



STATE OF ILLINOIS

OFFICE OF THE AUDITOR GENERAL

MANAGEMENT AUDIT

AGENCY USE OF INTERNET
USER TRACKING TECHNOLOGY

JANUARY 2002

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*To the Legislative Audit Commission, the
Speaker and Minority Leader of the House of
Representatives, the President and Minority
Leader of the Senate, the members of the
General Assembly, and the Governor:*

This is our report of the Management Audit of Agency Use of Internet User Tracking Technology.

The audit was conducted pursuant to House Resolution Number 263, which was adopted on May 25, 2001. This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit report is transmitted in conformance with Section 3-14 of the Illinois State Auditing Act.

A handwritten signature in black ink, appearing to read "William G. Holland".

WILLIAM G. HOLLAND
Auditor General

Springfield, Illinois
January 2002

REPORT DIGEST

Management Audit of

AGENCY USE OF INTERNET USER TRACKING TECHNOLOGY

Released: January 2002



State of Illinois
Office of the Auditor General

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SYNOPSIS

The Internet provides immediate access to vast amounts of information on State agencies and their programs. As noted in House Resolution Number 263 which requested this audit, concerns have been raised about the privacy of individuals as they use the Internet, and specifically, the use of technology to track the browsing habits of Internet users.

As of November 2001, 114 State agencies reported having an Internet web-site that the public could access to obtain information on programs and services. Of these 114 agencies, at least 52 used some form of technology, such as "cookies" or user logs, to collect information on the use of their web-sites. A "cookie" is a short string of text that is sent from a web-site to the user's computer. A user log generally lists all requests for individual web pages that have been requested from a web-site. The following technology was used:

- 30 agencies used only cookies;
- 12 agencies used both logs and cookies; and
- 10 agencies used only user logs.

None of the agencies we surveyed reported using technology and matching it with personal information to monitor the routine browsing of specific users.

There currently exist no Statewide requirements specifically for State agencies' use of technology to collect information on users of State web-sites or requirements regarding the establishment and posting of privacy policies. Consequently, each State agency is responsible for developing privacy policies that disclose how the agency will use information obtained over the Internet.

Of the 42 agencies that used cookies, only 7 disclosed in privacy policies that cookies were being used. Of the 114 agencies that reported having a web-site, only 32 (28 percent) reported that they had a privacy statement or policy located on their web-sites.

The General Assembly may wish to consider enacting a law which requires all State agencies with a web-site to develop and prominently post a privacy policy addressing the collection, maintenance, and disclosure of personal information, as well as the use of technology to collect information on the use of their web-sites.

REPORT CONCLUSIONS

The Internet provides immediate access to vast amounts of information on State agencies and their programs. By accessing State agencies' web-sites, users can communicate with government officials, request program information, apply for services, and make purchases. As noted in House Resolution Number 263 which requested this audit, concerns have been raised in both the private and public sectors about the privacy of individuals as they use the Internet, and specifically, the use of technology to track the browsing habits of Internet users.

As of November 2001, 114 State agencies reported having an Internet web-site that the public could access to obtain information on programs and services. Of these 114 agencies, at least 52 used some form of technology, such as "cookies" or user logs, to collect information on the use of their web-sites. A "cookie" is a short string of text that is sent from a web-site to the user's computer. The following technology was used: 30 agencies used only cookies; 12 agencies used both logs and cookies; and 10 agencies used only user or web logs. Of the 42 agencies which used cookies, 19 agencies used session cookies only, 6 used persistent cookies only, and 17 used both.

In responding to our initial survey sent in June 2001, only 19 agencies reported that cookies were used on their web-sites. However, our follow-up examination identified an additional 23 agencies whose web-sites used cookies. When we inquired as to why cookies were not reported on the survey, agency officials generally cited one of three reasons: 1) they were unaware of the cookies' existence; 2) the cookies were being placed by third parties and were beyond their control; or 3) the cookies were added to the web-site subsequent to their completion of our survey. Instances where agencies are unaware of cookies on their web-sites or allow cookies to be set by third parties raise concern about the adequacy of agency control over information collected on their web-sites.

Of the 42 agencies that used cookies, only 7 disclosed in privacy policies that cookies were being used. Most of the State agencies that were using cookie technology either did not have a privacy policy or had a privacy policy that did not disclose the use of cookies.

Generally a user log or cookie does not capture information which can, on its own, identify a specific user. However, if a log or cookie can be matched to personal information supplied by a user, then it may be possible to track the browsing of a web-site user. None of the agencies we surveyed reported using technology and matching it with personal information to monitor the routine

browsing of specific users; however, several agencies noted that user or web logs were needed for security purposes (such as to identify the users trying to hack into the system).

Most agencies stated that the technology they used was needed. Web and user logs were used to compile web-site activity data which is useful for development and maintenance of the site. Session cookies were used to also compile usage information for web-site maintenance and development, as well as for the convenience of the user (e.g., maintains the state of a customer's order while ordering materials online). Persistent cookies were used to recognize returning users, for reasons such as eliminating the need for users to enter information more than once and validating users before they enter a secured site.

There currently exist no Statewide requirements specifically for State agencies' use of technology to collect information on users of State web-sites or requirements regarding the establishment and posting of privacy policies. Consequently, each State agency is responsible for developing privacy policies which disclose how the agency will use information obtained over the Internet.

Of the 114 agencies that reported having a web-site, only 25 agencies (22 percent) reported in their response to our June 2001 survey that they had a privacy statement or policy located on their web-sites. In our November 2001 follow-up, 7 additional agencies reported now having privacy policies, thereby increasing the total number of agencies with privacy policies to 32 (28 percent). Of these 32 agencies, 15 privacy policies were accessible or linked to the homepage; 8 were not located on the homepage but were readily accessible at other locations on the agency's web-site; and the remaining 9 were not readily accessible. A web-site's privacy policy should be readily available to the user of the web-site and generally be accessible from the homepage and all pages that set cookies or solicit personal information.

