



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2414

Introduced 2/3/2016, by Sen. Chris Nybo

SYNOPSIS AS INTRODUCED:

205 ILCS 5/48.3	from Ch. 17, par. 360.2
205 ILCS 205/9012	from Ch. 17, par. 7309-12
205 ILCS 305/9.1	

Amends the Illinois Banking Act and the Savings Bank Act. Replaces "Commissioner" with "Secretary" in provisions related to the disclosure of information in order to update references to the Secretary of Financial and Professional Regulation. Allows the Secretary to provide confidential supervisory information to the Federal Home Loan Bank of Chicago under certain circumstances. Amends the Illinois Credit Union Act. Includes the Federal Home Loan Bank of the Federal Home Loan Bank System district in which the credit union is located as an entity that confidential supervisory information may be disclosed to by the Secretary if it has a legitimate regulatory interest. Effective immediately.

LRB099 16307 SMS 40638 b

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Banking Act is amended by changing
5 Section 48.3 as follows:

6 (205 ILCS 5/48.3) (from Ch. 17, par. 360.2)

7 Sec. 48.3. Disclosure of reports of examinations and
8 confidential supervisory information; limitations.

9 (a) Any report of examination, visitation, or
10 investigation prepared by the Secretary ~~Commissioner~~ under
11 this Act, the Electronic Fund Transfer Act, the Corporate
12 Fiduciary Act, the Illinois Bank Holding Company Act of 1957,
13 and the Foreign Banking Office Act, any report of examination,
14 visitation, or investigation prepared by the state regulatory
15 authority of another state that examines a branch of an
16 Illinois State bank in that state, any document or record
17 prepared or obtained in connection with or relating to any
18 examination, visitation, or investigation, and any record
19 prepared or obtained by the Secretary ~~Commissioner~~ to the
20 extent that the record summarizes or contains information
21 derived from any report, document, or record described in this
22 subsection shall be deemed "confidential supervisory
23 information". Confidential supervisory information shall not

1 include any information or record routinely prepared by a bank
2 or other financial institution and maintained in the ordinary
3 course of business or any information or record that is
4 required to be made publicly available pursuant to State or
5 federal law or rule. Confidential supervisory information
6 shall be the property of the Secretary ~~Commissioner~~ and shall
7 only be disclosed under the circumstances and for the purposes
8 set forth in this Section.

9 The Secretary ~~Commissioner~~ may disclose confidential
10 supervisory information only under the following
11 circumstances:

12 (1) The Secretary ~~Commissioner~~ may furnish
13 confidential supervisory information to the Board of
14 Governors of the Federal Reserve System, the federal
15 reserve bank of the federal reserve district in which the
16 State bank is located or in which the parent or other
17 affiliate of the State bank is located, any official or
18 examiner thereof duly accredited for the purpose, or any
19 other state regulator, federal regulator, or in the case of
20 a foreign bank possessing a certificate of authority
21 pursuant to the Foreign Banking Office Act or a license
22 pursuant to the Foreign Bank Representative Office Act, the
23 bank regulator in the country where the foreign bank is
24 chartered, that the Secretary ~~Commissioner~~ determines to
25 have an appropriate regulatory interest. Nothing contained
26 in this Act shall be construed to limit the obligation of

1 any member State bank to comply with the requirements
2 relative to examinations and reports of the Federal Reserve
3 Act and of the Board of Governors of the Federal Reserve
4 System or the federal reserve bank of the federal reserve
5 district in which the bank is located, nor to limit in any
6 way the powers of the Secretary ~~Commissioner~~ with reference
7 to examinations and reports.

8 (2) The Secretary ~~Commissioner~~ may furnish
9 confidential supervisory information to the United States,
10 any agency thereof that has insured a bank's deposits in
11 whole or in part, or any official or examiner thereof duly
12 accredited for the purpose. Nothing contained in this Act
13 shall be construed to limit the obligation relative to
14 examinations and reports of any State bank, deposits in
15 which are to any extent insured by the United States, any
16 agency thereof, nor to limit in any way the powers of the
17 Secretary ~~Commissioner~~ with reference to examination and
18 reports of such bank.

19 (2.5) The Secretary may furnish confidential
20 supervisory information to the Federal Home Loan Bank of
21 Chicago in connection with any application by the bank
22 before the Federal Home Loan Bank of Chicago or in
23 connection with any bank that is a member of the Federal
24 Loan Bank of Chicago if the Secretary determines the
25 Federal Home Loan Bank of Chicago has a legitimate interest
26 in the confidential supervisory information. The

1 confidential supervisory information shall remain the
2 property of the Secretary and may not be further disclosed
3 without the Secretary's permission.

