

1 AN ACT concerning computer technology.

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 50. The Public Utilities Act is amended by  
23 changing Section 13-301.3 as follows:

24 (220 ILCS 5/13-301.3)

25 (Section scheduled to be repealed on July 1, 2005)

26 Sec. 13-301.3. Digital Divide Elimination Infrastructure  
27 Program.

28 (a) The Digital Divide Elimination Infrastructure Fund  
29 is created as a special fund in the State treasury. All  
30 moneys in the Fund shall be used, subject to appropriation,  
31 by the Commission to fund the construction of facilities  
32 specified in Commission rules adopted under this Section. The

1 Commission may accept private and public funds, including  
2 federal funds, for deposit into the Fund. Earnings  
3 attributable to moneys in the Fund shall be deposited into  
4 the Fund.

5 (b) The Commission shall adopt rules under which it will  
6 make grants out of funds appropriated from the Digital Divide  
7 Elimination Infrastructure Fund to eligible entities as  
8 specified in the rules for the construction of high-speed  
9 data transmission facilities in eligible areas of the State.  
10 For purposes of determining whether an area is an eligible  
11 area, the Commission shall consider, among other things,  
12 whether (i) in such area, advanced telecommunications  
13 services, as defined in subsection (c) of Section 13-517 of  
14 this Act, are under-provided to residential or small business  
15 end users, either directly or indirectly through an Internet  
16 Service Provider, (ii) such area has a low population  
17 density, and (iii) such area has not yet developed a  
18 competitive market for advanced services. In addition, if an  
19 entity seeking a grant of funds from the Digital Divide  
20 Elimination Infrastructure Fund is an for-which-the incumbent  
21 local exchange carrier having the duty to serve such area,  
22 and the obligation to provide advanced services to such area  
23 pursuant to Section 13-517 of this Act, the entity shall  
24 demonstrate that it has sought and obtained an exemption from  
25 such obligation pursuant to subsection (b) of Section 13-517.  
26 Any entity seeking a grant of funds from the Digital Divide  
27 Elimination Infrastructure Fund shall demonstrate to the  
28 Commission that the grant shall be used for the construction  
29 of high-speed data transmission facilities in an eligible  
30 area and demonstrate that it satisfies all other  
31 requirements of the Commission's rules. The Commission shall  
32 determine the information that it deems necessary to award  
33 grants pursuant to this Section. based-upon-a-Commission  
34 finding-that-provision-of-such-advanced-services-to-customers

1 in-such-area-is-either-unduly-economically-burdensome-or-will  
2 impose-a-significant-adverse--economic--impact--on--users--of  
3 telecommunications-services-generally.

4 (c) The rules of the Commission shall provide for the  
5 competitive selection of recipients of grant funds available  
6 from the Digital Divide Elimination Infrastructure Fund  
7 pursuant to the Illinois Procurement Code. Grants shall be  
8 awarded to bidders chosen on the basis of the criteria  
9 established in such rules.

10 (d) All entities awarded grant moneys under this Section  
11 shall maintain all records required by Commission rule for  
12 the period of time specified in the rules. Such records shall  
13 be subject to audit by the Commission, by any auditor  
14 appointed by the State, or by any State officer authorized to  
15 conduct audits.

16 (Source: P.A. 92-22, eff. 6-30-01.)

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