We found that the content of the privacy statements or policies varied widely. Some were very detailed, addressing logging activities, use of cookie technology, and information regarding the disclosure of personal information. Other policies contained limited notices to web-site users on the collection, maintenance, and use of information about them.

The General Assembly may wish to consider enacting a law which requires all State agencies with a web-site to develop and prominently post a privacy policy addressing the collection, maintenance, and disclosure of personal information, as well as the use of technology to collect information on the use of their web-sites.

BACKGROUND

House Resolution 263 directed the Auditor General to conduct an audit of each State officer and agency that maintains a World Wide Web site and determine the following:

- whether the officer or agency uses technology that allows it to track the browsing or buying habits of Internet users who visit the site;
- whether the tracking is necessary; and
- whether the officer or agency protects those users through adequate notice, choice, access, and security.

With the development of the Internet, users have immediate access to a vast amount of information on State agencies and their programs. Since 1992, the State of Illinois has had a homepage. A homepage is generally considered the principal web-site for an organization and is the primary entry point from the Internet. The homepage for the State is located at <http://www.state.il.us/>.

In response to a survey we mailed to State agencies, 114 of 135 agencies reported having an Internet web-site. Ninety-nine of the 114 agencies reported that they maintained their own web-site. In addition to obtaining information about an agency, most State agency web-sites allow users to communicate with agency officials through the use of an e-mail address included on the web-site. Additionally, some web-sites provide users with request forms, solicit survey information, and permit financial transactions.

The system of, and control over, State agency web-sites is decentralized in Illinois. There are no Statewide requirements or policies to guide agencies' web-site activities, including whether technology is used to monitor and/or track web-site users. (pages 2 – 4)

TRACKING TECHNOLOGY USED

At least 52 of the 114 agencies with web-sites used some form of technology to collect information about users. The types reported included user and web logs, session cookies, and persistent cookies. Many of the agencies used more than one type of technology.

In response to a survey we mailed to State agencies, 114 of 135 agencies reported having an Internet web-site.

At least 52 of the 114 agencies with web-sites used some form of technology to collect information about users. The types reported included user and web logs, session cookies, and persistent cookies.

Web or User Logs

Of the 114 agencies with web-sites, 22 (19 percent) reported using web or user logs. The actual number of State agencies that have access to or use log data is higher than the survey results would indicate since most web server software programs employ web or user logs.

A web or user log captures information such as the Internet Protocol (IP) address of the accessing computer, the type of browser (such as Netscape Navigator or Microsoft Internet Explorer), the specific page requested, and the date and time of the request. Generally a web or user log does not capture information which, on its own, identifies a specific user.

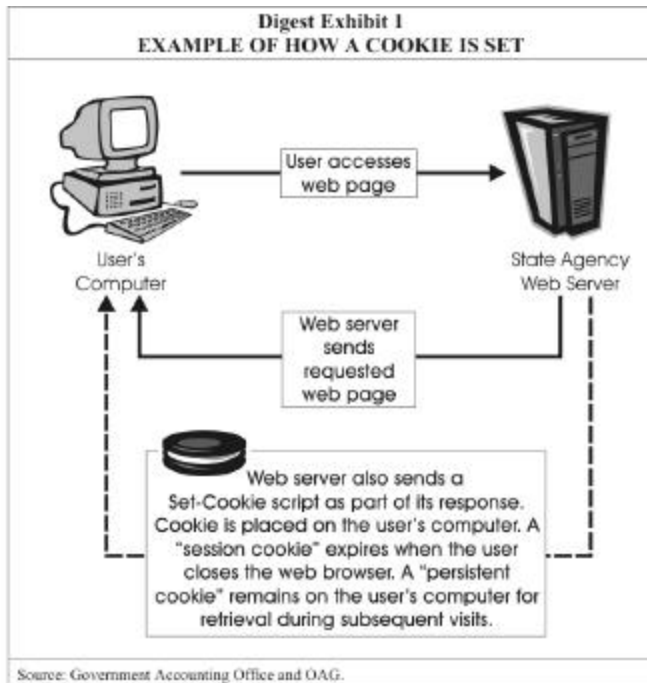
Agencies stated user logs were primarily used for the purpose of web-site development and maintenance. The user log allows web-site administrators to ascertain the frequency with which different portions of its web-site are visited and if there are problems in the functionality of the web-site. Agencies also reported that user logs were used for security purposes.

Agencies stated user logs were primarily used for the purpose of web-site development and maintenance.

Most agencies reported that they believe the use of web and user logs are needed. Of the 22 agencies responding to the survey question of need for these logs, only 3 said the logs were not necessary. In these three instances, the logs were used for site management and/or statistics. However, 16 other agencies used logs for the same purpose and stated that the logs were necessary. (pages 12 - 14)

Session Cookies

Session cookies were the most common type of cookie used, with 36 agencies using them. A "cookie", which is a short string of text, is established when the user accesses a web page using cookie technology. When the web page is first accessed, the web server sends a cookie back to the user's computer. When the user's computer requests a page from the web server that sent it a cookie, the user's computer sends a copy of that cookie back to the server. Digest Exhibit 1 shows how a cookie is placed. Digest Exhibit 2 summarizes the 42 agencies that had cookies on their web-sites.



Session cookies are short-lived, are used only during the current online session, and expire when the user exits the browser. Information collected in a session cookie may include its unique identification number, its expiration date, IP address, type of browser used, and its domain name (such as *state.il.us*).

Agencies reported using session cookies to gather web-site statistics, which are used to evaluate the effectiveness of the site for the purpose of developing and maintaining the site. Agencies also reported using session cookies to enhance the user's online experience.

