

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 Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be exempt  
9 from inspection and copying:

10 (a) All information determined to be confidential under  
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying  
13 library users with specific materials under the Library Records  
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records  
16 received by the Experimental Organ Transplantation Procedures  
17 Board and any and all documents or other records prepared by  
18 the Experimental Organ Transplantation Procedures Board or its  
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of  
21 Public Health and its authorized representatives relating to  
22 known or suspected cases of sexually transmissible disease or  
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under  
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the  
5 Architectural, Engineering, and Land Surveying Qualifications  
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and  
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under  
10 the State Officials and Employees Ethics Act, and records of  
11 any lawfully created State or local inspector general's office  
12 that would be exempt if created or obtained by an Executive  
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan  
15 submitted to a municipality in accordance with a local  
16 emergency energy plan ordinance that is adopted under Section  
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of  
19 surcharge moneys collected and remitted by wireless carriers  
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or  
22 driver identification information compiled by a law  
23 enforcement agency or the Department of Transportation under  
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential  
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review  
2 Team Act.

3 (m) Information provided to the predatory lending database  
4 created pursuant to Article 3 of the Residential Real Property  
5 Disclosure Act, except to the extent authorized under that  
6 Article.

7 (n) Defense budgets and petitions for certification of  
8 compensation and expenses for court appointed trial counsel as  
9 provided under Sections 10 and 15 of the Capital Crimes  
10 Litigation Act. This subsection (n) shall apply until the  
11 conclusion of the trial of the case, even if the prosecution  
12 chooses not to pursue the death penalty prior to trial or  
13 sentencing.

14 (o) Information that is prohibited from being disclosed  
15 under Section 4 of the Illinois Health and Hazardous Substances  
16 Registry Act.

17 (p) Security portions of system safety program plans,  
18 investigation reports, surveys, schedules, lists, data, or  
19 information compiled, collected, or prepared by or for the  
20 Regional Transportation Authority under Section 2.11 of the  
21 Regional Transportation Authority Act or the St. Clair County  
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the  
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the  
26 Illinois School Student Records Act.

1 (s) Information the disclosure of which is restricted under  
2 Section 5-108 of the Public Utilities Act.

3 (t) All identified or deidentified health information in  
4 the form of health data or medical records contained in, stored  
5 in, submitted to, transferred by, or released from the Illinois  
6 Health Information Exchange, and identified or deidentified  
7 health information in the form of health data and medical  
8 records of the Illinois Health Information Exchange in the  
9 possession of the Illinois Health Information Exchange  
10 Authority due to its administration of the Illinois Health  
11 Information Exchange. The terms "identified" and  
12 "deidentified" shall be given the same meaning as in the Health  
13 Insurance Accountability and Portability Act of 1996, Public  
14 Law 104-191, or any subsequent amendments thereto, and any  
15 regulations promulgated thereunder.

16 (u) ~~(t)~~ Records and information provided to an independent  
17 team of experts under Brian's Law.

18 (v) Personally identifiable information which is exempted  
19 from disclosure under subsection (g) of Section 19.1 of the  
20 Toll Highway Act.

21 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
22 96-1331, eff. 7-27-10; revised 9-2-10.)

23 Section 10. The Toll Highway Act is amended by adding  
24 Section 19.1 as follows:

1 (605 ILCS 10/19.1 new)

2 Sec. 19.1. Confidentiality of personally identifiable  
3 information obtained through electronic toll collection  
4 system.

5 (a) For purposes of this Section:

6 "Electronic toll collection system" is a system where a  
7 transponder, camera-based vehicle identification system, or  
8 other electronic medium is used to deduct payment of a toll  
9 from a subscriber's account or to establish an obligation to  
10 pay a toll.

11 "Electronic toll collection system user" means any natural  
12 person who subscribes to an electronic toll collection system  
13 or any natural person who uses a tolled transportation facility  
14 that employs the Authority's electronic toll collection  
15 system.

16 "Personally identifiable information" means any  
17 information that identifies or describes an electronic toll  
18 collection system user, including but not limited to travel  
19 pattern data, address, telephone number, e-mail address,  
20 license plate number, photograph, bank account information, or  
21 credit card number.

22 (b) Except as otherwise provided in this Section, the  
23 Authority may not sell or otherwise provide to any person or  
24 entity personally identifiable information of any electronic  
25 toll collection system user that the Authority obtains through  
26 the operation of its electronic toll collection system.

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

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

13           (1) A description of the types of personally  
14 identifiable information collected by the Authority.

15           (2) The categories of third-party persons or entities  
16 with whom the Authority may share personally identifiable  
17 information and for what purposes that information is  
18 shared.

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

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

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

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

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

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

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

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

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

23           (6) releasing personally identifiable information in  
24           response to a warrant, subpoena or lawful order from a  
25           court of competent jurisdiction;

26           (7) releasing personally identifiable information to

1 law enforcement agencies in the case of an emergency when  
2 obtaining a warrant or subpoena would be impractical; and

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

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

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



1 personally identifiable information or private information.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.