Fair Information Practices

Purpose Specifications
The Purpose Specification FIP states that agencies should only collect personal information for specified, explicit, and legitimate purposes.

Collection Limitation
The Collection Limitation FIP calls on agencies to examine why they collect information in order to avoid collecting information unnecessarily. Agencies should only collect relevant information through lawful means.

Use Limitation
Under the Use Limitation FIP, agencies are required to limit the use and disclosure of personal information to the purposes articulated in their purpose statements. However, agencies can use personal information for other purposes when:
  (a) the subject of the data consents,
  (b) the agency has the legal authority to do so,
  (c) the safety of the community is at issue, or
  (d) a public access policy permits the disclosure.

Summary
Illinois' criminal history repository substantially complies with the Purpose Specification, Collection Limitation, and Use Limitation FIPs.

Purpose specification
The Illinois State Police collect CHRI data because they are the State's central repository of criminal history record information.[1]

Collection Limitation
The repository is a historical database of criminal justice transactions organized by offender; as such, the State Police collect that transactional data as well as any additional identifying information they may require to administer the repository and comply with federal regulations. The repository also collects caution notations and stop orders, which may be information outside the scope of the repository's purpose statement. The types of information contained in Illinois' criminal history repository include:

- Demographic information (including race, sex, eye color);
- State Identification (SID) number;
- Aliases;
- Records of arrests (including local offenses, charges, arrested on warrants);
- State's attorney charging decisions;
- Court dispositions (including charges and convictions);
- Custodial status information;
- Fingerprints;
- Caution notations;
- Stop orders (99% of which come from the FBI);
- Criminal justice and non-criminal justice fee applicants (for notifications of subsequent events);
- Access and review notations; and
- Death notices.

Use Limitation
One of the purposes of the criminal history repository is to disseminate CHRI data to justice users. Through the Uniform Conviction Information Act, the General Assembly declared that all conviction information collected and maintained by the State Police are public record.[2] An exception to the public availability of criminal convictions occurs when the record is sealed or expunged pursuant to statute.[3]

Conviction-only versus non-conviction information
"Conviction-only information" includes all prior and subsequent criminal history events directly relating to judgments of guilt such as the notation of the underlying arrest, the prosecutor's charging decision, and the sentence or fine imposed. "Non-conviction information" includes all the information contained in the CHRI repository.

Illinois laws authorizing access to CHRI [Use Limitation Exception (b)]
The Illinois General Assembly has seen fit to statutorily authorize certain agencies' receipt of conviction and non-conviction information. Agencies authorized to receive non-conviction information generally do so for criminal justice employment; screening individual's access to firearms; and approving license applications for gambling, banking, and childcare; as well as criminal justice research. Agencies generally use conviction-only information for non-criminal justice employment screening, determinations of eligibility for benefits, and regulating professional licensing.

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[1] 20 ILCS 2605/2605-300(2)
[2] 20 ILCS 2635/5
[3] 20 ILCS 2630/5