4 (3) The Secretary ~~Commissioner~~ may furnish
5 confidential supervisory information to the appropriate
6 law enforcement authorities when the Secretary
7 ~~Commissioner~~ reasonably believes a bank, which the
8 Secretary ~~Commissioner~~ has caused to be examined, has been
9 a victim of a crime.

10 (4) The Secretary ~~Commissioner~~ may furnish
11 confidential supervisory information relating to a bank or
12 other financial institution, which the Secretary
13 ~~Commissioner~~ has caused to be examined, to be sent to the
14 administrator of the Uniform Disposition of Unclaimed
15 Property Act.

16 (5) The Secretary ~~Commissioner~~ may furnish
17 confidential supervisory information relating to a bank or
18 other financial institution, which the Secretary
19 ~~Commissioner~~ has caused to be examined, relating to its
20 performance of obligations under the Illinois Income Tax
21 Act and the Illinois Estate and Generation-Skipping
22 Transfer Tax Act to the Illinois Department of Revenue.

23 (6) The Secretary ~~Commissioner~~ may furnish
24 confidential supervisory information relating to a bank or
25 other financial institution, which the Secretary
26 ~~Commissioner~~ has caused to be examined, under the federal

1 Currency and Foreign Transactions Reporting Act, Title 31,
2 United States Code, Section 1051 et seq.

3 (6.5) The Secretary ~~Commissioner~~ may furnish
4 confidential supervisory information to any other agency
5 or entity that the Secretary ~~Commissioner~~ determines to
6 have a legitimate regulatory interest.

7 (7) The Secretary ~~Commissioner~~ may furnish
8 confidential supervisory information under any other
9 statute that by its terms or by regulations promulgated
10 thereunder requires the disclosure of financial records
11 other than by subpoena, summons, warrant, or court order.

12 (8) At the request of the affected bank or other
13 financial institution, the Secretary ~~Commissioner~~ may
14 furnish confidential supervisory information relating to a
15 bank or other financial institution, which the Secretary
16 ~~Commissioner~~ has caused to be examined, in connection with
17 the obtaining of insurance coverage or the pursuit of an
18 insurance claim for or on behalf of the bank or other
19 financial institution; provided that, when possible, the
20 Secretary ~~Commissioner~~ shall disclose only relevant
21 information while maintaining the confidentiality of
22 financial records not relevant to such insurance coverage
23 or claim and, when appropriate, may delete identifying data
24 relating to any person or individual.

25 (9) The Secretary ~~Commissioner~~ may furnish a copy of a
26 report of any examination performed by the Secretary

1 ~~Commissioner~~ of the condition and affairs of any electronic
2 data processing entity to the banks serviced by the
3 electronic data processing entity.

4 (10) In addition to the foregoing circumstances, the
5 Secretary ~~Commissioner~~ may, but is not required to, furnish
6 confidential supervisory information under the same
7 circumstances authorized for the bank or financial
8 institution pursuant to subsection (b) of this Section,
9 except that the Secretary ~~Commissioner~~ shall provide
10 confidential supervisory information under circumstances
11 described in paragraph (3) of subsection (b) of this
12 Section only upon the request of the bank or other
13 financial institution.

14 (b) A bank or other financial institution or its officers,
15 agents, and employees may disclose confidential supervisory
16 information only under the following circumstances:

17 (1) to the board of directors of the bank or other
18 financial institution, as well as the president,
19 vice-president, cashier, and other officers of the bank or
20 other financial institution to whom the board of directors
21 may delegate duties with respect to compliance with
22 recommendations for action, and to the board of directors
23 of a bank holding company that owns at least 80% of the
24 outstanding stock of the bank or other financial
25 institution;

26 (2) to attorneys for the bank or other financial

1 institution and to a certified public accountant engaged by
2 the State bank or financial institution to perform an
3 independent audit provided that the attorney or certified
4 public accountant shall not permit the confidential
5 supervisory information to be further disseminated;

6 (3) to any person who seeks to acquire a controlling
7 interest in, or who seeks to merge with, the bank or
8 financial institution, provided that all attorneys,
9 certified public accountants, officers, agents, or
10 employees of that person shall agree to be bound to respect
11 the confidentiality of the confidential supervisory
12 information and to not further disseminate the information
13 therein contained;

14 (4) (blank); or

15 (5) to the bank's insurance company in relation to an
16 insurance claim or the effort by the bank to procure
17 insurance coverage, provided that, when possible, the bank
18 shall disclose only information that is relevant to the
19 insurance claim or that is necessary to procure the
20 insurance coverage, while maintaining the confidentiality
21 of financial information pertaining to customers. When
22 appropriate, the bank may delete identifying data relating
23 to any person.

