



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2086

Introduced 2/9/2023, by Sen. Donald P. DeWitte

#### SYNOPSIS AS INTRODUCED:

5 ILCS 160/14a new  
50 ILCS 205/30 new

Amends the State Records Act and Local Records Act. Provides that, when an agency generates a record in an encrypted format, an encryption key must be available to decrypt the record for its entire retention period as established by the State or Local Records Commission. Provides that, when an agency maintains a digital format record within a digital storage system that allows the user to set retention timers, these timers must be set to retain the record for its entire retention period as established by the State or Local Records Commission, including the time necessary for the record disposal process. Provides that agencies must comply with the provisions of the Act when destroying or disposing of encrypted public records or public records maintained in a digital format record within a digital storage system that allows the user to set retention timers. Provides that a person who encrypts a public record without lawful authority, or who sets a retention timer for a public record that is not set to the entire retention period as established by the State or Local Records Commission, with the intent to defraud a party, public officer, or entity commits a Class 4 felony.

LRB103 04554 AWJ 49561 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Records Act is amended by adding  
5 Section 14a as follows:

6 (5 ILCS 160/14a new)

7 Sec. 14a. Encryption and automatic deletion of records.

8 (a) When an agency generates a record in an encrypted  
9 format, an encryption key must be available to decrypt the  
10 record for its entire retention period as established by the  
11 State Records Commission. Agencies must comply with the  
12 provisions of this Act when destroying or disposing of  
13 encrypted public records. A person who encrypts a public  
14 record without lawful authority and with the intent to defraud  
15 a party, public officer, or entity commits a Class 4 felony.

16 (b) When an agency maintains a digital format record  
17 within a digital storage system that allows the user to set  
18 retention timers, these timers must be set to retain the  
19 record for its entire retention period as established by the  
20 State Records Commission, including the time necessary for the  
21 record disposal process. Agencies must comply with the  
22 provisions of this Act when destroying or disposing of public  
23 records maintained in a digital format record within a digital

1 storage system that allows the user to set retention timers. A  
2 person who sets a retention timer for a public record that is  
3 not set to the entire retention period as established by the  
4 State Records Commission with the intent to defraud a party,  
5 public officer, or entity commits a Class 4 felony.

6 Section 10. The Local Records Act is amended by adding  
7 Section 30 as follows:

8 (50 ILCS 205/30 new)

9 Sec. 30. Encryption and automatic deletion of records.

10 (a) When an agency generates a record in an encrypted  
11 format, an encryption key must be available to decrypt the  
12 record for its entire retention period as established by the  
13 Local Records Commission. Agencies must comply with the  
14 provisions of this Act when destroying or disposing of  
15 encrypted public records. A person who encrypts a public  
16 record without lawful authority and with the intent to defraud  
17 a party, public officer, or entity commits a Class 4 felony.

18 (b) When an agency maintains a digital format record  
19 within a digital storage system that allows the user to set  
20 retention timers, these timers must be set to retain the  
21 record for its entire retention period as established by the  
22 Local Records Commission, including the time necessary for the  
23 record disposal process. Agencies must comply with the  
24 provisions of this Act when destroying or disposing of public

1 records maintained in a digital format record within a digital  
2 storage system that allows the user to set retention timers. A  
3 person who sets a retention timer for a public record that is  
4 not set to the entire retention period as established by the  
5 Local Records Commission with the intent to defraud a party,  
6 public officer, or entity commits a Class 4 felony.