



SB0800 – Standard Operating Procedures

As of January 1st, 2024 Illinois Repossession Agencies will be required to remove all personal data stored within a vehicle. This document is to help provide guidance for both Agencies and Lenders alike to have a shared knowledge of the expectations of this service.

225 ILCS 422/10 (definitions) “Personal Information”

- Means of information that is associated with an owner, driver, or passenger of the collateral and that is collected and stored by electronic means or systems in or by the collateral during the course of its use, including, but not limited to: (i) biometric information as defined by the Biometric Information Privacy Act, contacts, addresses, telephone numbers, garage door codes, map data, and digital subscriptions; (ii) information that is deemed “sensitive personal information” by the Federal Trade Commission, “personally identifiable information” under federal law or the Personal Information Protection Act, or “individually identifiable health information” under the Federal Health Insurance Portability and Accountability Act; and (iii) information that a **licensed repossession agency** reasonably believes would be deemed confidential or private by the person who is associated with the information.
- Essential if there is a digital footprint that an agency believes to be storing private data it is the responsibility of the agency to remove that data prior to the break in the chain of custody.

Now that we have identified the law we can talk about the operational procedures.

1. Once the vehicle is recovered by a **licensed repossession agency** the recovery agency will start its post repossession processes. This consists of photographing the vehicle and documenting the contents of the vehicle as required by law (225 ILCS 422/110 (c)). This is also to comply with the SLA requirements set by the lender.

2. If the **licensed repossession agency** reasonably believes that there is private data that is stored in the vehicle through the infotainment system, or any other means described with the definition of “Personal Information” (225ILCS 422/10) then the next stage of the process would get a key ordered so that the information can be cleared of the vehicle.
3. Under the law (225ILCS 422/110 (d)) Notification to the consumer regarding Personal Property, which is now to include Personal Data, **licensed repossession agency** will have to send out the certified mail notification within 5 business days from the date of the repossession. Due to this shortened timeframe an approval for a key and the removal of the personal property and data would need to be completed prior to the 5th working day so proper notification can be sent to the consumer in regard to their property and data. The Alliance is suggesting that the key approval is completed within 72 hours from the date of recovery which would allow the **licensed repossession agency** adequate time to create the key and complete the procedure of deleting the data prior to the certified mail being mailed out.
4. After the key has been approved and cut the **licensed repossession agency** can start the process of the data removal. Electronic removal software has an application for any smart device that allows an agency to scan the bar code or QR code of the VIN plate to pull up the exact year, make, and model of a vehicle and gives step by step instructions on how to conduct a factory reset of the vehicle which will comply with (225ILCS422/110 (f)) which is the data removal, clear, disposal, delete, or otherwise eliminate the personal information stored within a vehicle.
5. Electronic removal software will email a list daily to the **licensed repossession agency** which will provide the agency with a link that generates a certificate that can be downloaded. That certificate or certificate number can be recorded in the agency’s home of record for the lender’s review.

The Alliance is working with the RDN to streamline the certificate information between the agent level into RDN so that the lenders but as an initial approach this is the procedure at hand. This is still fluid during the Pilot Program and could be subject to changes as needed.

Hold Harmless; Illinois does not recognize a Hold Harmless as a way to negate the law. A Hold Harmless agreement is a clause in a legal contract absolving one part of legal liability for any injuries or damages suffered by another party. The Illinois Collateral Recovery Act and the contents within are Illinois State Law and the actions required are law abiding. Violations are enforced by the Illinois Commerce Commission.