



Sen. Christine Radogno

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1 AMENDMENT TO SENATE BILL 779

2 AMENDMENT NO. _____. Amend Senate Bill 779 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Identity Protection Act.

6 Section 5. Definitions. In this Act:

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

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

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

14 "State agency" means that term as it is defined in Section
15 1-7 of the Illinois State Auditing Act.

1 Section 10. Prohibited activities.

2 (a) Except as otherwise provided in this Act, beginning
3 July 1, 2009, no person or State or local government agency may
4 do any of the following:

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

7 (2) Print an individual's social security number on any
8 card required for the individual to access products or
9 services provided by the person or entity; however, a
10 person or entity that provides an insurance card must print
11 on the card an identification number unique to the holder
12 of the card in the format prescribed by Section 15 of the
13 Uniform Prescription Drug Information Card Act.

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

17 (4) Require an individual to use his or her social
18 security number to access an Internet web site, unless a
19 password or unique personal identification number or other
20 authentication device is also required to access the
21 Internet web site.

22 (5) Print an individual's social security number on any
23 materials that are mailed to the individual, through the
24 U.S. Postal Service, any private mail service, electronic
25 mail, or any similar method of delivery, unless State or

1 federal law requires the social security number to be on
2 the document to be mailed. Notwithstanding any provision in
3 this Section to the contrary, social security numbers may
4 be included in applications and forms sent by mail,
5 including, but not limited to, any material mailed in
6 connection with the administration of the Unemployment
7 Insurance Act, any material mailed in connection with any
8 tax administered by the Department of Revenue, and
9 documents sent as part of an application or enrollment
10 process or to establish, amend, or terminate an account,
11 contract, or policy or to confirm the accuracy of the
12 social security number. A social security number that may
13 permissibly be mailed under this Section may not be
14 printed, in whole or in part, on a postcard or other mailer
15 that does not require an envelope or be visible on an
16 envelope or visible without the envelope having been
17 opened.

18 (6) Collect a social security number from an
19 individual, unless required to do so under State or federal
20 law, rules, or regulations, unless the collection of the
21 social security number is otherwise necessary for the
22 performance of that agency's duties and responsibilities.
23 Social security numbers collected by a State or local
24 government agency must be relevant to the purpose for which
25 the number was collected and must not be collected unless
26 and until the need for social security numbers for that

1 purpose has been clearly documented.

2 (7) When requesting a social security number from an
3 individual or when filing a document with the clerk of the
4 circuit court or with the recorder of deeds that has been
5 generated by a person or agency and on which the person or
6 agency has requested a social security number, fail to
7 segregate the social security number on a separate page
8 from the rest of the record, provide a discrete location
9 for a social security number when required on a
10 standardized form, or otherwise place the number in a
11 manner that makes it easily redacted if required to be
12 released as part of a public records request.

13 (8) When collecting a social security number from an
14 individual, fail to provide to the individual, at the time
15 of or prior to the actual collection of the social security
16 number by that agency, upon request by the individual, a
17 statement of the purpose or purposes for which the agency
18 is collecting and using the social security number.

19 (9) Use the social security number for any purpose
20 other than the purpose stated in the statement provided
21 under item (8).

22 (10) Intentionally communicate or otherwise make
23 available to the general public a person's social security
24 number or other identifying information.

25 (b) The prohibitions in subsection (a) do not apply in the
26 following circumstances:

1 (1) The disclosure of social security numbers or other
2 identifying information disclosed to agents, employees, or
3 contractors of a governmental entity or disclosed by a
4 governmental entity to another governmental entity or its
5 agents, employees, or contractors if disclosure is
6 necessary in order for the entity to perform its duties and
7 responsibilities and if the governmental entity and its
8 agents, employees, and contractors maintain the
9 confidential and exempt status of the social security
10 numbers or other identifying information.

11 (2) The disclosure of social security numbers or other
12 identifying information disclosed pursuant to a court
13 order, warrant, or subpoena.

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

22 (4) The disclosure of social security numbers by a
23 State agency to any entity for the collection of delinquent
24 child support or of any State debt.

25 (5) The collection, use, or disclosure of social
26 security numbers or other identifying information to

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

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

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

1 Section 20. Applicability.

2 (a) This Act does not apply to the collection, use, or
3 release of a social security number or other identifying
4 information, as required by State or federal law, rule, or
5 regulation, or the use of a social security number or other
6 identifying information for internal verification or
7 administrative purposes.

8 (b) This Act does not apply to documents that are recorded
9 or required to be open to the public under any State or federal
10 law, rule, or regulation, applicable case law, Supreme Court
11 Rule, or the Constitution of the State of Illinois.

12 (c) This Act does not apply to the City of Chicago.

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

18 Section 30. Embedded social security numbers. Beginning
19 December 31, 2008, no person or State or local government
20 agency may encode or embed a social security number in or on a
21 card or document, including, but not limited to, using a bar
22 code, chip, magnetic strip, RFID technology, or other
23 technology, in place of removing the social security number as

1 required by this Act.

2 Section 35. Identity-protection policy. Each State agency
3 and local government agency must establish an
4 identity-protection policy and must implement that policy on or
5 before December 31, 2008. The policy must do all of the
6 following:

7 (1) Require all employees of the State or local
8 government agency to be trained to protect the
9 confidentiality of social security numbers and to
10 understand the requirements of this Section.

11 (2) Prohibit the unlawful disclosure of social
12 security numbers.

13 (3) Limit the number of employees who have access to
14 information or documents that contain social security
15 numbers.

16 (4) Describe how to properly dispose of information and
17 documents that contain social security numbers.

18 (5) Establish penalties for violation of the privacy
19 policy.

20 (6) Prevent the intentional communication of or
21 ability of the general public to access an individual's
22 social security number.

23 Each State agency must file a written copy of its privacy
24 policy with the Clerk of the House of Representatives and the
25 Secretary of the Senate. Each local government agency must file

1 a written copy of its privacy policy with the governing board
2 of the unit of local government. Each State or local government
3 agency must also provide a written copy of the policy to each
4 of its employees, and must also make its privacy policy
5 available to any member of the public, upon request. If a State
6 or local government agency amends its privacy policy, then that
7 agency must file a written copy of the amended policy with the
8 appropriate entity and must also provide each of its employees
9 with a new written copy of the amended policy.

10 Section 40. Judicial branch and clerks of courts. The
11 judicial branch and clerks of the circuit court are not subject
12 to the provisions of this Act, except that the Supreme Court
13 shall, under its rulemaking authority or by administrative
14 order, adopt requirements applicable to the judicial branch,
15 including clerks of the circuit court, regulating the
16 disclosure of social security numbers consistent with the
17 intent of this Act and the unique circumstances relevant in the
18 judicial process.

19 Section 45. Home rule. A home rule unit, other than the
20 City of Chicago, may not regulate the use of social security
21 numbers in a manner that is inconsistent with this Act. This
22 Act is a limitation under subsection (i) of Section 6 of
23 Article VII of the Illinois Constitution on the concurrent
24 exercise by home rule units of powers and functions exercised

1 by the State.

2 Section 50. This Act does not supersede any more
3 restrictive law, rule, or regulation regarding the collection,
4 use, or release of social security numbers.

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.31 as follows:

7 (30 ILCS 805/8.31 new)

8 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 95th General Assembly.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."