Persistent Cookies

Twenty-three agencies' web-sites contained persistent cookies. Unlike session cookies which expire when the user exits the browser, persistent cookies remain on the user's computer until a specified expiration date. Persistent cookies can be used by a web-site to track a user's browsing behavior. The data contained in a persistent cookie may be linked to personal information provided by an individual. None of the agencies we surveyed reported using technology and matching it with personal information to monitor the routine browsing of specific users.

Session cookies are short-lived, are used only during the current online session, and expire when the user exits the browser.

Unlike session cookies which expire when the user exits the browser, persistent cookies remain on the user's computer until a specified expiration date.

MANAGEMENT AUDIT - AGENCY USE OF INTERNET USER TRACKING TECHNOLOGY

Digest Exhibit 2 COOKIES ON STATE AGENCY WEB-SITES					
<i>Agency Name</i>	<i>Type of Cookie</i>		<i>Cookie Disclosed In Survey?</i>	<i>Privacy Policy On Web-site?</i>	<i>Policy Disclosed Use Of Cookies?</i>
	<i>Session</i>	<i>Persistent</i>			
1. Banks and Real Estate, Office of	✓		S	✓	
2. Building Commission, Illinois	✓	✓			
3. Capital Development Board		✓			
4. Central Management Services, Dept. of	✓				
5. Commerce and Community Affairs, Dept. of	✓		S	✓	
6. Commerce Commission, Illinois	✓		S	✓**	✓**
7. Community College Board, Illinois	✓				
8. Comptroller		✓	P		
9. Corrections, Department of	✓				
10. Criminal Justice Information Authority, Ill.	✓	✓	S, P	✓	
11. Eastern Illinois University	✓	✓	S		
12. Eastern Illinois University Alumni	✓	✓			
13. Education, State Board of	✓	✓			
14. Elections, State Board of	✓				
15. Employment Security, Department of	✓			✓	
16. Health Care Cost Containment Council	✓				
17. Human Services, Department of	✓				
18. Labor, Department of		✓			
19. Liquor Control Commission	✓				
20. Math & Science Academy, Illinois	✓				
21. Metropolitan Pier and Exposition Authority	✓	✓	S		
22. Natural Resources, Department of	✓	✓	S, P	✓	✓
23. Northeastern Illinois University	✓	✓			
24. Northern Illinois University	✓	✓	S, P		
25. Northern Illinois University Foundation		✓	P	✓*	✓
26. Professional Regulation, Department of	✓	✓			
27. Public Aid, Department of	✓		S		
28. Revenue, Department of	✓		S	✓**	✓**
29. Secretary of State	✓		S	✓	✓
30. SIU Foundation – Carbondale	✓	✓			
31. SIU Physicians and Surgeons	✓		S		
32. Southern Illinois University		✓		✓	
33. State and Local Labor Relations Board	✓				
34. State Police Merit Board		✓			
35. Student Assistance Commission, Illinois	✓	✓	S	✓	
36. Teachers’ Retirement System	✓	✓		✓	✓**
37. Transportation	✓		S		
38. Treasurer	✓	✓	S, P	✓*	
39. University of Illinois	✓	✓	S		
40. University of Illinois Alumni	✓				
41. Western Illinois University	✓	✓	S	✓	✓
42. Wolcott Wood & Taylor, Inc. (Univ. of Ill.)	✓	✓			
TOTALS	36	23	19	14	7

Notes: S = Session cookie; P = Persistent cookie
 * = Policy appeared on third party site which set the cookie
 ** = Policy or cookie disclosure added after June 2001 survey and reported to OAG in November 2001 follow-up
 Source: OAG from June 2001 survey responses and November 2001 follow-up, and August and September 2001 web-site analysis

Persistent cookies allow a web-site to recognize a returning user and thus eliminate the need for the user to re-enter information to validate who the user is or establish preferences. Several of the persistent cookies we identified were cookies set by third parties (i.e., third party cookies). Some third party cookies are placed on the user's computer while the user is on the State agency's web-site; in other instances, the third party cookie is placed when the user goes to another web-site which performs a function or service for the State agency. (pages 14 - 17)

NOTIFICATION OF TECHNOLOGY BEING USED

Agencies generally did not provide notification to users that logs or cookie technology were being used. When notification was provided, it was generally through disclosure in an agency's privacy policy or statement. However, of the 52 agencies that used logs or cookies, 32 did not have a privacy policy; consequently, users were not notified of the technology being used.

In most instances, there was no notification provided on the page of the web-site where the cookie was placed. Of the 42 agencies that used cookies, only 4 had a link to their privacy policy on the page where the cookie was being set. (page 18)

Agencies generally did not provide notification to users that logs or cookie technology were being used.

PRIVACY POLICIES

There is no requirement that privacy statements or policies be developed or disclosed on State of Illinois web-sites, nor is there any Statewide guidance on the use of tracking technology, such as cookies. In July 2001, the Illinois Technology Office added a privacy policy to the State of Illinois homepage.

There were, however, aspects of the policy that could be improved or clarified. For example, the policy did not clearly specify to which agencies or web-sites it applied. By appearing on the State's homepage, one could interpret that the policy applied to all State agencies, or at least those State agencies' web-sites listed on the State's homepage. After informing ITO officials about the potential for differing interpretations of the State's homepage privacy policy, they stated they would work on clarifying the policy.

There is no requirement that privacy statements or policies be developed or disclosed on State of Illinois web-sites, nor is there any Statewide guidance on the use of tracking technology, such as cookies.

On October 11, 2001, an updated privacy policy was added to the State of Illinois homepage which specifically applies only to the State's homepage. The policy contains the following statement:

"The State of Illinois Home Page is a portal with links to other web sites. These include links to web sites operated by Illinois agencies and officials, other government agencies, nonprofit organizations and private businesses. When you link to another site, you are subject to the privacy policy of that new site."

