



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0312

Introduced 2/2/2023, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

605 ILCS 10/19.1

Amends the Toll Highway Act. Makes changes concerning the privacy policy of the Illinois State Toll Highway Authority regarding the release of personally identifiable information in response to a subpoena in a pending civil action or lawful order from a civil court of competent jurisdiction. Provides that the Authority may release personally identifiable information to a grand jury if exigent circumstances make obtaining a warrant or subpoena impractical (instead of "in the case of an emergency when obtaining a warrant or subpoena would be impractical"). Provides that the Authority may release personally identifiable information to the Executive Inspector General. Provides that the Authority shall make personally identifiable information of a person available to any State or local agency, inspector general, or law enforcement agency in response to a grand jury subpoena or pursuant to an investigation. 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, 2023. Effective immediately.

LRB103 25934 MXP 52285 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 (Text of Section before amendment by P.A. 102-982)

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

11 (a) For purposes of this Section:

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

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

22 "Personally identifiable information" means any
23 information that identifies or describes an electronic toll

1 collection system user, including but not limited to travel
2 pattern data, address, telephone number, e-mail address,
3 license plate number, photograph, bank account information, or
4 credit card number.

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

10 (c) The Authority may, within practical business and cost
11 constraints, store personally identifiable information of an
12 electronic toll collection system user only if the information
13 is required to perform account functions such as billing,
14 account settlement, or toll violation enforcement activities.

15 (d) By no later than December 31, 2011, the Authority
16 shall establish a privacy policy regarding the collection and
17 use of personally identifiable information. Upon its adoption,
18 the policy shall be posted on the Authority's website and a
19 copy shall be included with each transponder transmitted to a
20 user. The policy shall include but need not be limited to the
21 following:

22 (1) A description of the types of personally
23 identifiable information collected by the Authority.

24 (2) The categories of third-party persons or entities
25 with whom the Authority may share personally identifiable
26 information and for what purposes that information is

1 shared.

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

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

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

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

10 (1) providing aggregated traveler information derived
11 from collective data relating to a group or category of
12 electronic toll collection system users from which
13 personally identifiable information has been removed;

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

22 (3) performing financial, legal and accounting
23 functions such as billing, account settlement, toll
24 violation enforcement, or other activities required to
25 operate and manage its toll collection system;

26 (4) communicating about products and services offered

1 by itself, a business partner, or another public agency;

2 (5) using personally identifiable information in
3 research projects, provided that appropriate
4 confidentiality restrictions are employed to protect
5 against the unauthorized release of such information;

6 (6) releasing personally identifiable information in
7 response to a search warrant, grand jury, subpoena, or
8 lawful order from a court of competent jurisdiction;

9 (6.5) releasing personally identifiable information in
10 response to a subpoena in a pending civil action or lawful
11 order from a civil court of competent jurisdiction in
12 accordance with the following: (i) the Authority must, as
13 soon as practicable but no later than 7 days from its
14 receipt of the subpoena or order, notify the electronic
15 toll collection system user that it has received a
16 subpoena or order that seeks the user's personally
17 identifiable information, and that the user has the right
18 to move to quash the subpoena or set aside the order in the
19 issuing court; (ii) the Authority may use email to notify
20 the user of this subpoena, and the Authority's email shall
21 constitute proof of notice; and (iii) the Authority may
22 adopt rules to carry out this responsibility;

23 (7) releasing personally identifiable information to
24 law enforcement agencies if exigent circumstances make ~~in~~
25 ~~the case of an emergency when~~ obtaining a warrant or
26 subpoena ~~would be~~ impractical; and

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

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

10 (g) Personally identifiable information generated through
11 the Authority's toll collection process that reveals the date,
12 time, location or direction of travel by an electronic toll
13 collection system user shall be exempt from release under the
14 Illinois Freedom of Information Act. The exemption in this
15 subsection shall not apply to information that concerns (i)
16 the public duties of public employees and officials; (ii)
17 whether an electronic toll collection system user has paid
18 tolls; (iii) whether the Authority is enforcing toll violation
19 penalties against electronic toll collection users who do not
20 pay tolls; (iv) accidents or other incidents that occur on
21 highways under the jurisdiction of the Authority; or (v) the
22 obligation, receipt, and use of the funds of the Authority.
23 The exemption in this subsection (g) shall not be a limitation
24 or restriction on other Freedom of Information Act exemptions
25 applicable to personally identifiable information or private
26 information.

