

ADMINISTRATIVE PROCEDURE #27
IDENTITY PROTECTION
October 21, 2013 – P.T. 2013.14

Section

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Section 27.1 Purpose

The purpose of these Administrative Procedures is to describe the Department's policy for complying with the provisions of the Illinois Identity Protection Act, 5 ILCS 179/1, which apply to the Department as a state agency.

The Identity Protection Act requires that the Department of Children and Family Services draft, approve and implement an identity-protection policy to ensure the confidentiality of Social Security Numbers (SSN) that the department collects, records in documentation and in electronic systems, and uses in carrying out its routine services. The intent of the Identity-Protection Act is to ensure that state agencies protect the confidentiality of the private identities of the citizens of Illinois against identity theft and fraud by limiting the collection, storage, access and distribution of Social Security Numbers. Any person who intentionally violates the prohibitions of this Act and these administrative procedures is guilty of a Class B misdemeanor.

Section 27.2 Definitions

“Identity Theft” is a form of stealing someone’s identity, e.g., name and social security number, in which someone pretends to be someone else by assuming that person’s identity. Usually this is done to commit fraud, theft and other crimes against the victim whose identity is illegally used.

"Identity-protection policy" means any policy created to protect social security numbers from unauthorized disclosure.

"Person" means any individual in the employ of Department of Children and Family Services.

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

“Redact” means to reformat a SSN by turning it into a less identifying number. Replacing the first five digits of a SSN by stars or cross marks is an example of redacting.

“Social Security Number (SSN)” means the nine digit identification number assigned to individual persons by the Social Security Administration.

"State agency" means that term as it is defined in Section 1-7 of the Illinois State Auditing Act.

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Section 27.3 Scope and Applicability

This policy is applicable on the Department of Children and Family Services at all levels of its organization, business procedures, information systems and individual workers.

Section 27.4 Prohibitions

No person or the Department of Children and Family Services may be engaged in the following prohibited activities, unless exempted elsewhere in these procedures:

- a) 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.
- b) Require an individual to use his or her social security number to access an Internet website.
- c) Use the social security number for any purpose other than the purpose for which it was collected.
- d) Publicly post or publicly display in any manner an individual's social security number.
- e) Print an individual's social security number on any card required for the individual to access products or services provided by the person or DCFS.
- f) 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.
- g) 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.
- h) 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.
- i) Access social security numbers without prior permission and formal authorization.
 - 1) Only employees who have a need for that information shall have access to social security numbers.

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- 2) Employees requiring access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality and proper handling of social security numbers from the time of collection through destruction.
- 3) Upon collection of the social security number, or upon request by the individual, employees must provide the individual with a statement of the purpose or purposes for which the agency is collecting and using his or her social security number.

Section 27.5 Exceptions

The prohibitions in these procedures do not apply under the following circumstances:

- a) Social Security Numbers may be included in applications and forms sent by mail, in connection with any 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) Disclosure of social security numbers to agents, employees, contractors, or subcontractors of the Department of Children and Family Services or another 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 Illinois Identity Protection Act on a governmental entity to protect an individual's social security number will be achieved.
- c) Disclosure of social security numbers pursuant to a court order, warrant, or subpoena.
- d) 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.
- e) Collection, use, or disclosure of social security numbers for internal verification or administrative purposes.
- f) Disclosure of social security numbers by the Department of Children and Family Services 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.

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- g) 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.
- h) If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the Department of Children and Family Services shall be deemed to be in compliance with the Illinois Identity Protection Act.
- i) The Department of Children and Family Services shall comply with the provisions of the Illinois Freedom of Information Act, 5 ILCS 140/1, 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 Social Security Number. However, all instances of Social Security Numbers appearing on such documents should be properly redacted before release.