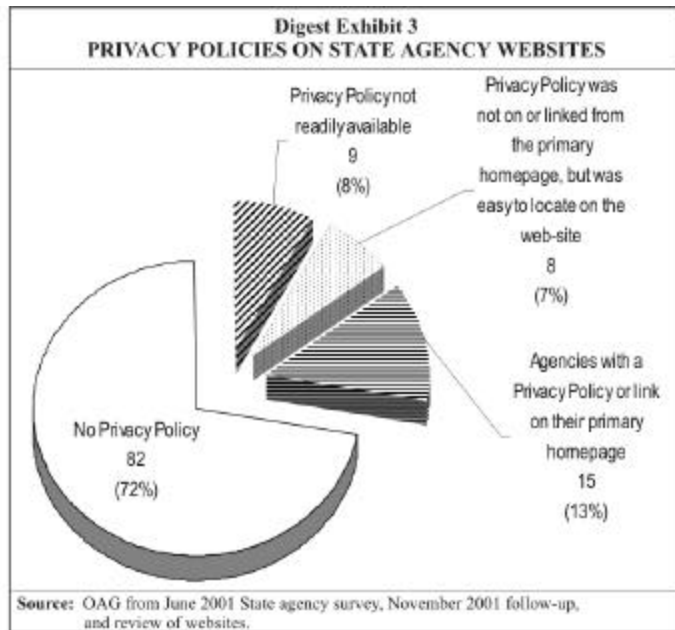
Illinois Technology Office officials stated the purpose of the change was to clear up any confusion regarding which pages were covered by the policy and inform users that once they leave the State's homepage, they are subject to the policy on subsequent pages visited. (pages 23 – 27)

Individual State Agency Privacy Policies

Of the 114 agencies that reported having a web-site, only 32 agencies (28 percent) reported that they had a privacy statement or policy located on their web-sites.

Of the 114 agencies that reported having a web-site, only 25 agencies (22 percent) reported in their response to our June 2001 survey that they had a privacy statement/policy located on their web-sites. In our November 2001 follow-up, 7 additional agencies reported now having privacy policies, thereby increasing the total number of agencies with privacy policies to 32 (28 percent). We visited the web-sites for these 32 agencies to locate and review the privacy policies. Digest Exhibit 3 summarizes the results of this review.

Of the 32 agencies which reported having privacy policies, 15 had the policy posted either on their homepage or clearly linked to their primary homepage. Another 8 web-sites had privacy policies that, while not on their homepage, were easily accessible by users elsewhere on their web-site. For the remaining 9 agencies which reported having a privacy policy, the policies were not readily accessible to users, and in some instances, were either not posted on the web-site or were generic privacy policies and not specific to Internet privacy issues.



We also conducted a review of agencies' privacy policies accessible on web-sites to determine whether they contained the four criteria identified in the third determination of House Resolution Number 263. While the applicability of these criteria may vary depending upon what information is collected by the State agency, State agencies need to consider and address all four criteria.

The four criteria were:

- **Notice** -- provide clear and conspicuous notice of the agency's information practices, such as the type of information collected and how it is collected.
- **Choice** -- offer users choices as to how personal identifying information is used beyond the use for which the information was provided.
- **Access** -- offer users reasonable access to the information the web-site has collected about them.
- **Security** -- take reasonable steps to protect the security of information collected.

Sixty-nine percent (22 of 32) of the policies contained some form of notice regarding the collection of personal information. The other 10 policies either were not accessible on the web-site or did not contain a disclosure about personal information. Sixty-three percent (20 of 32) of the policies had statements regarding choice; however only 7 of 32 and 4 of 32 had statements regarding security and access, respectively. (pages 27 - 29)

We identified 32 states that had a link to the privacy policy on the primary web-site for the state.

Other States' Privacy Policies

In June of 2001, we accessed the primary web-site for state government for each of the 50 states. We conducted a review of the primary web-site to determine if a privacy policy existed and whether the policy was included on the primary web-site for the state.

We identified that 32 states had a link to the privacy policy on the primary web-site for the state. While these states had a link to a privacy policy on the primary web-site, it does not necessarily mean that the policy applied to all state web-sites. Additionally 2 other states had a privacy policy; however, it was not linked from the primary web-site. (pages 30 - 32)

CONCLUSION

There currently exist no Statewide requirements specifically for State agencies' use of technology to collect information on users of State web-sites or requirements regarding the establishment and posting of privacy policies.

Only 32 agencies reported that they had a privacy policy or statement on their web-sites of the 114 agencies that reported having a web-site. Additionally, we found that the content of the privacy statements and policies varied widely.

While privacy policies are clearly needed to inform users of web-sites how information State agencies receive from them will be used, due care needs to be taken by the agencies to ensure that their policies accurately state their use of technology and information handling practices. An agency may be subject to potential liability if it uses information in a manner inconsistent with its stated privacy policy.

There currently exists no statewide requirements specifically for State agencies' use of technology to collect information on users of State web-sites or requirements regarding the establishment and posting of privacy policies.

MATTER FOR CONSIDERATION BY THE GENERAL ASSEMBLY

The General Assembly may wish to consider legislation which establishes basic requirements that agencies must follow regarding operations of their web-sites. Such legislation could require that:

- Each State agency develop a privacy policy for its web-site and that such privacy policy should be readily accessible (such as being located on the homepage and other places where personal information is collected and tracking technology is used);
- The privacy policies clearly identify the use of any technology used to collect information on or track individual users;
- The privacy policies contain provisions that effectively disclose practices regarding notice, choice, access, and security; and
- A compelling need be demonstrated to gather data from users on a State agency web-site. (pages 32 - 34)

The General Assembly may wish to consider legislation which establishes basic requirements that agencies must follow regarding operations of their web-sites.

AGENCY RESPONSE

Responding to the above Matter for Consideration by the General Assembly, the Illinois Technology Office (ITO) noted that although it agreed "with the need to provide clear and prominent privacy policies, legislation may be too restrictive to adapt to continual changes in the industry and tools used to serve citizens better, especially given the current security considerations in our nation and actions we may need to take in the future." The ITO's written response can be found in Appendix K of the full report.

