

1 AN ACT concerning unemployment.

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

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Section 1900 as follows:

6 (820 ILCS 405/1900) (from Ch. 48, par. 640)

7 Sec. 1900. Disclosure of information.

8 A. Except as provided in this Section, information
9 obtained from any individual or employing unit during the
10 administration of this Act shall:

- 11 1. be confidential,
- 12 2. not be published or open to public inspection,
- 13 3. not be used in any court in any pending action
14 or proceeding,
- 15 4. not be admissible in evidence in any action or
16 proceeding other than one arising out of this Act.

17 B. No finding, determination, decision, ruling or order
18 (including any finding of fact, statement or conclusion made
19 therein) issued pursuant to this Act shall be admissible or
20 used in evidence in any action other than one arising out of
21 this Act, nor shall it be binding or conclusive except as
22 provided in this Act, nor shall it constitute res judicata,
23 regardless of whether the actions were between the same or
24 related parties or involved the same facts.

25 C. Any officer or employee of this State, any officer or
26 employee of any entity authorized to obtain information
27 pursuant to this Section, and any agent of this State or of
28 such entity who, except with authority of the Director under
29 this Section, shall disclose information shall be guilty of a
30 Class B misdemeanor and shall be disqualified from holding
31 any appointment or employment by the State.

1 D. An individual or his duly authorized agent may be
2 supplied with information from records only to the extent
3 necessary for the proper presentation of his claim for
4 benefits or with his existing or prospective rights to
5 benefits. Discretion to disclose this information belongs
6 solely to the Director and is not subject to a release or
7 waiver by the individual. Notwithstanding any other provision
8 to the contrary, an individual or his or her duly authorized
9 agent may be supplied with a statement of the amount of
10 benefits paid to the individual during the 18 months
11 preceding the date of his or her request.

12 E. An employing unit may be furnished with information,
13 only if deemed by the Director as necessary to enable it to
14 fully discharge its obligations or safeguard its rights under
15 the Act. Discretion to disclose this information belongs
16 solely to the Director and is not subject to a release or
17 waiver by the employing unit.

18 F. The Director may furnish any information that he may
19 deem proper to any public officer or public agency of this or
20 any other State or of the federal government dealing with:

- 21 1. the administration of relief,
- 22 2. public assistance,
- 23 3. unemployment compensation,
- 24 4. a system of public employment offices,
- 25 5. wages and hours of employment, or
- 26 6. a public works program.

27 The Director may make available to the Illinois
28 Industrial Commission information regarding employers for the
29 purpose of verifying the insurance coverage required under
30 the Workers' Compensation Act and Workers' Occupational
31 Diseases Act.

32 G. The Director may disclose information submitted by
33 the State or any of its political subdivisions, municipal
34 corporations, instrumentalities, or school or community

1 college districts, except for information which specifically
2 identifies an individual claimant.

3 H. The Director shall disclose only that information
4 required to be disclosed under Section 303 of the Social
5 Security Act, as amended, including:

6 1. any information required to be given the United
7 States Department of Labor under Section 303(a)(6); and

8 2. the making available upon request to any agency
9 of the United States charged with the administration of
10 public works or assistance through public employment, the
11 name, address, ordinary occupation and employment status
12 of each recipient of unemployment compensation, and a
13 statement of such recipient's right to further
14 compensation under such law as required by Section
15 303(a)(7); and

16 3. records to make available to the Railroad
17 Retirement Board as required by Section 303(c)(1); and

18 4. information that will assure reasonable
19 cooperation with every agency of the United States
20 charged with the administration of any unemployment
21 compensation law as required by Section 303(c)(2); and

22 5. information upon request and on a reimbursable
23 basis to the United States Department of Agriculture and
24 to any State food stamp agency concerning any information
25 required to be furnished by Section 303(d); and

26 6. any wage information upon request and on a
27 reimbursable basis to any State or local child support
28 enforcement agency required by Section 303(e); and

29 7. any information required under the income
30 eligibility and verification system as required by
31 Section 303(f); and

32 8. information that might be useful in locating an
33 absent parent or that parent's employer, establishing
34 paternity or establishing, modifying, or enforcing child

1 support orders for the purpose of a child support
2 enforcement program under Title IV of the Social Security
3 Act upon the request of and on a reimbursable basis to
4 the public agency administering the Federal Parent
5 Locator Service as required by Section 303(h); and

6 9. information, upon request, to representatives of
7 any federal, State or local governmental public housing
8 agency with respect to individuals who have signed the
9 appropriate consent form approved by the Secretary of
10 Housing and Urban Development and who are applying for or
11 participating in any housing assistance program
12 administered by the United States Department of Housing
13 and Urban Development as required by Section 303(i).

14 I. The Director, upon the request of a public agency of
15 Illinois, of the federal government or of any other state
16 charged with the investigation or enforcement of Section 10-5
17 of the Criminal Code of 1961 (or a similar federal law or
18 similar law of another State), may furnish the public agency
19 information regarding the individual specified in the request
20 as to:

21 1. the current or most recent home address of the
22 individual, and

23 2. the names and addresses of the individual's
24 employers.

25 J. Nothing in this Section shall be deemed to interfere
26 with the disclosure of certain records as provided for in
27 Section 1706 or with the right to make available to the
28 Internal Revenue Service of the United States Department of
29 the Treasury, or the Department of Revenue of the State of
30 Illinois, information obtained under this Act.

