

DEPARTMENT OF THE LOTTERY



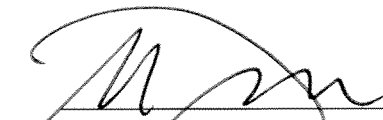
PERSONAL IDENTITY INFORMATION PROTECTION POLICY

Effective: September 8, 2014

Department of the Lottery
Personal Identity Information Protection Policy

APPROVAL SHEET

Lottery Director:



Michael Jones

Date: 9/2/14

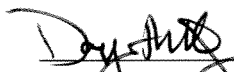
Deputy Director:



Victor Golden

Date: 9-5-14

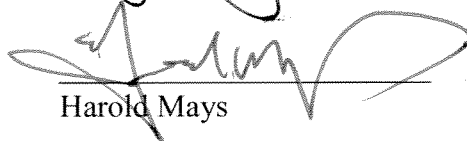
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Date: 9-5-14

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POLICY STATEMENT

The Illinois Department of the Lottery (the “Department”) establishes the Personal Identity Information Protection Policy (the “PII Policy”) under the Identity Protection Act (5 ILCS 179) and the Personal Information Protection Act (815 ILCS 530) (Collectively, the “Statutes”), attached as Exhibit B and C, respectively.

PURPOSE

The PII Policy ensures that the Department maintains the security, confidentiality, and integrity of the information it acquires from its retailers, employees, contractors, vendors, and customers. Under the Statutes, the Department establishes guidelines and procedures to address the protection, collection and utilization of PII. See Also Exhibit A.

SCOPE

The PII Policy applies to all information containing Personal Identity Information (defined below) and to all Department employees, vendors and contractors that have been granted access to resources containing Personal Identity Information (defined below). The terms of the PII Policy intend to encompass the requirements of the Statutes. To the extent that the PII Policy conflicts with any Illinois or federal law, such law shall supersede the language of the PII Policy.

DEFINITIONS

“**Breach**” means an unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the Department.

“**Disclosure**” means permitting access to, revealing, releasing, transferring, disseminating, or otherwise communicating all or any part of any individual record orally, in writing, or by electronic or any other means to any person or entity except the party identified as the party that provided or created the record.

“**Identity Protection Act**” means 815 ILCS 530, which seeks to protect the identity of individuals by defining permissible and prohibited practices in the collection, use, and handling of social security numbers by the agencies of the State. Full text of the Act is attached here as Exhibit B.

“**Personal Identity Information or PII**” means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted: (a) Social Security number; (b) Driver's license number or State identification card number.; (c) Account number or credit or debit card number, or an account number or credit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account. PII does not include publicly available information that is lawfully made available to the general public from federal, State, or local government records.

“**Publicly Post**” or “**Publicly Display**” means to intentionally communicate or otherwise intentionally make available to the general public.

RESPONSIBILITIES

1. Department employees, vendors and contractors are responsible for understanding and enforcing this policy.
2. Department employees, vendors and contractors are responsible for ensuring that all Personal Identity Information shall be used only for the purpose of conducting official state business.

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3. Department management is responsible for ensuring all Department employees, vendors and contractors who are granted access to PII in the course of performing their duties are properly trained regarding proper identification and protection of personal identity information, from time of collection through proper destruction.
4. The Department will post a copy of the PII Policy on its official website.

POLICY

1. **Data Collection.** Collection, use, or disclosure of PII from an individual on behalf of the Department is not allowed unless:
 - (i) required under State or federal law, rules, or regulations, or the collection, use, or disclosure of the social security number is necessary for the performance of the employee, vendor or contractor's duties and responsibilities;
 - (ii) the need and purpose for the PII is documented and communicated before collection of the PII; and
 - (iii) the PII collected is relevant to the documented need and purpose. Requiring an individual to use his or her PII to access an Internet website is also not allowed as is the use of PII for any purpose other than the purpose for which it was collected.
2. **Training.** All Department employees, vendors and contractors who have access to PII in the course of performing their duties must be trained to protect the confidentiality of PII. Training should include instructions on proper handling of information that contains PII from the time frame of collection through the destruction of the information.
3. **Redaction.** PII requested from an individual must be placed in a manner that makes the PII easily redacted if required to be released as part of a public records request. Public inspection and copying of documents containing social security numbers must be done in accordance with the Identity Protection Act.
4. **Disposal of Data.** Collected PII, electronic data or written material, that is no longer needed or required to be stored must be disposed of in such a manner as to ensure the security and confidentiality of the material and in accordance with the State Records Act (5 ILCS 160) and Personal Information Protection Act (815 ILCS 530/30 and 40).
5. **Access.** Only employees or contractors who are required to use or handle information or documents that contain PII shall have access to it. All PII obtained must be secured and stored in a manner that prevents and discourages public release. Controls shall be maintained to restrict network access to the electronic PII stored there. Physical PII must be secured (i.e. in a locked cabinet, file or office).
6. **Breach.** If PII has been disclosed via a Breach without being redacted, encrypted, or otherwise protected before exposure, the affected individuals shall be notified in accordance with the Personal Information Protection Act (815 ILCS 530/12 and 25). Breach does not include good faith acquisition of PII by an employee or agent of the Department for a legitimate purpose of the Department, provided that the personal information is not used for a purpose unrelated to the Department's business or subject to further unauthorized disclosure.
7. **Statement of Purpose.** When collecting a social security number or upon request by the individual, a statement of purpose or purposes for which the Department is collecting and using