WILLIAM G. HOLLAND
Auditor General

WGHJS

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GLOSSARY

Browser - Short for web browser, a software application used to locate and display web pages. The two most popular browsers are Netscape Navigator and Microsoft Internet Explorer. Both of these are graphical browsers, which means they can display graphics as well as text.

Cookie - A message given to a web browser by a web server. The browser stores the message in a text file. The message is then sent back to the server each time the browser requests a page from the server.

Session cookie - small file that contains information about a user that disappears when the user's browser is closed. Unlike a persistent cookie, a session cookie is not stored on the hard drive but is only stored in temporary memory that is erased when the browser is closed.

Persistent cookie - cookie that is placed on a user's computer and typically remains on the computer for long periods of time.

Third party cookie - cookie placed by a third party site.

Domain - A group of computers and devices on a network that are administered as a unit with common rules and procedures. Within the Internet, domains are defined by the IP address. All devices sharing a common part of the IP address are said to be in the same domain.

Domain Name - A name that identifies one or more IP addresses. Domain names are used in URLs to identify particular web pages. For example, in the URL *http://www.state.il.us/index.html*, the domain name is *state.il.us*.

Every domain name has a suffix that indicates which top-level domain it belongs to. There are only a limited number of such domains. For example:

- gov – Government agencies
- edu – Educational institutions
- org – Organizations (nonprofit)
- mil – Military
- com – Commercial business
- net – Network organizations
- us – Country code

Internet - A global network connecting millions of computers. The Internet is decentralized by design. Each Internet computer, called a host, is independent. Its operators can choose which Internet services to use and which local services to make available to the global Internet community. There are a variety of ways to access the Internet. Most online services, such as America Online, offer access to some Internet services.

Internet Protocol (IP) Address - An identifier for a computer or device on a network. Networks using this protocol route messages based on the IP address of the destination.

Protocol - An agreed-upon format for transmitting data between two devices. The protocol determines the following:

- the type of error checking to be used;
- data compression method, if any;
- how the sending device will indicate that it has finished sending a message; and
- how the receiving device will indicate that it has received a message.

Server (also known as web server) - A computer that delivers (serves up) web pages. Every web server has an IP address and possibly a domain name. For example, if you enter the URL *http://www.state.il.us/state/agency/* in your browser, this sends a request to the server whose domain name is *state.il.us*. The server then fetches the page named *state/agency/*, which will take you to an alphabetical listing of Illinois state agencies, and sends it to your browser.

URL - Abbreviation of Uniform Resource Locator, the global address of documents and other resources on the World Wide Web. The State of Illinois' URL is *http://www.state.il.us*.

The first part of the address indicates what protocol to use, and the second part specifies the IP address or the domain name where the resource is located.

User Log (also known as Web Log or Access Log) - User logs generally list all requests for individual web pages that have been requested from a web-site. The raw log data is retained and can be analyzed and summarized by other software programs. Some of the data retained in these logs is:

- The Internet Protocol (IP) address and domain name used.
- The type of browser and operating system used and the connection speed.
- The date and time the site was accessed.
- The web pages or services accessed at the site.

Web Page - A document on the World Wide Web. Every web page is identified by a unique URL (Uniform Resource Locator).

Web-Site - A site (location) on the World Wide Web. Each web-site contains a homepage, which is the first document users see when they enter the site. Each site is owned and managed by an individual, company or organization. The State of Illinois' homepage is located at *http://www.state.il.us*.

World Wide Web - A system of Internet servers that support specially formatted documents. The documents are formatted in a language called HTML (HyperText Markup Language) that supports links to other documents, as well as graphics, audio, and video files.

Chapter One

INTRODUCTION AND BACKGROUND

REPORT CONCLUSIONS

The Internet provides immediate access to vast amounts of information on State agencies and their programs. By accessing State agencies' web-sites, users can communicate with government officials, request program information, apply for services, and make purchases. As noted in House Resolution Number 263, which requested this audit, concerns have been raised in both the private and public sectors about the privacy of individuals as they use the Internet, and specifically, the use of technology to track the browsing habits of Internet users.

As of November 2001, 114 State agencies reported having an Internet web-site that the public could access to obtain information on programs and services. Of these 114 agencies, at least 52 used some form of technology, such as "cookies" or user logs, to collect information on the use of their web-sites. A "cookie" is a short string of text that is sent from a web-site to the user's computer. The following technology was used: 30 agencies used only cookies; 12 agencies used both logs and cookies; and 10 agencies used only user or web logs. Of the 42 agencies which used cookies, 19 agencies used session cookies only, 6 used persistent cookies only, and 17 used both.

In responding to our initial survey we sent in June 2001, only 19 agencies reported that cookies were used on their web-sites. However, our follow-up examination identified an additional 23 agencies whose web-sites used cookies. When we inquired as to why cookies were not reported on the survey, agency officials generally cited one of three reasons: 1) they were unaware of the cookies' existence; 2) the cookies were being placed by third parties and were beyond their control; or 3) the cookies were added to the web-site subsequent to their completion of our survey. Instances where agencies are unaware of cookies on their web-sites or allow cookies to be set by third parties raise concern about the adequacy of agency control over information collected on their web-sites.

Of the 42 agencies that used cookies, only 7 disclosed in privacy policies that cookies were being used. Most of the State agencies that were using cookie technology either did not have a privacy policy or had a privacy policy that did not disclose the use of cookies.

Generally web or user logs and cookies do not capture information which can, on its own, identify a specific user. However, if a log or cookie can be matched to personal information supplied by a user, then it may be possible to track the browsing of a web-site user. None of the agencies we surveyed reported using technology and matching it with personal information to monitor the routine browsing of specific users; however, several agencies noted that user or web logs were needed for security purposes (such as to identify the users trying to hack into the system).