24 The disclosure of confidential supervisory information by
25 a bank or other financial institution pursuant to this
26 subsection (b) and the disclosure of information to the

1 Secretary ~~Commissioner~~ or other regulatory agency in
2 connection with any examination, visitation, or investigation
3 shall not constitute a waiver of any legal privilege otherwise
4 available to the bank or other financial institution with
5 respect to the information.

6 (c) (1) Notwithstanding any other provision of this Act or
7 any other law, confidential supervisory information shall be
8 the property of the Secretary ~~Commissioner~~ and shall be
9 privileged from disclosure to any person except as provided in
10 this Section. No person in possession of confidential
11 supervisory information may disclose that information for any
12 reason or under any circumstances not specified in this Section
13 without the prior authorization of the Secretary ~~Commissioner~~.
14 Any person upon whom a demand for production of confidential
15 supervisory information is made, whether by subpoena, order, or
16 other judicial or administrative process, must withhold
17 production of the confidential supervisory information and
18 must notify the Secretary ~~Commissioner~~ of the demand, at which
19 time the Secretary ~~Commissioner~~ is authorized to intervene for
20 the purpose of enforcing the limitations of this Section or
21 seeking the withdrawal or termination of the attempt to compel
22 production of the confidential supervisory information.

23 (2) Any request for discovery or disclosure of confidential
24 supervisory information, whether by subpoena, order, or other
25 judicial or administrative process, shall be made to the
26 Secretary ~~Commissioner~~, and the Secretary ~~Commissioner~~ shall

1 determine within 15 days whether to disclose the information
2 pursuant to procedures and standards that the Secretary
3 ~~Commissioner~~ shall establish by rule. If the Secretary
4 ~~Commissioner~~ determines that such information will not be
5 disclosed, the Secretary's ~~Commissioner's~~ decision shall be
6 subject to judicial review under the provisions of the
7 Administrative Review Law, and venue shall be in either
8 Sangamon County or Cook County.

9 (3) Any court order that compels disclosure of confidential
10 supervisory information may be immediately appealed by the
11 Secretary ~~Commissioner~~, and the order shall be automatically
12 stayed pending the outcome of the appeal.

13 (d) If any officer, agent, attorney, or employee of a bank
14 or financial institution knowingly and willfully furnishes
15 confidential supervisory information in violation of this
16 Section, the Secretary ~~Commissioner~~ may impose a civil monetary
17 penalty up to \$1,000 for the violation against the officer,
18 agent, attorney, or employee.

19 (Source: P.A. 90-301, eff. 8-1-97; 91-201, eff. 1-1-00.)

20 Section 10. The Savings Bank Act is amended by changing
21 Section 9012 as follows:

22 (205 ILCS 205/9012) (from Ch. 17, par. 7309-12)

23 Sec. 9012. Disclosure of reports of examinations and
24 confidential supervisory information; limitations.

1 (a) Any report of examination, visitation, or
2 investigation prepared by the Secretary ~~Commissioner~~ under
3 this Act, any report of examination, visitation, or
4 investigation prepared by the state regulatory authority of
5 another state that examines a branch of an Illinois State
6 savings bank in that state, any document or record prepared or
7 obtained in connection with or relating to any examination,
8 visitation, or investigation, and any record prepared or
9 obtained by the Secretary ~~Commissioner~~ to the extent that the
10 record summarizes or contains information derived from any
11 report, document, or record described in this subsection shall
12 be deemed confidential supervisory information. "Confidential
13 supervisory information" shall not include any information or
14 record routinely prepared by a savings bank and maintained in
15 the ordinary course of business or any information or record
16 that is required to be made publicly available pursuant to
17 State or federal law or rule. Confidential supervisory
18 information shall be the property of the Secretary ~~Commissioner~~
19 and shall only be disclosed under the circumstances and for the
20 purposes set forth in this Section.

