

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. _____

**ORDINANCE ESTABLISHING POLICY
WITH REGARD TO THE
COLLECTION OF INDIVIDUALS
SOCIAL SECURITY NUMBERS**

WHEREAS, The City of O'Fallon is a home-rule unit of government existing with the State of Illinois;

WHEREAS, the City of O'Fallon is subject to the terms of the Illinois Identity Protection Act, as amended from time to time;

WHEREAS, by Public Act 096-0874, the Act has been amended and now mandates that no later than July 1, 2010, all municipalities and public employees must adopt and have in place and practice a policy regarding the collection, use, and disclosure of individual's Social Security numbers;

WHEREAS, improper disclosure of protected personal identifiers such as social security numbers contributes to identity theft or theft of savings incidents;

WHEREAS, as it currently exists, the City of O'Fallon does conform to the Red Flag Identity Theft program, but does not specifically contain a proper procedure for collecting, using and communicating Social Security numbers so as to prevent improper or accidental disclosure; and

WHEREAS, the Mayor and City Council hereby find and determine that it is reasonable, necessary, desirable, and otherwise in the best interest of the City to adopt policy rules to prevent unnecessary, improper, or inadvertent disclosure of an individual's Social Security number.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Recitals. The foregoing recitals shall hereby be incorporated into and made a part of this Ordinance as if fully set forth in the Section 1.

Section 2. Approval and Adoption of Policy Relating to Social Security Numbers.

In order to establish a policy and rules for the collection, use and communication of Social Security numbers in compliance with the Act, the Mayor and City Council hereby adopt a policy with regard to the collection, use, and communication of individual's Social Security numbers in substantially the same form as attached to this Ordinance, but subject to amendment from time-to-time as deemed necessary to maintain compliance the this Act.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Section 3. Penalty. Any person who violates paragraph 2 of this Policy (Section 10 of the Act) is guilty of a Class B misdemeanor. For purposes of the violation of the City code, said person is subject to a fine of \$100 for the first such violation, and a \$500 fine for each violation thereafter. For purposes of criminal prosecution, such person may face any or all penalties that the State Legislature may establish from time-to-time for the commission of Class B misdemeanors, including incarceration.

Section 4. Severability. If any provision of the Ordinance or policy is held to be invalid or unenforceable, it shall not affect any other provision of the Ordinance or policy.

Section 5. Conflicting Provisions. All prior ordinances, resolutions, motions or orders in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Publication and Effective Date. This ordinance shall be published immediately upon passage and approval and be in full force and effect immediately upon its passage and approval as provided by law.

Passed by the City Council this _____ day of _____ 2010.

ATTEST:

(seal)

Approved by the Mayor this _____ day
of _____ 2010.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Grogan	McCoskey	True	Polites	Mouser	Reckamp	Drolet, J.	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Cozad	Bennett	Renner	Drolet, N.	Engler	Albrecht	Cozad	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									

City Policy with Regard to the Collection, Use and Communication of Individual's Social Security Numbers

This policy is to comply with Public Act 096-0874 of the State of Illinois, cited as the Identity Protection Act.

Section 1 Definitions

“Person” means any individual in the employ of the City of O’Fallon (“City”).

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

Section 2 Prohibited Activities

A. No officer or employee of the City shall 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 policy, beginning July 1, 2010, 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 (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 the City or disclosure 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 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 on the City to protect and 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: City 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 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 any unclaimed property benefit.

D. Any 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, then, in the event of any conflict with the provisions of this policy, the stricter standards adopted by the City shall control.

Section 3 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 an 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.

Section 4 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.

Section 5 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 shall follow that law.

Section 6 Embedded Social Security Numbers

Beginning December 31, 2009, 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.

Section 7 Identity--Protection Requirements

- A. All officers, employees and agents of the City 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 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 employees who are required to use or handle information or documents that contain social security numbers 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, a statement of the purpose or purposes for which the City is collecting and using the social security number be provided.
- E. A written copy of this privacy policy and any amendment thereto, shall be filed with the City Council within 30 days after approval of this policy or any amendment thereto.
- F. The City shall advise its employees of the existence of the policy and make a copy of the policy available to each employee, and shall also make this privacy policy available to any member of the public, upon request. If the City amends this privacy policy, then the City shall also advise its employees of the existence of the amended policy and make a copy of the amended policy available to each employee.

Section 8 Violation

Any person who intentionally violates the prohibitions in Section 10 of the Identity Protection Act (Paragraph 2 of this policy) is guilty of a Class B misdemeanor.

Section 9 Supersede

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