



Rep. Kelly Burke

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LRB097 08287 HEP 53945 a

1 AMENDMENT TO HOUSE BILL 3342

2 AMENDMENT NO. _____. Amend House Bill 3342 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Sections 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

1 Board and any and all documents or other records prepared by
2 the Experimental Organ Transplantation Procedures Board or its
3 staff relating to applications it has received.

4 (d) Information and records held by the Department of
5 Public Health and its authorized representatives relating to
6 known or suspected cases of sexually transmissible disease or
7 any information the disclosure of which is restricted under the
8 Illinois Sexually Transmissible Disease Control Act.

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

11 (f) Firm performance evaluations under Section 55 of the
12 Architectural, Engineering, and Land Surveying Qualifications
13 Based Selection Act.

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

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

21 (i) Information contained in a local emergency energy plan
22 submitted to a municipality in accordance with a local
23 emergency energy plan ordinance that is adopted under Section
24 11-21.5-5 of the Illinois Municipal Code.

25 (j) Information and data concerning the distribution of
26 surcharge moneys collected and remitted by wireless carriers

1 under the Wireless Emergency Telephone Safety Act.

2 (k) Law enforcement officer identification information or
3 driver identification information compiled by a law
4 enforcement agency or the Department of Transportation under
5 Section 11-212 of the Illinois Vehicle Code.

6 (l) Records and information provided to a residential
7 health care facility resident sexual assault and death review
8 team or the Executive Council under the Abuse Prevention Review
9 Team Act.

10 (m) Information provided to the predatory lending database
11 created pursuant to Article 3 of the Residential Real Property
12 Disclosure Act, except to the extent authorized under that
13 Article.

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

21 (o) Information that is prohibited from being disclosed
22 under Section 4 of the Illinois Health and Hazardous Substances
23 Registry Act.

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of the
2 Regional Transportation Authority Act or the St. Clair County
3 Transit District under the Bi-State Transit Safety Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

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

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

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

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

25 (v) Personally identifiable information which is exempted
26 from disclosure under subsection (g) of Section 19.1 of the

1 Toll Highway Act.

2 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
3 96-1331, eff. 7-27-10; revised 9-2-10.)

4 Section 10. The Toll Highway Act is amended by adding
5 Section 19.1 as follows:

6 (605 ILCS 10/19.1 new)

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

10 (a) For purposes of this Section:

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

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

21 "Personally identifiable information" means any
22 information that identifies or describes an electronic toll
23 collection system user, including but not limited to travel
24 pattern data, address, telephone number, e-mail address,

1 license plate number, photograph, bank account information, or
2 credit card number.

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

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

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

20 (1) A description of the types of personally
21 identifiable information collected by the Authority.

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

26 (3) The process by which the Authority notifies

1 electronic toll collection system users of material
2 changes to its privacy policy.

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

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

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

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

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

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

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

26 (5) using personally identifiable information in

1 research projects, provided that appropriate
2 confidentiality restrictions are employed to protect
3 against the unauthorized release of such information;

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

7 (7) releasing personally identifiable information to
8 law enforcement agencies in the case of an emergency when
9 obtaining a warrant or subpoena would be impractical; and

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

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

19 (g) Personally identifiable information generated through
20 the Authority's toll collection process that reveals the date,
21 time, location or direction of travel by an electronic toll
22 collection system user shall be exempt from release under the
23 Illinois Freedom of Information Act. The exemption in this
24 subsection shall not apply to information that concerns (i) the
25 public duties of public employees and officials; (ii) whether
26 an electronic toll collection system user has paid tolls; (iii)

1 whether the Authority is enforcing toll violation penalties
2 against electronic toll collection users who do not pay tolls;
3 (iv) accidents or other incidents that occur on highways under
4 the jurisdiction of the Authority; or (v) the obligation,
5 receipt, and use of the funds of the Authority. The exemption
6 in this subsection (g) shall not be a limitation or restriction
7 on other Freedom of Information Act exemptions applicable to
8 personally identifiable information or private information.

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