

RESOLUTION NO. 2011 - 18

**A RESOLUTION APPROVING AN AMENDMENT TO
THE PERSONNEL MANUAL
CONCERNING IDENTITY PROTECTION ACT REQUIREMENTS**

WHEREAS, the Village of South Elgin, County of Kane, State of Illinois has the power to set policies and procedures for its employees and volunteers; and

WHEREAS, previously the Village has adopted a policies and procedures manual for employees (“Personnel Policies Manual”) setting forth the policies and procedures in current force and effect for Village employees and volunteers; and

WHEREAS, by its nature, the Personnel Policies Manual is in constant need of review and revision to be consistent with all applicable laws; and

WHEREAS, the Village staff and legal counsel have identified a need to amend the Personnel Policies Manual to add Section 5-14 to fulfill the requirements of the Illinois Identity Protection Act (5 ILCS 179/1 et seq.); and

WHEREAS, the Village Board finds it to be in the best interests of its citizens and residents to amend the Personnel Policies Manual by adding Section 5-14 in the form attached hereto as Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SOUTH ELGIN, KANE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The Village hereby incorporates all of the recitals above into this Resolution as if fully set forth herein.

SECTION TWO: The Village hereby adds Section 5-14 in the form attached hereto as Exhibit 1 implementing a policy to fulfill the requirements of the Illinois Identity Protection Act.

SECTION THREE: All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed but only to the extent of such conflict or inconsistency.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

APPROVED AND ADOPTED by the Board of Trustees of the Village of South Elgin this 16th day of May, 2011, pursuant to roll call vote as follows:

AYES: Trustees D. Fulvio, Guess, Kolodziej, Ward, Richmond & Sweet
(6)

NAYS: (0) _____

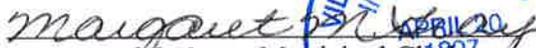
ABSENT: (0) _____

ABSTAIN: (0) _____

APPROVED this 16th day of May, 2011.


James W. Hansen II, Village President

ATTEST:


Margaret M. Gray, Municipal Clerk



CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of South Elgin, Kane County, Illinois, and that the foregoing is a true, complete, and exact copy of Resolution 2011- 18 enacted on May 16th, 2011, and approved on May 16th, 2011, as the same appears from the official records of the Village of South Elgin.

Margaret M. Gray
Margaret M. Gray, Village Clerk



5-14. IDENTITY PROTECTION POLICY (Pursuant to the Identity Protection Act (5ILCS 179/1 et seq.))

Prohibited Acts – No Village employee may do any of the following:

1. Publicly post or publicly display or otherwise 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 section 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's having been opened.
5. 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 agency'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
6. Require an individual to use his or her social security number to access an Internet website.
7. Use the social security number for any purpose other than the purpose for which it was collected.

8. 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, or other technology, in place of removing the social security number as required by this policy.

Exclusions from Prohibitions – The above-listed prohibitions do not apply in the following circumstances:

1. The disclosure of social security numbers 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 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 the Identity Protection Act on a governmental entity 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: 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 social security numbers for internal verification or administrative purposes.
5. The disclosure of social security numbers by a state agency to any entity for the collection of delinquent child support or of any state debt or to a governmental agency to assist with an investigation or the prevention of fraud.
6. 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.

Freedom of Information Act Requests – Consistent with the Illinois Freedom of Information Act, Village employees must redact social security numbers from

information or documents being supplied to the public pursuant to a Freedom of Information Act request before allowing the public inspection or copying of the information or documents.

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 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.

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any Village employee that complies with the federal law shall be deemed to be in compliance with this policy.

Identity Protection Procedures – All Village employees having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. The training shall include instructions on the proper handling of information that contains social security from the time of collection through the destruction of the information.

Only Village employees who are required to use or handle information or documents that contain social security numbers have access to such information or documents.

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.

When collecting a social security number, or upon request by the individual, a statement of the purpose or purposes for which the Village is collecting and using the social security number shall be provided to the individual.