1 (h) The Authority shall make personally identifiable
2 information of a person available to any State or local
3 agency, inspector general, or law enforcement agency in
4 response to a grand jury subpoena or pursuant to an
5 investigation.

6 (i) The Authority shall discard personally identifiable
7 information not required for account maintenance or
8 enforcement 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 unless required by another
14 statute.

15 (j) Nothing in this Section precludes compliance with a
16 court order that has been issued or settlement agreement that
17 has been approved on or before January 1, 2023.

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

19 (Text of Section after amendment by P.A. 102-982)

20 Sec. 19.1. Confidentiality of personally identifiable
21 information obtained through electronic toll collection
22 system.

23 (a) For purposes of this Section:

24 "Electronic toll collection system" is a system where a
25 transponder, camera-based vehicle identification system, or

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6 or any natural person who uses a tolled transportation
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8 collection system.

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12 pattern data, address, telephone number, e-mail address,
13 license plate number, photograph, bank account information, or
14 credit card number.

15 (b) Except as otherwise provided in this Section, the
16 Authority may not sell or otherwise provide to any person or
17 entity personally identifiable information of any electronic
18 toll collection system user that the Authority obtains through
19 the operation of its electronic toll collection system.

20 (c) The Authority may, within practical business and cost
21 constraints, store personally identifiable information of an
22 electronic toll collection system user only if the information
23 is required to perform account functions such as billing,
24 account settlement, or toll violation enforcement activities.

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7 identifiable information collected by the Authority.

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

12 (3) The process by which the Authority notifies
13 electronic toll collection system users of material
14 changes to its privacy policy.

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

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

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

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21 from collective data relating to a group or category of
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23 personally identifiable information has been removed;

24 (2) sharing data with another transportation agency or
25 third-party vendor to comply with interoperability
26 specifications and standards regarding electronic toll

1 collection devices and technologies, provided that the
2 other transportation agency or third-party vendor may not
3 use personally identifiable information obtained under
4 this Section for a purpose other than described in this
5 Section;

6 (3) performing financial, legal and accounting
7 functions such as billing, account settlement, toll
8 violation enforcement, or other activities required to
9 operate and manage its toll collection system;

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

12 (5) using personally identifiable information in
13 research projects, provided that appropriate
14 confidentiality restrictions are employed to protect
15 against the unauthorized release of such information;

16 (6) releasing personally identifiable information in
17 response to a search warrant, grand jury, subpoena, or
18 lawful order from a court of competent jurisdiction;

19 (6.5) releasing personally identifiable information in
20 response to a subpoena in a pending civil action or lawful
21 order from a civil court of competent jurisdiction in
22 accordance with the following: (i) the Authority must, as
23 soon as practicable but no later than 7 days from its
24 receipt of the subpoena or order, notify the electronic
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26 subpoena or order that seeks the user's personally

1 identifiable information, and that the user has the right
2 to move to quash the subpoena or set aside the order in the
3 issuing court; (ii) the Authority may use email to notify
4 the user of this subpoena, and the Authority's email shall
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15 (5) and (6) of subsection (f) of Section 8.5 of this Act.

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26 the public duties of public employees and officials; (ii)

1 whether an electronic toll collection system user has paid
2 tolls; (iii) whether the Authority is enforcing toll violation
3 penalties against electronic toll collection users who do not
4 pay tolls; (iv) crashes or other incidents that occur on
5 highways under the jurisdiction of the Authority; or (v) the
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7 The exemption in this subsection (g) shall not be a limitation
8 or restriction on other Freedom of Information Act exemptions
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20 purge the personal account information of an account that is
21 closed or terminated. In no case shall the Authority maintain
22 personal information more than 5 years after the date an
23 account is closed or terminated unless required by another
24 statute.

25 (j) Nothing in this Section precludes compliance with a
26 court order that has been issued or settlement agreement that

1 has been approved on or before January 1, 2023.

2 (Source: P.A. 102-982, eff. 7-1-23.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.