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the social security number must be provided or posted where the individual can see and read the statement of purpose.

8. **Prohibited Activities.** Pursuant to the Identity Protection Act (5 ILCS 179/10) the following activities are prohibited by the Department unless circumstances exist as outlined in (5 ILCS 179/10c):
- a. Publicly post or publically display in any manner a person's PII.
 - b. Print a person's PII on any card required for the person to access products or services provided by the Department.
 - c. Require a person to transmit PII over the Internet, unless the connection is secure or the PII data is encrypted.
 - d. Print a person's PII on any materials that are mailed to the person, 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 PII to be on the document to be mailed. However, PII 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 PII. A PII that is permissibly mailed 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.
 - e. Encode or embed PII 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 PII as required by the Identity Protection Act, or in place of removing the PII as outlined in this Identity Protection Policy.

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Exhibit A

Statement of Purpose for Collection of Certain Information

The Identity Protection Act, 5 ILCS 179/1 et seq., requires each local and State government agency to draft, approve, and implement an Identity Protection Policy that includes a statement of the purposes or purposes for which the agency is collecting, maintaining, and using a person's Social Security number (SSN). The Department of the Lottery also collects additional Personal Identity Information and therefore includes their collection, maintenance, and use within this statement of purpose.

The Department requires SSN or other Personal Identity Information to be provided for one or more of the following reasons:

- Claims processing
- Retailer licensing and debt collection
- Vendor/Contractor background checks
- Internal verification
- Administrative services including payroll processing and hiring
- Compliance with Federal and State tax law and regulations
- Vendor services, such as executing contracts and/or billing

The Department will only use your SSN or other Personal Identity Information in accordance with the Department's Identity Protection Policy, available on the Illinois Lottery's website at <http://illinoislottery.com> or upon request to the Department's Records, Officer, Elaine Steenbergen <Elaine.Steenbergen@Illinois.gov> <Elaine.Steenbergen@Illinois.gov>

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EXHIBIT B

Identity Protection Act

(5 ILCS 179/1)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 1. Short title. This Act may be cited as the Identity Protection Act.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/5)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 5. Definitions. In this Act:

- "Identity-protection policy" means any policy created to protect social security numbers from unauthorized disclosure.
- "Local government agency" means that term as it is defined in Section 1-8 of the Illinois State Auditing Act.
- "Person" means any individual in the employ of a State agency or local government agency.
- "Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.
- "State agency" means that term as it is defined in Section 1-7 of the Illinois State Auditing Act.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/10)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 10. Prohibited Activities.

- (a) Beginning July 1, 2010, no person or State or local government agency may do any of the following:

- (1) Publicly post or publicly display 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 person or entity.
- (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 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 having been opened.

- (b) Except as otherwise provided in this Act, beginning July 1, 2010, no person or State or local government agency may do any of the following:

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- (1) 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 agency's 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.
- (2) Require an individual to use his or her social security number to access an Internet website.
- (3) Use the social security number for any purpose other than the purpose for which it was collected.

(c) The prohibitions in subsection (b) 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 this 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.

(d) If any State or local government agency has adopted standards for the collection, use, or disclosure of social security numbers that are stricter than the standards under this Act with respect to the protection of those social security numbers, then, in the event of any conflict with the provisions of this Act, the stricter standards adopted by the State or local government agency shall control.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/15)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 15. Public inspection and copying of documents. Notwithstanding any other provision of this Act to the contrary, a person or State or local government agency 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. A person or State or local

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government agency must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/20)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 20. Applicability.