21 The Secretary ~~Commissioner~~ may disclose confidential
22 supervisory information only under the following
23 circumstances:

- 24 (1) The Secretary ~~Commissioner~~ may furnish
25 confidential supervisory information to federal and state
26 depository institution regulators, or any official or

1 examiner thereof duly accredited for the purpose. Nothing
2 contained in this Act shall be construed to limit the
3 obligation of any savings bank to comply with the
4 requirements relative to examinations and reports nor to
5 limit in any way the powers of the Secretary ~~Commissioner~~
6 relative to examinations and reports.

7 (2) The Secretary ~~Commissioner~~ may furnish
8 confidential supervisory information to the United States
9 or any agency thereof that to any extent has insured a
10 savings bank's deposits, or any official or examiner
11 thereof duly accredited for the purpose. Nothing contained
12 in this Act shall be construed to limit the obligation
13 relative to examinations and reports of any savings bank in
14 which deposits are to any extent insured by the United
15 States or any agency thereof nor to limit in any way the
16 powers of the Secretary ~~Commissioner~~ with reference to
17 examination and reports of the savings bank.

18 (2.5) The Secretary may furnish confidential
19 supervisory information to the Federal Home Loan Bank of
20 Chicago in connection with any application by the savings
21 bank before the Federal Home Loan Bank of Chicago or in
22 connection with any savings bank that is a member of the
23 Federal Loan Bank of Chicago if the Secretary determines
24 the Federal Home Loan Bank of Chicago has a legitimate
25 interest in the confidential supervisory information. The
26 confidential supervisory information shall remain the

1 property of the Secretary and may not be further disclosed
2 without the Secretary's permission.

3 (3) The Secretary ~~Commissioner~~ may furnish
4 confidential supervisory information to the appropriate
5 law enforcement authorities when the Secretary
6 ~~Commissioner~~ reasonably believes a savings bank, which the
7 Secretary ~~Commissioner~~ has caused to be examined, has been
8 a victim of a crime.

9 (4) The Secretary ~~Commissioner~~ may furnish
10 confidential supervisory information related to a savings
11 bank, which the Secretary ~~Commissioner~~ has caused to be
12 examined, to the administrator of the Uniform Disposition
13 of Unclaimed Property Act.

14 (5) The Secretary ~~Commissioner~~ may furnish
15 confidential supervisory information relating to a savings
16 bank, which the Secretary ~~Commissioner~~ has caused to be
17 examined, relating to its performance of obligations under
18 the Illinois Income Tax Act and the Illinois Estate and
19 Generation-Skipping Transfer Tax Act to the Illinois
20 Department of Revenue.

21 (6) The Secretary ~~Commissioner~~ may furnish
22 confidential supervisory information relating to a savings
23 bank, which the Secretary ~~Commissioner~~ has caused to be
24 examined, under the federal Currency and Foreign
25 Transactions Reporting Act, 31 United States Code, Section
26 1051 et seq.

1 (7) The Secretary ~~Commissioner~~ may furnish
2 confidential supervisory information to any other agency
3 or entity that the Secretary ~~Commissioner~~ determines to
4 have a legitimate regulatory interest.

5 (8) The Secretary ~~Commissioner~~ may furnish
6 confidential supervisory information as otherwise
7 permitted or required by this Act and may furnish
8 confidential supervisory information under any other
9 statute that by its terms or by regulations promulgated
10 thereunder requires the disclosure of financial records
11 other than by subpoena, summons, warrant, or court order.

12 (9) At the request of the affected savings bank, the
13 Secretary ~~Commissioner~~ may furnish confidential
14 supervisory information relating to the savings bank,
15 which the Secretary ~~Commissioner~~ has caused to be examined,
16 in connection with the obtaining of insurance coverage or
17 the pursuit of an insurance claim for or on behalf of the
18 savings bank; provided that, when possible, the Secretary
19 ~~Commissioner~~ shall disclose only relevant information
20 while maintaining the confidentiality of financial records
21 not relevant to such insurance coverage or claim and, when
22 appropriate, may delete identifying data relating to any
23 person.

24 (10) The Secretary ~~Commissioner~~ may furnish a copy of a
25 report of any examination performed by the Secretary
26 ~~Commissioner~~ of the condition and affairs of any electronic

1 data processing entity to the savings banks serviced by the
2 electronic data processing entity.