Most agencies stated that the technology they used was needed. Web and user logs were used to compile web-site activity data which is useful for development and maintenance of the site. Session cookies were used to also compile usage information for web-site maintenance and development, as well as for the convenience of the user (e.g., maintains the state of a customer's order while ordering materials online). Persistent cookies were used to recognize returning users, for reasons such as eliminating the need for users to enter information more than once and validating users before they enter a secured site.

There currently exist no Statewide requirements specifically for State agencies' use of technology to collect information on users of State web-sites or requirements regarding the establishment and posting of privacy policies. Consequently, each State agency is responsible for developing privacy policies which disclose how the agency will use information obtained over the Internet.

Of the 114 agencies that reported having a web-site, only 25 agencies (22 percent) reported in their response to our June 2001 survey that they had a privacy statement/policy located on their web-sites. In our November 2001 follow-up, 7 additional agencies reported now having privacy policies, thereby increasing the total number of agencies with privacy policies to 32 (28 percent). Of these 32 agencies, 15 privacy policies were accessible or linked to the homepage; 8 were not located on the homepage but were readily accessible at other locations on the agency's web-site; the remaining 9 were not readily accessible. A web-site's privacy policy should be readily available to the user of the web-site and generally be accessible from the homepage and all pages that set cookies or solicit personal information.

We found that the content of the privacy statements or policies varied widely. Some were very detailed, addressing logging activities, use of cookie technology, and information regarding the disclosure of personal information. Other policies contained limited notices to web-site users on the collection, maintenance, and use of information about them.

The General Assembly may wish to consider enacting a law which requires all State agencies with a web-site to develop and prominently post a privacy policy addressing the collection, maintenance, and disclosure of personal information, as well as the use of technology to collect information on the use of their web-sites.

BACKGROUND

House Resolution 263 (Appendix A) directs the Auditor General to conduct an audit of each State officer and agency that maintains a World Wide Web site and determine the following:

- whether the officer or agency uses technology that allows it to track the browsing or buying habits of Internet users who visit the site;
- whether the tracking is necessary; and

- whether the officer or agency protects those users through adequate notice, choice, access, and security.

The Resolution directs the Auditor General to report its findings and recommendations to the General Assembly by January 2, 2002.

STATE AGENCY WEB-SITES

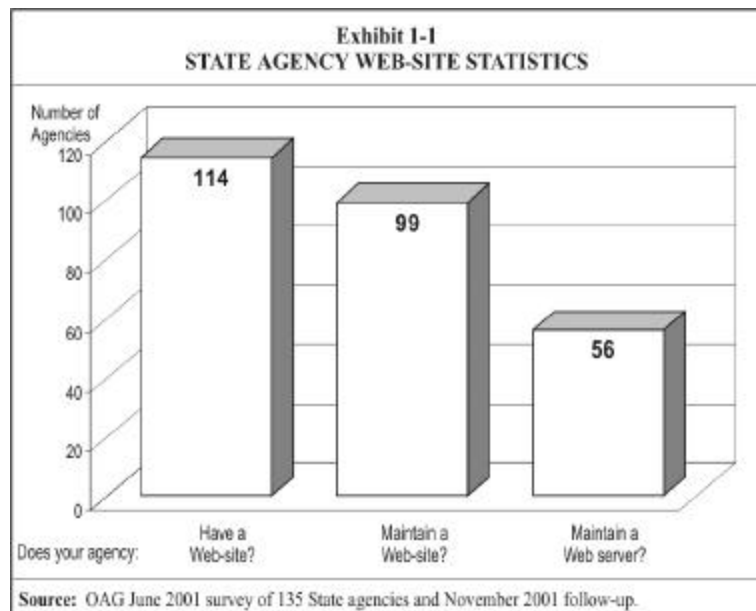
Since 1992, the State of Illinois has had a homepage. A homepage is generally considered the principal web-site for an organization and is the primary entry point from the Internet. The Glossary to the report contains definitions for technical terms used throughout the audit. The homepage is the usual address for a web-site; for example, the homepage for the State is located at <http://www.state.il.us/>. This would be considered the primary entry point for someone trying to locate information on Illinois state government and programs. On August 28, 2001, web-sites of 79 agencies and offices were linked to the State's homepage. These included links to Constitutional officers, the Legislature, and Courts, as well as departments, boards and commissions.

With the development of the Internet, users have immediate access to a vast amount of information on State agencies and their programs. Users can find out about a social service program's eligibility requirements, download bidding forms for State contracts, and see where highway construction delays are occurring. Users can also make purchases over the Internet, including hunting and fishing licenses, vehicle registrations, and supplies and clothing from university bookstores.

In addition to obtaining information about an agency, most State agency web-sites allow users to communicate with agency officials through the use of an e-mail address included on the web-site. Additionally, some web-sites provide users with request forms, solicit survey information, and permit financial transactions.

In June 2001, we mailed a survey to State agencies to determine whether they had an Internet web-site. All agencies responded to the survey. Of the 135 responses received, 114 agencies reported having an Internet web-site, as shown in Exhibit 1-1.

Of the 114 agencies with web-sites, 99 reported that



they maintained their own web-site. Almost half of the agencies with web-sites (56 of 114) reported that they maintain their own web server. The web server is the hardware and software that operates the web-site. Of the other 58 agencies that reported using another entity's web server, 34 reported using the Department of Central Management Services' web server and 8 used the Legislative Information System's server. Some agencies used the servers of other State agencies while others used private contractors. Several agencies had multiple web-sites, some located on more than one server. A summary of agency responses to the survey can be found in Appendix D of the report.

The system of, and control over, State agency web-sites is decentralized in Illinois. As indicated above, some State agencies' web-sites are located on the Department of Central Management Services' server, some used their own servers, while others were on a private vendor's server. As will be discussed further in Chapter 3, there are no Statewide requirements or policies to guide agencies' web-site activities, including whether technology is used to monitor and/or track web-site users. The Department of Central Management Services is responsible only for the maintenance of its server, and does not exercise control over the contents of web-sites on its server.