- a) This Act 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 Act 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. Notwithstanding this Section, county recorders must comply with Section 35 of this Act.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/25)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 25. Compliance with federal law. If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any State or local government agency that complies with the federal law shall be deemed to be in compliance with this Act.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/30)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 30. Embedded social security numbers. Beginning December 31, 2009, no person or State or local government agency 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 Act.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/35)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 35. Identity-protection policy; local government. (N/A)

(5 ILCS 179/37)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 37. Identity protection policy; State.

- (a) Each State agency must draft and approve an identity-protection policy within 12 months after the effective date of this Act. The policy must do all of the following:
 - (1) Identify this Act.
 - (2) Require all employees of the State agency identified as having access to social security numbers in the course of performing their duties to be trained to protect the confidentiality of social security numbers. Training should include instructions on proper handling of information that contains social security numbers from the time of collection through the destruction of the information.
 - (3) Direct that only employees who are required to use or handle information or documents that contain social security numbers have access to such information or documents.

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- (4) Require that social security numbers requested from an individual be placed in a manner that makes the social security number easily redacted if required to be released as part of a public records request.
 - (5) Require that, when collecting a social security number or upon request by the individual, a statement of the purpose or purposes for which the agency is collecting and using the social security number be provided.
- (b) Each State agency must provide a copy of its identity-protection policy to the Social Security Number Protection Task Force within 30 days after the approval of the policy.
- (c) Each State agency must implement the components of its identity-protection policy that are necessary to meet the requirements of this Act within 12 months after the date the identity-protection policy is approved. This subsection (c) shall not affect the requirements of Section 10 of this Act.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/40)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 40. Judicial branch and clerks of courts. (N/A)

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/45)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 45. Violation. Any person who intentionally violates the prohibitions in Section 10 of this Act is guilty of a Class B misdemeanor.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/50)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 50. Home rule. (N/A)

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/55)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 55. This Act does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of social security numbers.

(Source: P.A. 96-874, eff. 6-1-10.)

(5 ILCS 179/90)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 90. (Amendatory provisions; text omitted).

(Source: P.A. 96-874, eff. 6-1-10; text omitted.)

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EXHIBIT C

Personal Information Protection Act

(815 ILCS 530/1)

Sec. 1. Short title. This Act may be cited as the Personal Information Protection Act.
(Source: P.A. 94-36, eff. 1-1-06.)

(815 ILCS 530/5)

Sec. 5. Definitions. In this Act:

- **"Data Collector"** may include, but is not limited to, government agencies, public and private universities, privately and publicly held corporations, financial institutions, retail operators, and any other entity that, for any purpose, handles, collects, disseminates, or otherwise deals with nonpublic personal information.
- **"Breach of the security of the system data"** or "breach" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the data collector. "Breach of the security of the system data" does not include good faith acquisition of personal information by an employee or agent of the data collector for a legitimate purpose of the data collector, provided that the personal information is not used for a purpose unrelated to the data collector's business or subject to further unauthorized disclosure.
- **"Personal information"** means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted:
 - a. Social Security number.
 - b. Driver's license number or State identification card number.
 - c. Account number or credit or debit card number, or an account number or credit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account.

"Personal information" does not include publicly available information that is lawfully made available to the general public from federal, State, or local government records.
(Source: P.A. 97-483, eff. 1-1-12.)

(815 ILCS 530/10)

Sec. 10. Notice of Breach. (N/A)

(Source: P.A. 97-483, eff. 1-1-12.)

(815 ILCS 530/12)

Sec. 12. Notice of breach; State agency.

- a. Any State agency that collects personal information concerning an Illinois resident shall notify the resident at no charge that there has been a breach of the security of the system data or written material following discovery or notification of the breach. The disclosure notification shall be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system. The disclosure notification to an Illinois resident shall include, but need not be limited to;
 - i. the toll-free numbers and addresses for consumer reporting agencies,

