

1 AN ACT concerning disclosure of information.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 11-9 as follows:

6 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

7 Sec. 11-9. Protection of records - Exceptions. For the
8 protection of applicants and recipients, the Illinois
9 Department, the county departments and local governmental
10 units and their respective officers and employees are
11 prohibited, except as hereinafter provided, from disclosing
12 the contents of any records, files, papers and
13 communications, except for purposes directly connected with
14 the administration of public aid under this Code.

15 In any judicial proceeding, except a proceeding directly
16 concerned with the administration of programs provided for in
17 this Code, such records, files, papers and communications,
18 and their contents shall be deemed privileged communications
19 and shall be disclosed only upon the order of the court,
20 where the court finds such to be necessary in the interest of
21 justice.

22 The Illinois Department shall establish and enforce
23 reasonable rules and regulations governing the custody, use
24 and preservation of the records, papers, files, and
25 communications of the Illinois Department, the county
26 departments and local governmental units receiving State or
27 Federal funds or aid. The governing body of other local
28 governmental units shall in like manner establish and enforce
29 rules and regulations governing the same matters.

30 The contents of case files pertaining to recipients under
31 Articles IV, V, and VI shall be made available without

1 subpoena or formal notice to the officers of any court, to
2 all law enforcing agencies, and to such other persons or
3 agencies as from time to time may be authorized by any court.
4 In particular, the contents of those case files shall be made
5 available upon request to a law enforcement agency for the
6 purpose of determining the current address of a recipient
7 with respect to whom an arrest warrant is outstanding, and
8 the current address of a recipient who was a victim of a
9 felony or a witness to a felony shall be made available upon
10 request to a State's Attorney of this State or a State's
11 Attorney's investigator. Information shall also be disclosed
12 to the Illinois State Scholarship Commission pursuant to an
13 investigation or audit by the Illinois State Scholarship
14 Commission of a delinquent student loan or monetary award.

15 This Section does not prevent the Illinois Department and
16 local governmental units from reporting to appropriate law
17 enforcement officials the desertion or abandonment by a
18 parent of a child, as a result of which financial aid has
19 been necessitated under Articles IV, V, or VI, or reporting
20 to appropriate law enforcement officials instances in which a
21 mother under age 18 has a child out of wedlock and is an
22 applicant for or recipient of aid under any Article of this
23 Code. The Illinois Department may provide by rule for the
24 county departments and local governmental units to initiate
25 proceedings under the Juvenile Court Act of 1987 to have
26 children declared to be neglected when they deem such action
27 necessary to protect the children from immoral influences
28 present in their home or surroundings.

29 This Section does not preclude the full exercise of the
30 powers of the Board of Public Aid Commissioners to inspect
31 records and documents, as provided for all advisory boards
32 pursuant to Section 5-505 of the Departments of State
33 Government Law (20 ILCS 5/5-505).

34 This Section does not preclude exchanges of information

1 among the Illinois Department of Public Aid, the Department
2 of Human Services (as successor to the Department of Public
3 Aid), and the Illinois Department of Revenue for the purpose
4 of verifying sources and amounts of income and for other
5 purposes directly connected with the administration of this
6 Code and of the Illinois Income Tax Act.

7 The provisions of this Section and of Section 11-11 as
8 they apply to applicants and recipients of public aid under
9 Article V shall be operative only to the extent that they do
10 not conflict with any Federal law or regulation governing
11 Federal grants to this State for such programs.

12 The Illinois Department of Public Aid and the Department
13 of Human Services (as successor to the Illinois Department of
14 Public Aid) shall enter into an inter-agency agreement with
15 the Department of Children and Family Services to establish a
16 procedure by which employees of the Department of Children
17 and Family Services may have immediate access to records,
18 files, papers, and communications (except medical, alcohol or
19 drug assessment or treatment, mental health, or any other
20 medical records) of the Illinois Department, county
21 departments, and local governmental units receiving State or
22 federal funds or aid, if the Department of Children and
23 Family Services determines the information is necessary to
24 perform its duties under the Abused and Neglected Child
25 Reporting Act, the Child Care Act of 1969, and the Children
26 and Family Services Act.

27 (Source: P.A. 91-239, eff. 1-1-00; 92-111, eff. 1-1-02.)

