



**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

120 South Riverside Plaza • Suite 1016 • Chicago, Illinois 60606 • (312) 793-8550

Memorandum

To: IIJIS Implementation Board Members

From: Robert P. Boehmer, General Counsel
IIJIS Privacy Policy Subcommittee Chair

Date: April 22, 2005

Re: **IIJIS PRIVACY POLICY DEVELOPMENT**

The Privacy Policy Subcommittee has met several times during the last year. Our committee has had informative discussions of the privacy issues surrounding the sharing of justice information and, as a result of those discussion, we have been able to begin drafting a comprehensive privacy policy.

Due to its complexity, the IIJIS Privacy Policy is being developed in a series of phases.

The first phase will address the sharing of traditional justice information within and outside of the justice system. Later phases will explore more diverse subjects including the collection and sharing of non-traditional justice information, juvenile justice data, and intelligence information.

While the first phase of development is not yet complete, we are providing you with the outline and proposed provisions for Sections 201, 202, and 203. While a significant amount of input went into drafting these sections, the members of the Privacy Policy Subcommittee have not had an opportunity to vet or approve these provisions. Our goal is to keep you advised of our progress and give you an idea of the form and direction the privacy policy is taking.

Any suggestions you might have regarding the privacy policy's scope, direction or format are always welcome.

IJIS Privacy Policy

Phase One: the sharing of traditional justice information

Title I. Preamble

[This section will briefly discuss the importance of privacy in the integrated justice environment and explain what this document is trying to accomplish.]

The Illinois justice system has been collecting, analyzing, using, and disseminating information since its inception. However, as the State moves toward the integration of its justice information systems, the accelerated access and transfer of this information combined with the analytical capabilities of integration technology has raised significant privacy concerns. These concerns not only impact those who become involved in the justice system, they also affect the privacy interests of every citizen of Illinois.

In order to address these concerns, this privacy policy sets forth sound principles of responsible collection, use, and sharing of justice information. It should be regarded as a best practice by every justice agency in the State and compliance with its provisions will ensure that agencies are conforming to federal and state requirements concerning the proper treatment of justice information.

Title II. General principles

[This section will outline the philosophical underpinnings of the privacy policy; it will provide a statement of the general policy requirements to aid in the resolution of issues not specifically addressed in the Guidance section]

- (First)** Justice information sharing policies, procedures, and practices will comply with all laws protecting individuals' privacy and civil rights regarding the collection, use, dissemination, and retention of their information.
- (Second)** Justice information sharing policies, procedures, and practices will be made available to the public to ensure accountability for complying with privacy and civil rights laws.
- (Third)** All instances of justice information sharing will be recorded to ensure accountability for the transactions.
- (Fourth)** Every reasonable effort will be made to ensure that justice information is complete, accurate, and timely.
- (Fifth)** Individuals are entitled to know, with limited and narrowly defined exceptions, whether information about him has been collected and maintained by the justice system and to review and challenge that information.
- (Sixth)** ...

Title III. Guidance

[This section will provide specific guidance concerning the handling of particular types of justice information; issues to be addressed include the collection, access, use, disclosure and quality of justice information.]

Article 100. Definitions

- (101) “Personally identifiable information”
- (102) “Accurate information”
- (103) “Criminal history record information”
- (104) “Conviction information”
- (105) ...

Article 200. Information about individuals

- (201) **Information concerning suspects --**
 - (a) Purposes for collection
 - (b) Justice system access
 - (c) Public access
 - (d) Others’ access
 - (e) Retention of suspect information
- (202) **Information concerning arrestees --**
[(a) through (e) in Section 201 are repeated in all sections of Article 200.]
- (203) **Information concerning convicted persons --**
- (204) **Information concerning probationers --**
- (205) **Information concerning prisoners --**
- (206) **Information concerning parolees --**
- (207) **Information concerning victims of crime --**
- (208) **Information concerning witnesses --**
- (209) **Information concerning jurors --**
- (210) **Information concerning justice officials --**
- (211) **Members of the general public --**

Article 300. Information about incidents

- (301) **Information about non-criminal incidents --**
 - (a) Purposes for collection
 - (b) Justice system access
 - (c) Public access
 - (d) Others' access
 - (e) Retention of non-criminal incident information

- (302) **Information about criminal incidents --**
[(a) through (e) in Section 301 are repeated in all sections of Article 300.]

- (303) **Information about arrest incidents --**

- (304) **Contact card information --**

Article 400. Special Circumstances

- (401) **Officer safety information --**
 - (a) Purposes for collection
 - (b) Justice system access
 - (c) Public access
 - (d) Others' access
 - (e) Retention of officer safety information

- (402) **Warrant information --**
[(a) through (e) in Section 401 are repeated in all sections of Article 400.]

- (403) **Sex offender registration information --**

- (404) **Social Security Numbers --**

- (405) **Expunged and sealed records --**

- (406) **Publicly available information --**

- (407) **Fingerprints --**

- (408) **DNA profiles --**

Article 500. Intelligence information

Title IV. Accountability and transparency

Article 600 Openness of information management practices

Article 700 Remedies available under Illinois law

Article 800. Compliance Audits

Title V. Quality of justice information

Article 900 Data quality provisions

Article 1000 Individuals' rights to access and review justice information

Title VI. Review and amendments

Article 1100 Continuing review

Article 1200 Amendment process

DRAFT