on said
12 driver's record.

13 6. Any certified abstract issued by the Secretary
14 of State or transmitted electronically by the Secretary
15 of State pursuant to this Section, to a court or on
16 request of a law enforcement agency, for the record of a
17 named person as to the status of the person's driver's
18 license shall be prima facie evidence of the facts
19 therein stated and if the name appearing in such abstract
20 is the same as that of a person named in an information
21 or warrant, such abstract shall be prima facie evidence
22 that the person named in such information or warrant is
23 the same person as the person named in such abstract and
24 shall be admissible for any prosecution under this Code
25 and be admitted as proof of any prior conviction or proof
26 of records, notices, or orders recorded on individual
27 driving records maintained by the Secretary of State.

28 7. Subject to any restrictions contained in the
29 Juvenile Court Act of 1987, and upon receipt of a proper
30 request and a fee of \$6, the Secretary of State shall
31 provide a driver's record to the affected driver, or the
32 affected driver's attorney, upon verification. Such
33 record shall contain all the information referred to in
34 paragraph 1 of this subsection (g) plus: any recorded

1 accident involvement as a driver; information recorded
2 pursuant to subsection (e) of Section 6-117 and paragraph
3 (4) of subsection (a) of Section 6-204 of this Code. All
4 other information, unless otherwise permitted by this
5 Code, shall remain confidential.

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

26 (i) (Blank).

27 (j) Medical statements or medical reports received in
28 the Secretary of State's Office shall be confidential. No
29 confidential information may be open to public inspection or
30 the contents disclosed to anyone, except officers and
31 employees of the Secretary who have a need to know the
32 information contained in the medical reports and the Driver
33 License Medical Advisory Board, unless so directed by an
34 order of a court of competent jurisdiction.

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

5 (l) (Blank).

6 (m) Notations of accident involvement that may be
7 disclosed under this Section shall not include notations
8 relating to damage to a vehicle or other property being
9 transported by a tow truck. This information shall remain
10 confidential, provided that nothing in this subsection (m)
11 shall limit disclosure of any notification of accident
12 involvement to any law enforcement agency or official.

13 (n) Requests made by the news media for driver's
14 license, vehicle, or title registration information may be
15 furnished without charge or at a reduced charge, as
16 determined by the Secretary, when the specific purpose for
17 requesting the documents is deemed to be in the public
18 interest. Waiver or reduction of the fee is in the public
19 interest if the principal purpose of the request is to access
20 and disseminate information regarding the health, safety, and
21 welfare or the legal rights of the general public and is not
22 for the principal purpose of gaining a personal or commercial
23 benefit. The information provided pursuant to this subsection
24 shall not contain personally identifying information unless
25 the information is to be used for one of the purposes
26 identified in subsection (f-5) of this Section.

27 (o) The redisclosure of personally identifying
28 information obtained pursuant to this Section is prohibited,
29 except to the extent necessary to effectuate the purpose for
30 which the original disclosure of the information was
31 permitted.

32 (p) The Secretary of State is empowered to adopt rules
33 to effectuate this Section.

34 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;

1 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.
2 7-11-02.)