



Sen. Laura M. Murphy

Filed: 3/18/2020

10100SB3168sam001

LRB101 17470 HEP 71612 a

1 AMENDMENT TO SENATE BILL 3168

2 AMENDMENT NO. _____. Amend Senate Bill 3168 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Toll Highway Act is amended by changing
5 Section 19.1 as follows:

6 (605 ILCS 10/19.1)

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

1 person who subscribes to an electronic toll collection system
2 or any natural person who uses a tolled transportation facility
3 that employs the Authority's electronic toll collection
4 system.

5 "Personally identifiable information" means any
6 information that identifies or describes an electronic toll
7 collection system user, including but not limited to travel
8 pattern data, address, telephone number, e-mail address,
9 license plate number, photograph, bank account information, or
10 credit card number.

11 (b) Except as otherwise provided in this Section, the
12 Authority may not sell or otherwise provide to any person or
13 entity personally identifiable information of any electronic
14 toll collection system user that the Authority obtains through
15 the operation of its electronic toll collection system.

16 (c) The Authority may, within practical business and cost
17 constraints, store personally identifiable information of an
18 electronic toll collection system user only if the information
19 is required to perform account functions such as billing,
20 account settlement, or toll violation enforcement activities.
21 Records identifying a specific instance of travel by a specific
22 person or vehicle shall be used only as required to ensure the
23 payment and enforcement of tolls and for law enforcement
24 purposes.

25 (d) By no later than December 31, 2011, the Authority shall
26 establish a privacy policy regarding the collection and use of

1 personally identifiable information. Upon its adoption, the
2 policy shall be posted on the Authority's website and a copy
3 shall be included with each transponder transmitted to a user.
4 The policy shall include but need not be limited to the
5 following:

6 (1) A description of the types of personally
7 identifiable information collected by the Authority.

8 (2) The categories of third-party persons or entities
9 with whom the Authority may share personally identifiable
10 information and for what purposes that information is
11 shared.

12 (3) The process by which the Authority notifies
13 electronic toll collection system users of material
14 changes to its privacy policy.

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

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

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

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

24 (2) sharing data with another transportation agency or
25 third-party vendor to comply with interoperability
26 specifications and standards regarding electronic toll

1 collection devices and technologies, provided that the
2 other transportation agency or third-party vendor may not
3 use personally identifiable information obtained under
4 this Section for a purpose other than described in this
5 Section;

6 (3) performing financial, legal and accounting
7 functions such as billing, account settlement, toll
8 violation enforcement, or other activities required to
9 operate and manage its toll collection system;

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

12 (5) using personally identifiable information in
13 research projects, provided that appropriate
14 confidentiality restrictions are employed to protect
15 against the unauthorized release of such information;

16 (6) releasing personally identifiable information in
17 response to a warrant, grand jury, subpoena, or lawful
18 order from a court of competent jurisdiction;

19 (7) releasing personally identifiable information to
20 law enforcement agencies if exigent circumstances make ~~in~~
21 ~~the case of an emergency when~~ obtaining a warrant or
22 subpoena ~~would be~~ impractical; and

23 (8) releasing personally identifiable information to
24 the Authority's Inspector General or, at the Inspector
25 General's direction, to law enforcement agencies under
26 paragraphs (5) and (6) of subsection (f) of Section 8.5 of

1 this Act.

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

6 (g) Personally identifiable information generated through
7 the Authority's toll collection process that reveals the date,
8 time, location or direction of travel by an electronic toll
9 collection system user shall be exempt from release under the
10 Illinois Freedom of Information Act and the information shall
11 be used for enforcement purposes with respect to toll
12 collections as specified in this Act and any action brought by
13 a prosecutor acting in such a capacity. The exemption in this
14 subsection shall not apply to information that concerns (i) the
15 public duties of public employees and officials; (ii) whether
16 an electronic toll collection system user has paid tolls; (iii)
17 whether the Authority is enforcing toll violation penalties
18 against electronic toll collection users who do not pay tolls;
19 (iv) accidents or other incidents that occur on highways under
20 the jurisdiction of the Authority; or (v) the obligation,
21 receipt, and use of the funds of the Authority. The exemption
22 in this subsection (g) shall not be a limitation or restriction
23 on other Freedom of Information Act exemptions applicable to
24 personally identifiable information or private information.

25 (h) The Authority shall make personally identifiable
26 information of a person available in response to a grand jury

1 subpoena and to a law enforcement agency pursuant to an
2 investigation.

3 (i) The Authority shall discard personally identifiable
4 information within 5 years. The Authority shall make every
5 effort, within practical business and cost constraints, to
6 purge the personal account information of an account that is
7 closed or terminated. In no case shall the Authority maintain
8 personal information more than 5 years after the date an
9 account is closed or terminated.

10 (j) Nothing in this Section precludes compliance with a
11 court order or settlement agreement that has been approved on
12 or before January 1, 2021.

13 (Source: P.A. 97-342, eff. 8-12-11.)"