

COUNCIL POLICY STATEMENT

Policy No. 48
General Subject: General
Specific Subject: Identity Protection Act
Date Approved: February 7, 2011
Date Revised:

PURPOSE

The purpose of this policy is to establish steps to ensure that the Collection, Use, Disclosure, and Protection of Individuals' Social Security Numbers comply with Public Act 96-0874 of the State of Illinois, cited as the Identity Protection Act.

RATIONALE

In order to comply with the Identity Protection Act, it is necessary to outline in what ways Social Security Numbers are allowed and not allowed to be used. Limiting access to Social Security Numbers will help protect against identity theft.

POLICY STATEMENT

This Policy with Regard to the Collection, Use, Disclosure, and Protection of Individuals' Social Security Numbers is intended to comply with the Public Act 96-0874 of the State of Illinois, cited as the Identity Protection Act ("Act").

I. Prohibited Activities:

A. No officer or employee of the City shall do any of the following:

1. Intentionally communicate or otherwise intentionally make available to the general public, in any manner, an individual's social security number;
2. Print an individual's social security number on any card required for the individual to access products or services provided by the City;
3. Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted;
4. Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail or any similar method of delivery, unless State or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this subsection to the contrary, social security numbers may be included in applications and forms sent by mail, including but not limited to any material mailed in

connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend or terminate an account, contract, or policy, or to confirm the accuracy of the social security number. A social security number that may permissibly be mailed under this subsection may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope, or be visible on an envelope without the envelope having been opened.

- B. Except as otherwise provided in this Policy, no officer or employee of the City shall do any of the following:
 - 1. Collect, use, or disclose a social security number from an individual unless:
 - a. Required to do so under State or federal law, rules or regulations, or the collection, use or disclosure of the social security number is otherwise necessary for the performance of that officer's or employee's duties and responsibilities;
 - b. The need and purpose for the social security number is documented before collection of the social security number; and
 - c. The social security number collected is relevant to the documented need and purpose.
 - 2. Require an individual to use his or her social security number to access an Internet website.
 - 3. Use the social security number of an individual for any purpose other than the purpose for which it was collected.
- C. The prohibitions in subsection B, above, do not apply in the following circumstances:
 - 1. The disclosure of social security numbers to agents, employees, contractors, or subcontractors of the City, or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors, if disclosure is necessary in order for the City to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the City must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy of the City, to protect an individual's social security number, will be achieved.

2. The disclosure of social security numbers pursuant to a court order, warrant, or subpoena.
 3. The collection, use, or disclosure of social security numbers in order to ensure the safety of:
 - a. City employees;
 - b. Persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers;
 - c. Wards of the State; and
 - d. All persons working in or visiting a City facility.
 4. The collection, use, or disclosure of social security numbers for internal verification or administrative purposes.
 5. The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.
- D. Any previously adopted standards of the City, for the collection, use, or disclosure of social security numbers, that are stricter than the standards under this Policy with respect to the protection of those social security numbers, shall, in the event of any conflict with the provisions of this Policy, control.

II. Public Inspection and Copying of Documents:

Notwithstanding any other provision of this Policy to the contrary, all officers and employees of the City must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of any individual's social security number. All officers and employees of the City must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents, as such information is exempt from disclosure under the Freedom of Information Act, pursuant to 5 ILCS 140/7(1)(b) as "private information", as defined by 5 ILCS 140/2(c)(5).

III. Applicability:

- A. This Policy does not apply to the collection, use, or disclosure of a social security number as required by State or federal law, rule, or regulation.
- B. This Policy does not apply to documents that are required to be open to the public under any State or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

IV. Compliance with Federal Law:

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the City's compliance with said program shall not be deemed a violation of this Policy or the Act.

V. Embedded Social Security Numbers:

No officer or employee of the City may encode or embed a social security number in or on a card or document, including but not limited to using a bar code, chip, magnetic strip, RFID technology or other technology, in place of removing the social security number as required by this Policy.

VI. Identity Protection Requirements:

- A. All officers and employees of the City, identified as having access to social security numbers in the course of performing their duties, shall receive training in regard to protecting the confidentiality of social security numbers. Said training shall include instructions on the proper handling of information that contains social security numbers from the time of collection through the destruction of the information.
- B. Only officers and employees of the City who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
- C. Social security numbers requested from an individual shall be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request.
- D. When collecting a social security number, or upon request by the individual providing the social security number, a statement of the purpose or purposes for which the City is collecting and using the social security number shall be provided.
- E. A written copy of this Policy, and any amendments thereto, shall be filed with the City Council within thirty (30) days after approval of this Policy or any amendments thereto.
- F. The City Manager shall make sure that all officers and employees of the City are aware of the existence of this Policy, and shall make a copy of this Policy available to each officer and employee. If the City amends this Policy, then the City Manager shall advise all officers and employees of the City of this existence of the amended Policy, shall make a copy of the amended Policy available to each officer and employee of the city, and shall file a copy of the amended Policy with the City Council.
- G. The City shall make this Policy available to any member of the public, upon request.

VII. Violation:

Any person who intentionally violates the prohibitions in Section 10 of the Act (which are set forth in Sections I.A. and I.B. of this Policy) shall, pursuant to the Act, be guilty of a Class B misdemeanor.

VIII. This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of social security numbers.