

VILLAGE OF CHATHAM, ILLINOIS

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ORDINANCE NO. 14- 20

**AN ORDINANCE ADOPTING AN IDENTITY PROTECTION POLICY PURSUANT TO  
THE ILLINOIS IDENTITY PROTECTION ACT**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF CHATHAM, ILLINOIS  
THE 22 DAY OF APRIL, 2014

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Published in pamphlet form by the authority of the President and  
Board of Trustees of the Village of Chatham, Sangamon County,  
Illinois, this 22 day of APRIL, 2014

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**AN ORDINANCE ADOPTING AN IDENTITY PROTECTION POLICY PURSUANT TO THE ILLINOIS IDENTITY PROTECTION ACT**

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

**SECTION 1:** Chapter 36A is hereby added to the Village Code of Ordinances, to state as follows:

**Chapter 36A**

**Identity Protection**

**36A.01. General**

This Identity-Protection Policy is adopted pursuant to the Illinois Identity Protection Act, 5 ILCS 179/1 *et seq.*, to protect Social Security Numbers from unauthorized disclosure. All Village officers, employees, and agents shall comply with the Identity Protection Act and this Policy at all times.

**36A.02. Definitions**

The following words shall have the following meanings when used in this Policy.

“Act” means the Illinois Identity Protection Act, 5 ILCS 179/1 *et seq.*

“Board” means the Board of Trustees of the Village.

“Village” means the Village of Chatham.

“Person” means any individual in the employ of the Village.

“Policy” means this Identity-Protection Policy.

“Publicly post” or “publicly display” means to intentionally communicate or otherwise intentionally make available to the general public.

“Redact” means to alter or truncate data so that no more than five sequential digits of a SSN are accessible as part of personal information.

“SSN(s)” means any Social Security number provided to an individual by the Social Security Administration.

“Statement of Purpose” means the statement of the purpose or purposes for which the Village is collecting and using an individual’s SSN that the Act requires the Village to provide when collecting a SSN or upon request by an individual.

### 36A.03. Prohibited Activities

- (a) Neither the Village nor any Person may:
1. Publicly post or publicly display in any manner an individual's SSN.
  2. Print an individual's SSN on any card required for the individual to access products or services provided by the person or entity.
  3. Require an individual to transmit a SSN over the Internet unless the connection is secure or the SSN is encrypted.
  4. Print an individual's SSN 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 SSN to be on the document to be mailed. Notwithstanding the foregoing, SSNs may be included in applications and forms sent by mail, including, but not limited to: (i) any material mailed in connection with the administration of the Unemployment Insurance Act; (ii) any material mailed in connection with any tax administered by the Department of Revenue; and (iii) 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 SSN. A SSN that is permissibly mailed pursuant to this paragraph will 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 paragraph (c) below or unless otherwise provided in the Act, neither the Village nor any Person may:
1. Collect, use, or disclose a SSN 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 SSN is otherwise necessary for the performance of the Village's duties and responsibilities; (ii) the need and purpose for the SSN is documented before collection of the SSN; and (iii) the SSN collected is relevant to the documented need and purpose.
  2. Require an individual to use his or her SSN to access an Internet website.
  3. Use the SSN for any purpose other than the purpose for which it was collected.
- (c) The prohibitions in paragraph (b) above do not apply in the following circumstances:
1. The disclosure of SSNs to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the governmental entity first receives from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Act on a governmental entity to protect an individual's SSN will be achieved.

2. The disclosure of SSNs pursuant to a court order, warrant, or subpoena.
3. The collection, use, or disclosure of SSNs in order to ensure the safety of: State and local government employees; persons committed to correctional facilities, local jails, and other law-enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a State or local government agency facility.
4. The collection, use, or disclosure of SSNs for internal verification or administrative purposes.
5. The disclosure of SSNs by a State agency to the Village for the collection of delinquent child support or of any State debt or to the Village to assist with an investigation or the prevention of fraud.
6. The collection or use of SSNs 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.

#### **36A.04. Coordination with the Freedom of Information Act and Other Laws**

The Village shall comply with the provisions of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, and 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 SSN. However, the Village shall redact SSNs from the information or documents before allowing the public inspection or copying of the information or documents.

When collecting SSNs, the Village shall request each SSN in a manner that makes the SSN easy to redact if required to be released as part of a public records request.

#### **36A.05. Limited Employee Access to Social Security Numbers**

Only employees who are required to use or handle information or documents that contain SSNs will have access. All employees who have access to SSNs shall first be trained to protect the confidentiality of SSNs. The training will include instructions on the proper handling of information that contains SSNs from the time of collection through destruction of the information.

#### **36A.06. Embedded Social Security Numbers**

Neither the Village nor any Person shall encode or embed a SSN 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 SSN as required by the Act and this Policy.

#### **36A.07. Applicability**

If any provision of this Policy conflicts with any provision of the Act, the provisions of the Act shall prevail.

This Policy does not apply to:

1. the collection, use, or disclosure of a SSN as required by State or federal law, rule, or regulation; or
2. documents that are recorded with a county recorder or required to be open to the public under a State or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois; provided, however, that the Village shall redact the SSN from such document if such law, rule, or regulation permits.

