

VILLAGE OF LIBERTYVILLE
RESOLUTION 11-R- 13

A RESOLUTION ADOPTING AN IDENTITY PROTECTION POLICY FOR THE
VILLAGE OF LIBERTYVILLE

WHEREAS, the Village of Libertyville (Village) is a duly-organized Illinois Municipal Corporation existing within the State of Illinois;

WHEREAS, the Village is subject to the terms of the Illinois Identity Protection Act (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 June 1, 2011, 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 Village Code contains no policy or directives as to the proper procedure for collecting, using, and communicating Social Security numbers so as to prevent improper or accidental disclosure; and

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

Section 1. The corporate authorities of the Village of Libertyville hereby determine that it is advisable, necessary, and in the public interest that the Village adopt an Identity Protection Policy.

Section 2. There is hereby adopted and approved an Identity Protection Policy, which policy is attached hereto marked as Exhibit "A".

Section 3. The Village Administrator is hereby authorized and directed to implement this policy and to cause a copy of this policy to be provided to each current and future Village employee. Each such current and future Village employee shall acknowledge receipt of the policy, which acknowledgement shall be filed and maintained in the personnel file of each employee. In addition, a copy of this policy shall be made available to the public upon request.

Section 4. This Resolution shall be in full force and effect upon its passage and approval in accordance with law.

PASSED this 24th day of May, 2011

AYES: JOHNSON, CULLUM, MORAS, GAINES, JUSTICE, MORAN

NAYS: None

APPROVED this 25th day of May, 2011


Sally A. Kowal, Village Clerk

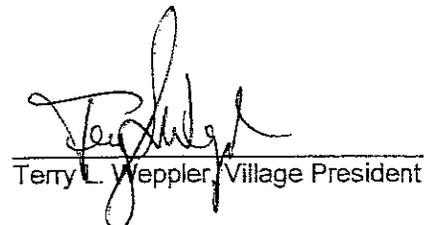

Terry L. Weppeler, Village President

Exhibit A
VILLAGE OF LIBERTYVILLE IDENTITY PROTECTION POLICY

This policy is adopted pursuant to the Identity Protection Act (5 ILCS 179/1 *et seq.*) to protect social security numbers from unauthorized disclosure.

PROHIBITED ACTS. No Village of Libertyville 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 of Libertyville.
- (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.
 - (i) 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.
- (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, 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 of Libertyville 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 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.

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

IDENTITY PROTECTION PROCEDURES. All Village of Libertyville 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 numbers from the time of collection through the destruction of the information.

Only Village of Libertyville 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 of Libertyville is collecting and using the social security number shall be provided to the individual.

DISTRIBUTION OF POLICY. A written copy of this policy has been provided to the Village of Libertyville trustees.

Each current Village of Libertyville employee shall be provided and shall acknowledge receipt of a copy of this policy. Each employee hereinafter hired by the Village of Libertyville shall be provided and shall acknowledge receipt of a copy of this policy upon commencing his or her employment. A copy of this policy shall be made available to any member of the public, upon request. If the Village of Libertyville amends this policy, the Village of Libertyville shall file a written copy of the amended policy with the Village of Libertyville trustees, shall also advise all Village of Libertyville employees of the existence of the amended policy and include this policy in the Employee Handbook which is distributed to each of its employees. The acknowledged copy of this policy shall be filed and maintained in each Village of Libertyville employee's personnel file.

This policy is effective May 25, 2011.

**Attachment
A**

What does the Village of Libertyville do with your Social Security Number?

**Statement of Purpose for Collection of Social Security Numbers
Identity-Protection Policy**

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 purpose or purposes for which the agency is collecting and using an individual's Social Security number (SSN). This statement of purpose is being provided to you because you have been asked by the Village of Libertyville to provide your SSN or because you requested a copy of this statement.

Why do we collect your Social Security number?

You are being asked for your SSN for one or more of the following reasons:

- Complaint mediation or investigation;
- Employee wage reporting;
- Vendor services, such as executing contracts and/or billing;
- Law enforcement investigation;
- Child support collection;
- Internal verification;
- Administrative services; and/or
- Other: _____

What do we do with your Social Security number?

- We will only use your SSN for the purpose for which it was collected.
- We will not:
 - Sell, lease, loan, trade, or rent your SSN to a third party for any purpose;
 - Publicly post or publicly display your SSN;
 - Print your SSN on any card required for you to access our services;
 - Require you to transmit your SSN over the Internet, unless the connection is secure or your SSN is encrypted; or
 - Print your SSN 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 SSN.

Questions or Complaints about this Statement of Purpose

Write to the Village of Libertyville:

Village of Libertyville
Village Administrator
118 W. Cook Avenue
Libertyville, IL 60048