28 Section 10. The Unemployment Insurance Act is amended by
29 changing Section 1900 as follows:

30 (820 ILCS 405/1900) (from Ch. 48, par. 640)

31 Sec. 1900. Disclosure of information.

32 A. Except as provided in this Section, information

1 obtained from any individual or employing unit during the
2 administration of this Act shall:

- 3 1. be confidential,
- 4 2. not be published or open to public inspection,
- 5 3. not be used in any court in any pending action
6 or proceeding,
- 7 4. not be admissible in evidence in any action or
8 proceeding other than one arising out of this Act.

9 B. No finding, determination, decision, ruling or order
10 (including any finding of fact, statement or conclusion made
11 therein) issued pursuant to this Act shall be admissible or
12 used in evidence in any action other than one arising out of
13 this Act, nor shall it be binding or conclusive except as
14 provided in this Act, nor shall it constitute res judicata,
15 regardless of whether the actions were between the same or
16 related parties or involved the same facts.

17 C. Any officer or employee of this State, any officer or
18 employee of any entity authorized to obtain information
19 pursuant to this Section, and any agent of this State or of
20 such entity who, except with authority of the Director under
21 this Section, shall disclose information shall be guilty of a
22 Class B misdemeanor and shall be disqualified from holding
23 any appointment or employment by the State.

24 D. An individual or his duly authorized agent may be
25 supplied with information from records only to the extent
26 necessary for the proper presentation of his claim for
27 benefits or with his existing or prospective rights to
28 benefits. Discretion to disclose this information belongs
29 solely to the Director and is not subject to a release or
30 waiver by the individual. Notwithstanding any other provision
31 to the contrary, an individual or his or her duly authorized
32 agent may be supplied with a statement of the amount of
33 benefits paid to the individual during the 18 months
34 preceding the date of his or her request.

1 E. An employing unit may be furnished with information,
2 only if deemed by the Director as necessary to enable it to
3 fully discharge its obligations or safeguard its rights under
4 the Act. Discretion to disclose this information belongs
5 solely to the Director and is not subject to a release or
6 waiver by the employing unit.

7 F. The Director may furnish any information that he may
8 deem proper to any public officer or public agency of this or
9 any other State or of the federal government dealing with:

- 10 1. the administration of relief,
- 11 2. public assistance,
- 12 3. unemployment compensation,
- 13 4. a system of public employment offices,
- 14 5. wages and hours of employment, or
- 15 6. a public works program.

16 The Director may make available to the Illinois
17 Industrial Commission information regarding employers for the
18 purpose of verifying the insurance coverage required under
19 the Workers' Compensation Act and Workers' Occupational
20 Diseases Act.

21 G. The Director may disclose information submitted by
22 the State or any of its political subdivisions, municipal
23 corporations, instrumentalities, or school or community
24 college districts, except for information which specifically
25 identifies an individual claimant.

26 H. The Director shall disclose only that information
27 required to be disclosed under Section 303 of the Social
28 Security Act, as amended, including:

- 29 1. any information required to be given the United
30 States Department of Labor under Section 303(a)(6); and
- 31 2. the making available upon request to any agency
32 of the United States charged with the administration of
33 public works or assistance through public employment, the
34 name, address, ordinary occupation and employment status

1 of each recipient of unemployment compensation, and a
2 statement of such recipient's right to further
3 compensation under such law as required by Section
4 303(a)(7); and

5 3. records to make available to the Railroad
6 Retirement Board as required by Section 303(c)(1); and

7 4. information that will assure reasonable
8 cooperation with every agency of the United States
9 charged with the administration of any unemployment
10 compensation law as required by Section 303(c)(2); and

11 5. information upon request and on a reimbursable
12 basis to the United States Department of Agriculture and
13 to any State food stamp agency concerning any information
14 required to be furnished by Section 303(d); and

15 6. any wage information upon request and on a
16 reimbursable basis to any State or local child support
17 enforcement agency required by Section 303(e); and

18 7. any information required under the income
19 eligibility and verification system as required by
20 Section 303(f); and

21 8. information that might be useful in locating an
22 absent parent or that parent's employer, establishing
23 paternity or establishing, modifying, or enforcing child
24 support orders for the purpose of a child support
25 enforcement program under Title IV of the Social Security
26 Act upon the request of and on a reimbursable basis to
27 the public agency administering the Federal Parent
28 Locator Service as required by Section 303(h); and

29 9. information, upon request, to representatives of
30 any federal, State or local governmental public housing
31 agency with respect to individuals who have signed the
32 appropriate consent form approved by the Secretary of
33 Housing and Urban Development and who are applying for or
34 participating in any housing assistance program

1 administered by the United States Department of Housing
2 and Urban Development as required by Section 303(i).