31 K. The Department shall make available to the Illinois
32 Student Assistance Commission, upon request, information in
33 the possession of the Department that may be necessary or
34 useful to the Commission in the collection of defaulted or

1 delinquent student loans which the Commission administers.

2 L. The Department shall make available to the State
3 Employees' Retirement System, the State Universities
4 Retirement System, and the Teachers' Retirement System of the
5 State of Illinois, upon request, information in the
6 possession of the Department that may be necessary or useful
7 to the System for the purpose of determining whether any
8 recipient of a disability benefit from the System is
9 gainfully employed.

10 M. This Section shall be applicable to the information
11 obtained in the administration of the State employment
12 service, except that the Director may publish or release
13 general labor market information and may furnish information
14 that he may deem proper to an individual, public officer or
15 public agency of this or any other State or the federal
16 government (in addition to those public officers or public
17 agencies specified in this Section) as he prescribes by Rule.

18 N. The Director may require such safeguards as he deems
19 proper to insure that information disclosed pursuant to this
20 Section is used only for the purposes set forth in this
21 Section.

22 O. The Department may contract with one or more consumer
23 reporting agencies to provide secure electronic access to
24 information provided in the quarterly wage report to the
25 Department by employing units. The information provided to a
26 consumer reporting agency shall be limited to the amount of
27 wages reported by each employing unit (with the employing
28 unit's name and address) for each of or up to the last 8
29 quarters. For the purposes of this Section, "consumer
30 reporting agency" has the meaning assigned by Section 603(f)
31 of the Fair Credit Reporting Act (15 U.S.C. 681a(f)). The
32 information is subject to the privacy rules of this State and
33 the federal Fair Credit Reporting Act in addition to this
34 Section. The consumer reporting agency shall require that any

1 user of the information shall, prior to obtaining the wage
2 report information, obtain a written consent from the
3 individual to whom that wage report information pertains.
4 The written consent shall prominently contain language
5 specifying the following:

6 (1) the consent to disclose is voluntary and refusal
7 to consent to disclosure of State wage information shall
8 not be the basis for the denial of credit;

9 (2) if consent is granted, the information shall be
10 released to specified parties;

11 (3) authorization by the individual is necessary for
12 the release of wage and employment history information;

13 (4) the specific application or transaction for the
14 sole purpose of which release is made;

15 (5) Department files containing wage and employment
16 history information submitted by employers may be
17 accessed; and

18 (6) (blank) the identity and address of parties
19 authorized to receive the released information.

20 The consumer reporting agency shall require that the
21 information released shall be used only to verify the
22 accuracy of the wage or employment information previously
23 provided by an individual in connection with a specific
24 transaction to satisfy its user's standard underwriting
25 requirements or those imposed upon the user, and to satisfy
26 user's obligations, under applicable State or federal fair
27 credit reporting laws.

28 The Department shall establish minimum audit, security,
29 net worth, and liability insurance standards, technological
30 requirements, and any other terms and conditions deemed
31 necessary in the discretion of the Department to safeguard
32 the confidentiality of the information and to otherwise serve
33 the public interest. The Department shall not pay any costs
34 associated with the establishment or maintenance of the

1 access provided for by this subsection O, including but not
2 limited to the costs of any audits of the consumer reporting
3 agency or users by the Department. The Department may void
4 any contract authorized by this subsection O if the
5 contractor is not complying with this Section. Except in
6 cases of willful and wanton misconduct, the Department is
7 immune from any liability in connection with information
8 provided under this subsection O, including but not limited
9 to liability with regard to the accuracy or use of the
10 information. Any fees received by the Department from a
11 consumer reporting agency pursuant to this subsection shall
12 be deposited in the Title III Social Security and Employment
13 Fund.

14 P. Within 30 days after the effective date of this
15 amendatory Act of 1993 and annually thereafter, the
16 Department shall provide to the Department of Financial
17 Institutions a list of individuals or entities that, for the
18 most recently completed calendar year, report to the
19 Department as paying wages to workers. The lists shall be
20 deemed confidential and may not be disclosed to any other
21 person.

22 Q. The Director shall make available to an elected
23 federal official the name and address of an individual or
24 entity that is located within the jurisdiction from which the
25 official was elected and that, for the most recently
26 completed calendar year, has reported to the Department as
27 paying wages to workers, where the information will be used
28 in connection with the official duties of the official and
29 the official requests the information in writing, specifying
30 the purposes for which it will be used. For purposes of this
31 subsection, the use of information in connection with the
32 official duties of an official does not include use of the
33 information in connection with the solicitation of
34 contributions or expenditures, in money or in kind, to or on

1 behalf of a candidate for public or political office or a
2 political party or with respect to a public question, as
3 defined in Section 1-3 of the Election Code, or in connection
4 with any commercial solicitation. Any elected federal
5 official who, in submitting a request for information covered
6 by this subsection, knowingly makes a false statement or
7 fails to disclose a material fact, with the intent to obtain
8 the information for a purpose not authorized by this
9 subsection, shall be guilty of a Class B misdemeanor.

10 R. The Director may provide to any State or local child
11 support agency, upon request and on a reimbursable basis,
12 information that might be useful in locating an absent parent
13 or that parent's employer, establishing paternity, or
14 establishing, modifying, or enforcing child support orders.

15 (Source: P.A. 90-425, eff. 8-15-97; 90-488, eff. 8-17-97;
16 90-655, eff. 7-30-98; 91-342, eff. 1-1-00.)