



Rep. Joe Sosnowski

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10200HB0112ham002

LRB102 04132 LNS 25428 a

1 AMENDMENT TO HOUSE BILL 112

2 AMENDMENT NO. _____. Amend House Bill 112 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
3 facility that employs the Authority's electronic toll
4 collection 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
22 specific person or vehicle shall be used only as required to
23 ensure the payment and enforcement of tolls and for law
24 enforcement purposes.

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

1 use of personally identifiable information. Upon its adoption,
2 the policy shall be posted on the Authority's website and a
3 copy shall be included with each transponder transmitted to a
4 user. 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 search warrant or grand jury subpoena;

18 (6.5) releasing personally identifiable information in
19 response to a subpoena or lawful order from a court of
20 competent jurisdiction in accordance with the following:

21 (A) No party to any proceeding, nor his or her
22 attorney, shall serve a subpoena seeking to obtain
23 access to records or communications under this Act
24 unless the subpoena is accompanied by a written order
25 issued by a judge, or by the written consent of the
26 person whose records are being sought, authorizing the

1 disclosure of the records or the issuance of the
2 subpoena.

3 (B) No such written order shall be issued without
4 written notice of the motion to the person whose
5 personally identifiable information is being sought.

6 (C) Prior to the issuance of the order, each party
7 or other person entitled to notice shall be permitted
8 an opportunity to be heard.

9 (D) In the absence of the written consent under
10 this Act of the person whose records are being sought,
11 the Authority shall not comply with a subpoena for
12 records or communications under this Act unless the
13 subpoena is accompanied by a written order authorizing
14 the issuance of the subpoena or the disclosure of the
15 records. Each subpoena issued by a court or
16 administrative agency shall include the following
17 language: "The Authority shall not comply with a
18 subpoena for personally identifiable information
19 unless the subpoena is accompanied by a written order
20 that authorizes the issuance of the subpoena and the
21 disclosure of records or communications or by the
22 written consent under of the person whose records are
23 being sought.";

24 (7) releasing personally identifiable information to
25 law enforcement agencies if exigent circumstances make in
26 ~~the case of an emergency when~~ obtaining a warrant or

1 subpoena ~~would be~~ impractical; and

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

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

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

1 The exemption in this subsection (g) shall not be a limitation
2 or restriction on other Freedom of Information Act exemptions
3 applicable to personally identifiable information or private
4 information.

5 (h) The Authority shall make personally identifiable
6 information of a person available to any State or local
7 agency, inspector general, or law enforcement agency in
8 response to a grand jury subpoena or pursuant to an
9 investigation.

10 (i) The Authority shall discard personally identifiable
11 information within 5 years. The Authority shall make every
12 effort, within practical business and cost constraints, to
13 purge the personal account information of an account that is
14 closed or terminated. In no case shall the Authority maintain
15 personal information more than 5 years after the date an
16 account is closed or terminated.

17 (j) Nothing in this Section precludes compliance with a
18 court order that has been issued or settlement agreement that
19 has been approved on or before January 1, 2022.

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

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