3 (11) In addition to the foregoing circumstances, the
4 Secretary ~~Commissioner~~ may, but is not required to, furnish
5 confidential supervisory information under the same
6 circumstances authorized for the savings bank pursuant to
7 subsection (b) of this Section, except that the Secretary
8 ~~Commissioner~~ shall provide confidential supervisory
9 information under circumstances described in paragraph (3)
10 of subsection (b) of this Section only upon the request of
11 the savings bank.

12 (b) A savings bank or its officers, agents, and employees
13 may disclose confidential supervisory information only under
14 the following circumstances:

15 (1) to the board of directors of the savings bank, as
16 well as the president, vice-president, cashier, and other
17 officers of the savings bank to whom the board of directors
18 may delegate duties with respect to compliance with
19 recommendations for action, and to the board of directors
20 of a savings bank holding company that owns at least 80% of
21 the outstanding stock of the savings bank or other
22 financial institution.

23 (2) to attorneys for the savings bank and to a
24 certified public accountant engaged by the savings bank to
25 perform an independent audit; provided that the attorney or
26 certified public accountant shall not permit the

1 confidential supervisory information to be further
2 disseminated.

3 (3) to any person who seeks to acquire a controlling
4 interest in, or who seeks to merge with, the savings bank;
5 provided that the person shall agree to be bound to respect
6 the confidentiality of the confidential supervisory
7 information and to not further disseminate the information
8 other than to attorneys, certified public accountants,
9 officers, agents, or employees of that person who likewise
10 shall agree to be bound to respect the confidentiality of
11 the confidential supervisory information and to not
12 further disseminate the information.

13 (4) to the savings bank's insurance company, if the
14 supervisory information contains information that is
15 otherwise unavailable and is strictly necessary to
16 obtaining insurance coverage or pursuing an insurance
17 claim for or on behalf of the savings bank; provided that,
18 when possible, the savings bank shall disclose only
19 information that is relevant to obtaining insurance
20 coverage or pursuing an insurance claim, while maintaining
21 the confidentiality of financial information pertaining to
22 customers; and provided further that, when appropriate,
23 the savings bank may delete identifying data relating to
24 any person.

25 The disclosure of confidential supervisory information by
26 a savings bank pursuant to this subsection (b) and the

1 disclosure of information to the Secretary ~~Commissioner~~ or
2 other regulatory agency in connection with any examination,
3 visitation, or investigation shall not constitute a waiver of
4 any legal privilege otherwise available to the savings bank
5 with respect to the information.

6 (c) (1) Notwithstanding any other provision of this Act or
7 any other law, confidential supervisory information shall be
8 the property of the Secretary ~~Commissioner~~ and shall be
9 privileged from disclosure to any person except as provided in
10 this Section. No person in possession of confidential
11 supervisory information may disclose that information for any
12 reason or under any circumstances not specified in this Section
13 without the prior authorization of the Secretary ~~Commissioner~~.
14 Any person upon whom a demand for production of confidential
15 supervisory information is made, whether by subpoena, order, or
16 other judicial or administrative process, must withhold
17 production of the confidential supervisory information and
18 must notify the Secretary ~~Commissioner~~ of the demand, at which
19 time the Secretary ~~Commissioner~~ is authorized to intervene for
20 the purpose of enforcing the limitations of this Section or
21 seeking the withdrawal or termination of the attempt to compel
22 production of the confidential supervisory information.

23 (2) Any request for discovery or disclosure of confidential
24 supervisory information, whether by subpoena, order, or other
25 judicial or administrative process, shall be made to the
26 Secretary ~~Commissioner~~, and the Secretary ~~Commissioner~~ shall

1 determine within 15 days whether to disclose the information
2 pursuant to procedures and standards that the Secretary
3 ~~Commissioner~~ shall establish by rule. If the Secretary
4 ~~Commissioner~~ determines that such information will not be
5 disclosed, the Secretary's ~~Commissioner's~~ decision shall be
6 subject to judicial review under the provisions of the
7 Administrative Review Law, and venue shall be in either
8 Sangamon County or Cook County.

9 (3) Any court order that compels disclosure of confidential
10 supervisory information may be immediately appealed by the
11 Secretary ~~Commissioner~~, and the order shall be automatically
12 stayed pending the outcome of the appeal.

13 (d) If any officer, agent, attorney, or employee of a
14 savings bank knowingly and willfully furnishes confidential
15 supervisory information in violation of this Section, the
16 Secretary ~~Commissioner~~ may impose a civil monetary penalty up
17 to \$1,000 for the violation against the officer, agent,
18 attorney, or employee.

