

AN ACT concerning State government.

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

Section 5. The Illinois Identification Card Act is amended by changing Section 11 as follows:

(15 ILCS 335/11) (from Ch. 124, par. 31)

Sec. 11. Records.

(a) The Secretary may make a search of his records and furnish information as to whether a person has a current Standard Illinois Identification Card or an Illinois Person with a Disability Identification Card then on file, upon receipt of a written application therefor accompanied with the prescribed fee. However, the Secretary may not disclose medical information concerning an individual to any person, public agency, private agency, corporation or governmental body unless the individual has submitted a written request for the information or unless the individual has given prior written consent for the release of the information to a specific person or entity. This exception shall not apply to: (1) offices and employees of the Secretary who have a need to know the medical information in performance of their official duties, or (2) orders of a court of competent jurisdiction. When medical information is disclosed by the Secretary in

accordance with the provisions of this Section, no liability shall rest with the Office of the Secretary of State as the information is released for informational purposes only.

(b) Except as otherwise provided in this Section, the ~~The~~ Secretary may release personally identifying information only to:

(1) officers and employees of the Secretary who have a need to know that information for issuance of driver's licenses, permits, or identification cards and investigation of fraud or misconduct;

(2) other governmental agencies for use in their official governmental functions;

(3) law enforcement agencies for a criminal or civil investigation;

(3-5) the State Board of Elections as may be required by an agreement the State Board of Elections has entered into with a multi-state voter registration list maintenance system; or

(4) any entity that the Secretary has authorized, by rule.

(c) Except as otherwise provided in this Section, the ~~The~~ Secretary may release highly restricted personal information only to:

(1) officers and employees of the Secretary who have a need to access the information for the issuance of driver's licenses, permits, or identification cards and

investigation of fraud or misconduct;

(2) law enforcement officials for a criminal or civil law enforcement investigation;

(3) the State Board of Elections for the purpose of providing the signature for completion of voter registration; or

(4) any other entity the Secretary has authorized by rule.

(d) Documents required to be submitted with an application for an identification card to prove the applicant's identity (name and date of birth), social security number, written signature, residency, and, as applicable, proof of lawful status shall be confidential and shall not be disclosed except to the following persons:

(1) the individual to whom the identification card was issued, upon written request;

(2) officers and employees of the Secretary of State who have a need to have access to the stored images for purposes of issuing and controlling driver's licenses, permits, or identification cards and investigation of fraud or misconduct;

(3) law enforcement officials for a civil or criminal law enforcement investigation;

(4) other entities that the Secretary may authorize by rule.

(e) The Secretary may not disclose an individual's social

security number or any associated information obtained from the Social Security Administration without the written request or consent of the individual except: (i) to officers and employees of the Secretary who have a need to know the social security number in the performance of their official duties; (ii) to law enforcement officials for a civil or criminal law enforcement investigation if an officer of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security number is being sought; (iii) under a lawful court order signed by a judge; (iv) to the Illinois Department of Veterans' Affairs for the purpose of confirming veteran status to agencies in other states responsible for the issuance of state identification cards for participation in State-to-State verification service; or (v) the last 4 digits to the Illinois State Board of Elections for purposes of voter registration and as may be required pursuant to an agreement for a multi-state voter registration list maintenance system. The Secretary retains the right to require additional verification regarding the validity of a request from law enforcement. If social security information is disclosed by the Secretary in accordance with this Section, no liability shall rest with the Office of the Secretary of State or any of its officers or employees, as the information is released for official purposes only.

(f) The Secretary of State shall not provide facial

recognition search services or photographs obtained in the process of issuing an identification card to any federal, State, or local law enforcement agency or other governmental entity for the purpose of enforcing federal immigration laws. This subsection shall not apply to requests from federal, State, or local law enforcement agencies or other governmental entities for facial recognition search services or photographs obtained in the process of issuing a driver's license or permit when the purpose of the request relates to criminal activity other than violations of immigration laws.

(Source: P.A. 101-326, eff. 8-9-19.)

Section 10. The Illinois Vehicle Code is amended by changing Section 6-110.1 as follows:

(625 ILCS 5/6-110.1)

Sec. 6-110.1. Confidentiality of captured photographs or images.

(a) The Secretary of State shall maintain a file on or contract to file all photographs and signatures obtained in the process of issuing a driver's license, permit, or identification card. Except as otherwise provided in this Section, the ~~The~~ photographs and signatures shall be confidential and shall not be disclosed except to the following persons:

- (1) the individual upon written request;

(2) officers and employees of the Secretary of State who have a need to have access to the stored images for purposes of issuing and controlling driver's licenses, permits, or identification cards and investigation of fraud or misconduct;

(3) law enforcement officials for a civil or criminal law enforcement investigation;

(3-5) the State Board of Elections for the sole purpose of providing the signatures required by a local election authority to register a voter through an online voter registration system;

(3-10) officers and employees of the Secretary of State who have a need to have access to the stored images for purposes of issuing and controlling notary public commissions and for the purpose of providing the signatures required to process online applications for appointment and commission as notaries public; or

(4) other entities that the Secretary may authorize by rule.

(b) The Secretary of State shall not provide facial recognition search services or photographs obtained in the process of issuing a driver's license or permit to any federal, State, or local law enforcement agency or other governmental entity for the purpose of enforcing federal immigration laws. This subsection shall not apply to requests from federal, State, or local law enforcement agencies or

Public Act 102-0354

SB0225 Enrolled

LRB102 03890 RJF 13905 b

other governmental entities for facial recognition search services or photographs obtained in the process of issuing a driver's license or permit when the purpose of the request relates to criminal activity other than violations of immigration laws.

(Source: P.A. 101-326, eff. 8-9-19.)

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