In February 1999, the Governor's Executive Order Number 5 created the Illinois Technology Office (ITO). According to ITO officials, the ITO educates State agencies on IT-related issues, and has provided assistance to some agencies in the layout and design of web-sites and review of privacy policies. The ITO maintains its own web-site, the State's homepage, and the Office of the Governor's sites. The Technology Office was also responsible for developing the Privacy Notice that was placed on the State's homepage.

USE OF TRACKING TECHNOLOGY AND PRIVACY

Web-sites use various types of technology to track and collect information on web-site users and activity. In response to our survey, State agencies reported using several different types of technology to collect information on web-site usage and activity. These technologies included user or web logs, session cookies, and persistent cookies.

User or Web Logs

User or web logs generally list all requests for individual web pages that have been requested from a web-site. The raw log data is retained and can be analyzed and summarized by other software programs. Some of the data retained in these logs are:

- The Internet Protocol (IP) address and domain name used. The IP address is an identifier for a computer or device. The domain name identifies one or more IP addresses. For example, in the URL *www.state.il.us/index.html*, the domain name is *state.il.us*.
- The type of browser and operating system used. The browser is software on the user's computer that provides a way to look at and interact with all the information on

the World Wide Web. The two most common browsers are Netscape Navigator and Microsoft Internet Explorer.

- The date and time the site was accessed.
- The web pages or services accessed at this site.

These logs are analyzed to provide the following types of information:

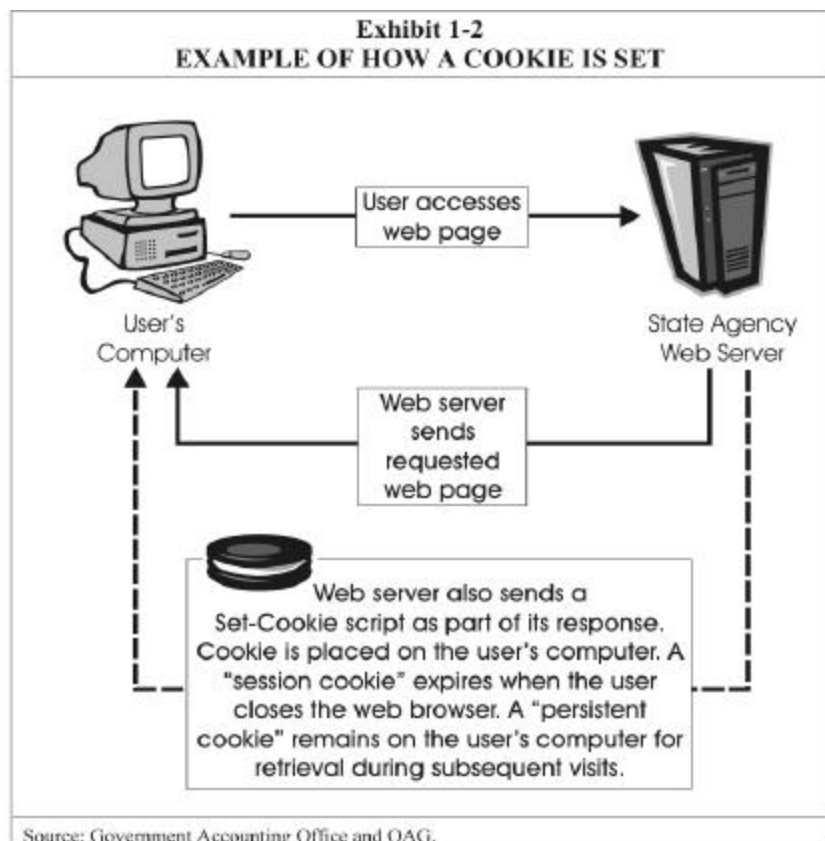
- Number of visitors to a homepage;
- Origin of visitors in terms of their associated server's domain name (i.e., whether the user came from an education, government, or commercial server);
- Number of requests for individual web pages; and
- Usage patterns based on time of day, day of week, season, etc.

User and web logs, discussed in more detail in Chapter 2, are used to monitor web-site activity and in the development and design of the web-site.

Cookies

A cookie, which is a short string of text, is established when the user accesses a web page using cookie technology. The information stored in a cookie includes, among other things, the name of the cookie, its unique identification number, its expiration date, IP (Internet Protocol) address, type of browser used (such as Netscape Navigator or Microsoft Internet Explorer), and its domain name (such as *state.il.us*).

When the web page is first accessed, the web server sends a cookie back to the user's computer. When the user's computer requests a page from the web server that sent it a cookie, the user's computer sends a copy of that cookie back to the server. Exhibit 1-2 shows how a cookie is placed.



Cookies may be classified as either “session” or “persistent.” Session cookies expire when the user exits the Internet and closes the browser. Session cookies are generally limited to generic information such as the user’s IP address, browser software, date and time of visit, and pages accessed on the site. Session cookies can allow server operators to track user movements through a site and allow site operators to obtain a clearer picture of how users navigate through a site. A cookie provides the navigation information in a format that is easier to analyze than log files.

Persistent cookies have unique identifiers associated with them and, unlike the session cookie, do not expire when the user exits from the Internet, but rather remain on the user’s computer for an extended period of time. When a user revisits the web-site that sent the persistent cookie, the user’s computer sends a copy of the cookie back to the server. The information in the persistent cookie allows the server to recognize returning users, track online purchases, or maintain and serve customized web pages. This information is then stored in the server’s log files. The cookie itself does not provide the server with any additional personal information but may make it easier for the server to track users’ browsing habits.

PRIVACY AND THE INTERNET

Two types of privacy concerns have been raised concerning the use of Internet web-sites. The first is using technology to track where individuals go over the Internet. While user logs and cookies generally do not collect personally identifiable information (such as name, social security number, or e-mail address), the information that is collected could be combined with personally identifiable information provided by the user, and ultimately, could be used to track the individual’s movements.