3 I. The Director, upon the request of a public agency of
4 Illinois, of the federal government or of any other state
5 charged with the investigation or enforcement of Section 10-5
6 of the Criminal Code of 1961 (or a similar federal law or
7 similar law of another State), may furnish the public agency
8 information regarding the individual specified in the request
9 as to:

10 1. the current or most recent home address of the
11 individual, and

12 2. the names and addresses of the individual's
13 employers.

14 J. Nothing in this Section shall be deemed to interfere
15 with the disclosure of certain records as provided for in
16 Section 1706 or with the right to make available to the
17 Internal Revenue Service of the United States Department of
18 the Treasury, or the Department of Revenue of the State of
19 Illinois, information obtained under this Act.

20 K. The Department shall make available to the Illinois
21 Student Assistance Commission, upon request, information in
22 the possession of the Department that may be necessary or
23 useful to the Commission in the collection of defaulted or
24 delinquent student loans which the Commission administers.

25 L. The Department shall make available to the State
26 Employees' Retirement System, the State Universities
27 Retirement System, and the Teachers' Retirement System of the
28 State of Illinois, upon request, information in the
29 possession of the Department that may be necessary or useful
30 to the System for the purpose of determining whether any
31 recipient of a disability benefit from the System is
32 gainfully employed.

33 M. This Section shall be applicable to the information
34 obtained in the administration of the State employment

1 service, except that the Director may publish or release
2 general labor market information and may furnish information
3 that he may deem proper to an individual, public officer or
4 public agency of this or any other State or the federal
5 government (in addition to those public officers or public
6 agencies specified in this Section) as he prescribes by Rule.

7 N. The Director may require such safeguards as he deems
8 proper to insure that information disclosed pursuant to this
9 Section is used only for the purposes set forth in this
10 Section.

11 O. (Blank).

12 P. Within 30 days after the effective date of this
13 amendatory Act of 1993 and annually thereafter, the
14 Department shall provide to the Department of Financial
15 Institutions a list of individuals or entities that, for the
16 most recently completed calendar year, report to the
17 Department as paying wages to workers. The lists shall be
18 deemed confidential and may not be disclosed to any other
19 person.

20 Q. The Director shall make available to an elected
21 federal official the name and address of an individual or
22 entity that is located within the jurisdiction from which the
23 official was elected and that, for the most recently
24 completed calendar year, has reported to the Department as
25 paying wages to workers, where the information will be used
26 in connection with the official duties of the official and
27 the official requests the information in writing, specifying
28 the purposes for which it will be used. For purposes of this
29 subsection, the use of information in connection with the
30 official duties of an official does not include use of the
31 information in connection with the solicitation of
32 contributions or expenditures, in money or in kind, to or on
33 behalf of a candidate for public or political office or a
34 political party or with respect to a public question, as

1 defined in Section 1-3 of the Election Code, or in connection
2 with any commercial solicitation. Any elected federal
3 official who, in submitting a request for information covered
4 by this subsection, knowingly makes a false statement or
5 fails to disclose a material fact, with the intent to obtain
6 the information for a purpose not authorized by this
7 subsection, shall be guilty of a Class B misdemeanor.

8 R. The Director may provide to any State or local child
9 support agency, upon request and on a reimbursable basis,
10 information that might be useful in locating an absent parent
11 or that parent's employer, establishing paternity, or
12 establishing, modifying, or enforcing child support orders.

13 S. The Department shall make available to a State's
14 Attorney of this State or a State's Attorney's investigator,
15 upon request, the current address or, if the current address
16 is unavailable, current employer information, if available,
17 of a victim of a felony or a witness to a felony or a person
18 against whom an arrest warrant is outstanding.

19 (Source: P.A. 90-425, eff. 8-15-97; 90-488, eff. 8-17-97;
20 90-655, eff. 7-30-98; 91-342, eff. 1-1-00.)

21 Section 99. Effective date. This Act takes effect
22 January 1, 2004.