

**Title:** Village Records  
**Chapter:** Identity Protection Policy  
**Policy Number:** 10.2  
**Creation Date:** December 17, 2009  
**Issued By:** Finance Director  
**Approved By:** Village Board (Resolution 2011-R-19)

**I. Purpose**

The purpose of this Policy is to make an express commitment to the protection of social security numbers that the Village has collected or may have collected for valid purposes and for which the Village retains and files or will retain and file said numbers for valid purposes from unauthorized access and disclosure. Further, and in regards to the use of social security numbers, the Village is committed toward complying with the provisions of 5 ILCS 179/1.

**II. Definitions**

- A. "Policy" means this Village of Bloomingdale Identity Protection Policy with regard to the collection, use, disclosure and protection of individuals' social security numbers.
- B. "Act" means the Identity Protection Act created by Public Act 96-0874 (the "Act").
- C. "Village" means the Village of Bloomingdale, DuPage County, Illinois.

**III. Responsibility**

The responsibility to establish a Village Identity Protection Policy is that of the Village President and Board of Trustees. Authority to manage a program in accordance with said Policy is hereby delegated to the Village Administrator who, shall among any other action necessary to manage a program under this Policy, is responsible to notify all elected officials, officers, employees and committee members of the Village of the existence of this Policy. The Village Administrator shall make a copy of this Policy and any subsequent amended Policies available to each.

**IV. Identity-Protection Requirements**

- A. All elected officials, officers, employees and committee members of the Village, 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 elected officials, officers, employees and committee members of the Village 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 Village is collecting and using the social security number shall be provided. Said statement may take any form that achieves the intent of providing the statement.

## **V. Prohibited Activities**

- A. No elected official, officer, employee or committee member of the Village 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 Village.
  - 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 Section 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.
  - 5) Require an individual to use his or her social security number to access an Internet website.
  - 6) Use the social security number of an individual for any purpose other than the purpose for which it was collected.
  - 7) Collect, use or disclose a social security number from an individual, unless:
    - (i) 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 elected officials, officer's, employee's or Committee members' duties and responsibilities;

(ii) the need and purpose for the social security number is documented before collection of the social security number; and

(iii) the social security number collected is relevant to the documented need and purpose.

B. The prohibitions in Section A. above do not apply in the following circumstances:

- 1) The disclosure of social security numbers to agents, employees, contractors or subcontractors of the Village, or disclosure to another governmental entity or its agents, employees, contractors or subcontractors, if disclosure is necessary in order for the Village to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the Village 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 on the Village, 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 all elected officials, officers, employees and committee members and all persons working in or visiting a Village 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.

## **VI. Public Inspection and Copying of Documents**

Notwithstanding any other provision of this Policy to the contrary, all elected officials, officers, employees and committee members of the Village 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 an individual's social security number. All elected officials, officers, employees and committee members of the Village 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).

## **VII. Applicability**

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. This Policy does not apply to documents that are recorded with a county recorder or 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.

## **VIII. Compliance with Federal Law**

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

## **IX. Embedded Social Security Numbers**

No elected official, officer, employee and committee member of the Village 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.

## **X. Violation**

Any elected official, officer, employee or committee member who intentionally violates the prohibitions in Section 10 of the Act - which are set forth in the Prohibited Activities section of this Policy - shall, pursuant to the Act, be guilty of a Class B misdemeanor.

## **XI. Conflicting Portions**

Any previously adopted standard or procedure of the Village, 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.