19 (e) Subject to the limits of this Section, the Secretary
20 ~~Commissioner~~ also may promulgate regulations to set procedures
21 and standards for disclosure of the following items:

22 (1) All fixed orders and opinions made in cases of
23 appeals of the Secretary's ~~Commissioner's~~ actions.

24 (2) Statements of policy and interpretations adopted
25 by the Secretary's ~~Commissioner's~~ office, but not
26 otherwise made public.

1 (3) Nonconfidential portions of application files,
2 including applications for new charters. The Secretary
3 ~~Commissioner~~ shall specify by rule as to what part of the
4 files are confidential.

5 (4) Quarterly reports of income, deposits, and
6 financial condition.

7 (Source: P.A. 93-271, eff. 7-22-03.)

8 Section 15. The Illinois Credit Union Act is amended by
9 changing Section 9.1 as follows:

10 (205 ILCS 305/9.1)

11 Sec. 9.1. Disclosures of reports of examinations and
12 confidential supervisory information; limitations.

13 (1) Any report of examination, visitation, or
14 investigation prepared by the Secretary under this Act or by
15 the state regulatory authority charged with enforcing the
16 Electronic Fund Transfer Act or the Corporate Fiduciary Act or
17 by the state regulatory authority of another state that
18 examines an office of an Illinois credit union in that state,
19 any document or record prepared or obtained in connection with
20 or relating to any examination, visitation, or investigation,
21 and any record prepared or obtained by the Secretary to the
22 extent that the record summarizes or contains information
23 derived from any report, document, or record described in this
24 subsection shall be deemed "confidential supervisory

1 information". Confidential supervisory information shall not
2 include any information or record routinely prepared by a
3 credit union and maintained in the ordinary course of business
4 or any information or record that is required to be made
5 publicly available pursuant to State or federal law or rule.

6 (2) Confidential supervisory information is privileged
7 from discovery and shall only be disclosed under the
8 circumstances and for the purposes set forth in this Section.

9 (3) Relevant confidential supervisory information may be
10 disclosed under a statute that by its terms or by rules
11 promulgated thereunder requires the disclosure of confidential
12 supervisory information other than by subpoena, summons,
13 warrant, or court order; to the appropriate law enforcement
14 authorities when the Secretary or the credit union reasonably
15 believes the credit union, which the Secretary has caused to be
16 examined, has been a victim of a crime; to other agencies or
17 entities having a legitimate regulatory interest, including,
18 but not limited to, the Federal Home Loan Bank of the Federal
19 Home Loan Bank System district in which the credit union is
20 located; to the credit union's board, officers, retained
21 professionals, and insurers; to persons seeking to merge with
22 or purchase all or part of the assets of the credit union; and
23 where disclosure is otherwise required for the benefit of the
24 credit union. Disclosure of confidential supervisory
25 information to these persons does not constitute a waiver of
26 the legal privilege otherwise available with respect to the

1 information.

2 (4) A person to whom confidential supervisory information
3 is disclosed shall not further disseminate confidential
4 supervisory information.

5 (5) (a) Any person upon whom a demand for production of
6 confidential supervisory information is made, whether by
7 subpoena, order, or other judicial or administrative process,
8 must withhold production of the confidential supervisory
9 information and must notify the Secretary of the demand, at
10 which time the Secretary is authorized to intervene for the
11 purpose of enforcing the limitations of this Section or seeking
12 the withdrawal or termination of the attempt to compel
13 production of the confidential supervisory information.

14 (b) Any request for discovery or disclosure of confidential
15 supervisory information, whether by subpoena, order, or other
16 judicial or administrative process, shall be made to the
17 Secretary, and the Secretary shall determine within 15 days
18 whether to disclose the information pursuant to procedures and
19 standards that the Secretary shall establish by rule. If the
20 Secretary determines that such information will not be
21 disclosed, the Secretary's decision shall be subject to
22 judicial review under the provisions of the Administrative
23 Review Law, and venue shall be in either Sangamon County or
24 Cook County.

25 (c) Any court order that compels disclosure of confidential
26 supervisory information may be immediately appealed by the

1 Secretary and the order shall be automatically stayed pending
2 the outcome of the appeal.

3 (Source: P.A. 97-133, eff. 1-1-12.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.