

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Health Statistics Act is amended by
5 changing Section 5 as follows:

6 (410 ILCS 520/5) (from Ch. 111 1/2, par. 5605)

7 Sec. 5. (a) The Department may make no disclosure of any
8 item, collection or grouping of health data which makes the
9 individual supplying or described in such data identifiable
10 unless:

11 (1) The individual described in the data has consented to
12 the disclosure.

13 (2) The disclosure is to a governmental entity in this
14 State, in another state or to the federal government, provided
15 that:

16 (i) the data will be used for a purpose for which the data
17 was collected by the Department; and

18 (ii) the recipient of the data has entered into a written
19 agreement satisfactory to the Department, that it will protect
20 such data in accordance with the requirements of this Act and
21 will not permit further disclosure without prior approval of
22 the Department.

23 (3) The disclosure is to an individual or organization, for

1 a specified time period determined by the Department, solely
2 for bona fide research and statistical purposes, as determined
3 in accordance with guidelines adopted by the Department, and
4 the Department determines that: (i) the disclosures of the data
5 to the requesting individual or organization is required for
6 the research and statistical purposes proposed; and (ii) the
7 requesting individual or organization has entered into a
8 written agreement satisfactory to the Department that it will
9 protect such data in accordance with the requirements of this
10 Act and will not permit further disclosure without prior
11 approval of the Department. In no event, however, may the name,
12 address or other unique personal identifier of an individual
13 supplying the data or described in it be disclosed under this
14 subparagraph to the requesting individual or organization,
15 unless a Department-approved Institutional Review Board or its
16 equivalent on the protection of human subjects in research has
17 reviewed and approved the data request.

18 (4) The disclosure is to a governmental entity for the
19 purpose of conducting an audit, evaluation or investigation of
20 the Department and such governmental entity agrees not to use
21 such data for making any determination to whom the health data
22 relates.

23 (b) Any disclosure provided for in paragraph (a) of this
24 Section shall be made at the discretion of the Department
25 except that the disclosure provided for in subparagraph (4) of
26 paragraph (a) of this Section must be made when the

1 requirements of that subparagraph have been met.

2 (c) No identifiable health data obtained in the course of
3 activities undertaken or supported under this Act shall be
4 subject to subpoena or similar compulsory process in any civil
5 or criminal, judicial, administrative or legislative
6 proceeding, nor shall any individual or organization with
7 lawful access to identifiable health data under the provisions
8 of this Act be compelled to testify with regard to such health
9 data, except that data pertaining to a party in litigation may
10 be subject to subpoena or similar compulsory process in an
11 action brought by or on behalf of such individual to enforce
12 any liability arising under this Act.

13 (Source: P.A. 82-215.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.