### **36A.08 Availability of Policy**

All Village employees shall be advised of the existence of this Policy. Village employees who are required to use or handle information or documents that contain SSNs have been provided a copy of this Policy, which each shall maintain at all times. A copy of the Policy is available to all other employees and any member of the public by requesting a copy from the Village Clerk.

### **36A.09. Amendments**

This Policy may be amended by the Village at any time. If the Policy is amended, the Village shall file a written copy of the Policy, as amended, with the Board and shall also advise all Village employees of the existence of the amended Policy. A copy of the amended Policy will be made available to Village employees and the public as set forth in the preceding section above.

### **36A.10. Statement of Purpose**

The Village shall provide an individual with the following Statement of whenever an individual is asked to provide the Village with his or her SSN or if an individual requests it.

#### **STATEMENT OF PURPOSE**

The Village of Chatham complies with the Identity Protection Act, 5ILCS 179/1 *et seq.* which requires each local and State government agency to draft, approve, and implement an Identity Protection Policy that includes a statement of the purpose or purposes for which the Village is collecting and using an individual's social security number.

We will only use your social security number for the purpose for which it was collected.  
We will not:

- Sell, lease, loan, trade, or rent your social security number to a third party for any purpose;
- Publicly post or publicly display your social security number;
- Print your social security number on any card required for you to access our services;
- Require you to transmit your social security number over the internet, unless the connection is secure or your social security number is encrypted; or
- Print your social security number on any materials that are mailed to you, unless State or Federal law requires that number to be on documents mailed to you, or unless we are confirming the accuracy of your social security number.

We collect and use social security numbers for one or more of the following reasons:

- Complaint mediation or investigation;
- Crime victim compensation;
- Vendor services, such as executing contracts and/or billing;
- Law enforcement investigation;
- Internal verification;
- to investigation and prevention of fraud, conducting background checks, debt collection, and obtaining credit report from consumer reporting agencies
- Administrative services;
- Other reasons that would be explained to you at the time we ask for your social security number.

The President and Board of Trustees have adopted Identity Protection Act requirements as Chapter 36A of the Village Code of Ordinances. You may request a copy of the Statement of Purpose any time you have been asked by the Village to provide your social security number or if you request a copy of the statement.

If you have questions or complaints about the Village's Identity Protection Policy, contact:

Chatham Village Clerk  
 116 E. Mulberry Street  
 Chatham, IL 62629

**SECTION 2:** This ordinance is effective upon its passage, approval and publication. The Village Clerk shall publish this Ordinance in pamphlet form and see to its inclusion in the next update of the Village Code of Ordinances.

PASSED this 22 day of APRIL, 2014.

*Thomas A. Gray*

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VILLAGE PRESIDENT



ATTEST:

*Pat School*  
VILLAGE CLERK



AYES: 5

NAYS: 0

PASSED: 4-22-14

APPROVED: 4-22-14

ABSENT: 1 KIMSEY



**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF SANGAMON            )

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 14- 20 adopted by the President and Board of Trustees of said Village on the 13 day of May, 2014, said Ordinance being entitled:

**AN ORDINANCE ADOPTING AN IDENTITY PROTECTION POLICY PURSUANT TO THE ILLINOIS IDENTITY PROTECTION ACT**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 13 day of May, 2014.



  
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Village Clerk

STATE OF ILLINOIS                    )  
  ) ss.  
COUNTY OF SANGAMON            )

**CERTIFICATE**

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on 5-13, 2014, the corporate authorities of such Village passed and approved Ordinance No. 14- 20, entitled:

**AN ORDINANCE ADOPTING AN IDENTITY PROTECTION POLICY PURSUANT TO THE ILLINOIS IDENTITY PROTECTION ACT**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 14- 20 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on 5-13, 2014, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 13 day of may, 2014.

(SEAL)



Pat Schaal  
Village Clerk

**RABIN & MYERS, P.C.**  
ATTORNEYS AND COUNSLORS AT LAW

1300 SOUTH EIGHTH STREET  
SPRINGFIELD, IL 62703

PHONE: 217-544-5003  
FAX: 217-544-5017

MARK RABIN  
JOHN M. MYERS

Writer's direct dial: 217-544-5003

March 26, 2014

Mayor Tom Gray  
Village of Chatham  
116 E. Mulberry Street  
Chatham, IL 62629

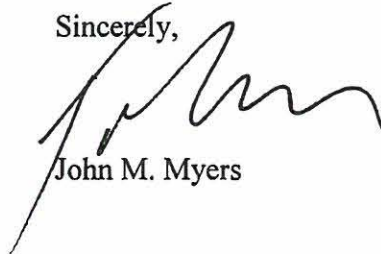
Re: *Identity Protection Ordinance*

Dear Tom:

Last week, the billing clerk at one of my municipal clients was told by a citizen that she had no right to ask for his social security number. The Mayor asked me for advice. In researching the point, I discovered that in 2012, all units of government were supposed to implement an identity protection program in accordance with the Illinois Identity Protection Act. Among other things, the Act requires that every time we ask somebody for his or her social security number, we are supposed to provide a statement of purpose.

Accordingly, I have prepared an ordinance which, if adopted and followed, will bring the Village into compliance with the law. The ordinance is enclosed,

Sincerely,



John M. Myers

JMM:dnc  
Enclosure

cc: Pat Schad  
Del McCord

COPY