

1 AN ACT concerning security on State computers.

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

4 Section 1. Short title. This Act may be cited as the  
5 Data Security on State Computers Act.

6 Section 5. Findings. The General Assembly finds that:

7 (a) The Massachusetts Institute of Technology, in a  
8 recent study, discovered that many companies and individuals  
9 are regularly selling or donating computer hard drives with  
10 sensitive information still on them, such as credit card  
11 numbers, bank and medical records, and personal e-mail.

12 (b) Illinois currently has no law addressing data  
13 security and removal of data from surplus State-owned  
14 computers that are to be (i) disposed of by sale, donation,  
15 or transfer or (ii) relinquished to a successor executive  
16 administration.

17 (c) In order to ensure the protection of sensitive  
18 information relating to the State and its citizens, it is  
19 necessary to implement policies to (i) overwrite all hard  
20 drives of surplus State-owned electronic data processing  
21 equipment that are to be sold, donated, or transferred and  
22 (ii) preserve the data on State-owned electronic data  
23 processing equipment that is to be relinquished to a  
24 successor executive administration for the continuity of  
25 government functions.

26 Section 10. Purpose. The purpose of this Act is to (i)  
27 require the Department of Central Management Services or any  
28 other authorized agency that disposes of surplus electronic  
29 data processing equipment by sale, donation, or transfer to  
30 implement a policy mandating that computer hardware be

1 cleared of all data and software before disposal by sale,  
2 donation, or transfer and (ii) require the head of each  
3 Agency to establish a system for the protection and  
4 preservation of State data on State-owned electronic data  
5 processing equipment necessary for the continuity of  
6 government functions upon relinquishment of the equipment to  
7 a successor executive administration.

8 Section 15. Definitions. As used in this Act:

9 "Agency" means all parts, boards, and commissions of the  
10 executive branch of State government, including, but not  
11 limited to, State colleges and universities and their  
12 governing boards and all departments established by the Civil  
13 Administrative Code of Illinois.

14 "Disposal by sale, donation, or transfer" includes, but  
15 is not limited to, the sale, donation, or transfer of surplus  
16 electronic data processing equipment to other agencies,  
17 schools, individuals, and not-for-profit agencies.

18 "Electronic data processing equipment" includes, but is  
19 not limited to, computer (CPU) mainframes, and any form of  
20 magnetic storage media.

21 "Authorized agency" means an agency authorized by the  
22 Department of Central Management Services to sell or transfer  
23 electronic data processing equipment under Sections 5010.1210  
24 and 5010.1220 of Title 44 of the Illinois Administrative  
25 Code.

26 "Department" means the Department of Central Management  
27 Services.

28 "Overwrite" means the replacement of previously stored  
29 information with a pre-determined pattern of meaningless  
30 information.

31 Section 20. Establishment and implementation. The Data  
32 Security on State Computers Act is established to protect

1 sensitive data stored on State-owned electronic data  
2 processing equipment to be (i) disposed of by sale, donation,  
3 or transfer or (ii) relinquished to a successor executive  
4 administration. This Act shall be administered by the  
5 Department or an authorized agency. The Department or an  
6 authorized agency shall implement a policy to mandate that  
7 all hard drives of surplus electronic data processing  
8 equipment be cleared of all data and software before being  
9 prepared for sale, donation, or transfer by (i) overwriting  
10 the previously stored data on a drive or a disk at least 10  
11 times and (ii) certifying in writing that the overwriting  
12 process has been completed by providing the following  
13 information: (1) the serial number of the computer or other  
14 surplus electronic data processing equipment; (2) the name of  
15 the overwriting software used; and (3) the name, date, and  
16 signature of the person performing the overwriting process.  
17 The head of each State agency shall establish a system for  
18 the protection and preservation of State data on State-owned  
19 electronic data processing equipment necessary for the  
20 continuity of government functions upon it being relinquished  
21 to a successor executive administration.

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