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- ii. the toll-free number, address, and website address for the Federal Trade Commission, and;
 - iii. a statement that the individual can obtain information from these sources about fraud alerts and security freezes. The notification shall not, however, include information concerning the number of Illinois residents affected by the breach. (a-5) The notification to an Illinois resident required by subsection (a) of this Section may be delayed if an appropriate law enforcement agency determines that notification will interfere with a criminal investigation and provides the State agency with a written request for the delay. However, the State agency must notify the Illinois resident as soon as notification will no longer interfere with the investigation.
- b. For purposes of this Section, notice to residents may be provided by one of the following methods:
- i. written notice;
 - ii. electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures for notices legally required to be in writing as set forth in Section 7001 of Title 15 of the United States Code; or
 - iii. substitute notice, if the State agency demonstrates that the cost of providing notice would exceed \$250,000 or that the affected class of subject persons to be notified exceeds 500,000, or the State agency does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - 1. email notice if the State agency has an email address for the subject persons;
 - 2. conspicuous posting of the notice on the State agency's web site page if the State agency maintains one; and
 - 3. notification to major statewide media.
- c. Notwithstanding subsection (b), a State agency that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this Act shall be deemed in compliance with the notification requirements of this Section if the State agency notifies subject persons in accordance with its policies in the event of a breach of the security of the system data or written material.
- d. If a State agency is required to notify more than 1,000 persons of a breach of security pursuant to this Section, the State agency shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by 15 U.S.C. Section 1681a(p), of the timing, distribution, and content of the notices. Nothing in this subsection (d) shall be construed to require the State agency to provide to the consumer reporting agency the names or other personal identifying information of breach notice recipients.

(Source: P.A. 97-483, eff. 1-1-12.)

(815 ILCS 530/15)

Sec. 15. Waiver. Any waiver of the provisions of this Act is contrary to public policy and is void and unenforceable.

(Source: P.A. 94-36, eff. 1-1-06.)

(815 ILCS 530/20)

Sec. 20. Violation. A violation of this Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 94-36, eff. 1-1-06.)

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(815 ILCS 530/25)

Sec. 25. Annual reporting. Any State agency that collects personal data and has had a breach of security of the system data or written material shall submit a report within 5 business days of the discovery or notification of the breach to the General Assembly listing the breaches and outlining any corrective measures that have been taken to prevent future breaches of the security of the system data or written material. Any State agency that has submitted a report under this Section shall submit an annual report listing all breaches of security of the system data or written materials and the corrective measures that have been taken to prevent future breaches.

(Source: P.A. 94-947, eff. 6-27-06.)

(815 ILCS 530/30)

Sec. 30. Safe disposal of information. Any State agency that collects personal data that is no longer needed or stored at the agency shall dispose of the personal data or written material it has collected in such a manner as to ensure the security and confidentiality of the material.

(Source: P.A. 94-947, eff. 6-27-06.)

(815 ILCS 530/40)

Sec. 40. Disposal of materials containing personal information; Attorney General.

- a. In this Section, "person" means: a natural person; a corporation, partnership, association, or other legal entity; a unit of local government or any agency, department, division, bureau, board, commission, or committee thereof; or the State of Illinois or any constitutional officer, agency, department, division, bureau, board, commission, or committee thereof.
- b. A person must dispose of the materials containing personal information in a manner that renders the personal information unreadable, unusable, and undecipherable. Proper disposal methods include, but are not limited to, the following:
 - i. Paper documents containing personal information may be either redacted, burned, pulverized, or shredded so that personal information cannot practicably be read or reconstructed.
 - ii. Electronic media and other non-paper media containing personal information may be destroyed or erased so that personal information cannot practicably be read or reconstructed.
- c. Any person disposing of materials containing personal information may contract with a third party to dispose of such materials in accordance with this Section. Any third party that contracts with a person to dispose of materials containing personal information must implement and monitor compliance with policies and procedures that prohibit unauthorized access to or acquisition of or use of personal information during the collection, transportation, and disposal of materials containing personal information.
- d. Any person, including but not limited to a third party referenced in subsection (c), who violates this Section is subject to a civil penalty of not more than \$100 for each individual with respect to whom personal information is disposed of in violation of this Section. A civil penalty may not, however, exceed \$50,000 for each instance of improper disposal of materials containing personal information. The Attorney General may impose a civil penalty after notice to the person accused of violating this Section and an opportunity for that person to be heard in the matter. The Attorney General may file a civil action in the circuit court to recover any penalty imposed under this Section.
- e. In addition to the authority to impose a civil penalty under subsection (d), the Attorney General may bring an action in the circuit court to remedy a violation of this Section, seeking any appropriate relief.
- f. A financial institution under 15 U.S.C. 6801 et. seq. or any person subject to 15 U.S.C. 1681w is exempt from this Section.

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(Source: P.A. 97-483, eff. 1-1-12.)

(815 ILCS 530/900)

Sec. 900. (Amendatory provisions; text omitted).

(Source: P.A. 94-36, eff. 1-1-06; text omitted.)