Persistent cookies create the most concern because they have a unique identifier assigned to them and remain on the user’s computer for an extended period of time. Consequently, if the persistent cookie is linked to other personal identifying information submitted by the user, then the user’s identity can be ascertained and his or her movements over certain web-sites can be tracked (see inset from the federal Office of Management and Budget policy memorandum for federal web-sites).

The second privacy concern is the safeguarding of personal information individuals provide to government agencies over the web-sites. The Internet allows users to send a great amount of personal information to State agencies. These include name, address, social security number, credit card number, and e-mail address. Concerns regarding the use of personal information include with whom the information might be shared as well as whether the security over the personal information is adequate.

**OMB Memorandum 00-13
June 22, 2000**

"Particular privacy concerns may be raised when uses of web technology can track the activities of users over time and across different web sites. These concerns are especially great where individuals who have come to government web sites do not have clear and conspicuous notice of any tracking activities. 'Cookies' -- small bits of software that are placed on a web user's hard drive -- are a principal example of current web technology that can be used in this way."

The issue of privacy and the handling of personal information obtained from Internet users is further complicated for government agencies. On one hand, State agencies may have an obligation to protect the individual privacy rights of users. On the other hand, State agencies need to fulfill obligations under the Freedom of Information Act (5 ILCS 140/1 *et seq.*) which gives the public access, with certain exceptions, to public records, including information submitted via the Internet. Consequently, it is important that State agencies provide clear and adequate notice to users as to how personal information they submit over the Internet will be handled. The following excerpt from a privacy notification on a State agency web-site illustrates how agencies need to balance the privacy rights of individuals with the rights of the public to obtain information about the operations of State government:

"We collect no personal information about you unless you voluntarily participate in an activity that asks for information (e.g., sending an e-mail or participating in a survey). If personal information is requested on the web site or volunteered by the user, state law and the federal Privacy Act of 1974 may protect it. However, this information is a public record once you provide it, and may be subject to public inspection and copying if not protected by federal or state law."

The privacy policies of State agencies are discussed in greater detail in Chapter 3 of the report.

FEDERAL REPORTS ON INTERNET USER TRACKING TECHNOLOGY AND PRIVACY

House Resolution 263 cites concerns raised by federal agencies' use of technology to track the browsing and buying habits of Internet users. The General Accounting Office (GAO) produced several reports pertaining to Tracking Technology used by federal agencies and Internet privacy. One report, issued in April 2001, reviewed whether selected federal web-sites' use of cookies was consistent with guidance established by the Office of Management and Budget (OMB).

The GAO reviewed 65 federal web-sites. Of the 65 federal sites, 8 used persistent cookies. Four of the eight did not disclose such use in their privacy policies as required by OMB, while the other four did provide disclosure but did not meet OMB's other conditions for using cookies. Out of the 57 sites that did not use persistent cookies, 4 of them did not post privacy policies on their homepages.

In an October 2000 report, the GAO was asked to determine how federal web-sites fared when measured against the Federal Trade Commission's (FTC) fair information principles for commercial web-sites, and the extent to which these sites allowed the placement of third-party cookies. The GAO reviewed 65 federal web-sites for the collection of personal identifying information and disclosure indicating that they meet the four fair information principles: Notice, Choice, Access, and Security. All 65 federal web-sites reviewed collected personal identifying information with 85 percent of them posting privacy notices. Out of the 65 sites reviewed:

- 69 percent met FTC’s criteria for Notice;
- 45 percent met FTC’s criteria for Choice;
- 17 percent met FTC’s criteria for Access;
- 23 percent met FTC’s criteria for Security; and
- 3 percent implemented all four elements.

In a third report issued in September 2000, the GAO was asked to determine:

- if agencies have clearly labeled and easily accessed privacy policies posted on their principal web-sites;
- if agencies’ privacy policies posted on their principal web-sites inform visitors about what information an agency collects, why the agency collects it, and how the agency will use the information;
- how selected agencies have interpreted the requirements to post privacy policies at major entry points; and
- if selected agencies have posted privacy policies on web pages where the agency collects “substantial” personal information or, when applicable, notices that refer to the Privacy Act of 1974.

The GAO found 67 of 70 agencies' web-sites had clearly labeled and easily accessible privacy policies. Sixty-three of the 70 sites had privacy policies that addressed the automatic collection of information, and 67 had privacy policies and procedures that addressed whether or not they collect information that visitors voluntarily provide. These policies and procedures stated what information was being collected, why the agency was collecting it, and how they planned to use it.

To determine what qualified as personal information the GAO set the criteria to include information that contained the individual’s (1) name, (2) e-mail address, (3) postal address, (4) telephone number, (5) social security number, or (6) credit card number. The GAO reviewed 101 online forms that collected “substantial” personal information. Forty-four of these forms did not have privacy policies posted.

AUDIT SCOPE AND METHODOLOGY

This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit objectives for this management audit were those as delineated in House Resolution Number 263:

- 1) whether State agencies use technology that allows it to track the browsing or buying habits of users;

- 2) if such technology is employed, is the tracking needed; and
- 3) whether the agency protects those users through adequate notice, choice, access, and security.

The primary source of information used to answer the above determinations was a survey sent to State agencies in June 2001. A copy of the survey is found in Appendix C. Responses were received from all agencies surveyed. The survey responses were entered into an Access database for analysis. Several agencies submitted multiple surveys (such as if they had multiple web-sites, separate organization units, etc.). For reporting purposes, we combined these multiple responses into one overall response for the agency. A total of 135 responses were received. In November 2001, we asked agencies to provide updated responses if there had been significant changes since they completed the June 2001 survey.

To verify the information reported by agencies, we examined each agency's web-site using Netscape Navigator to identify cookies. We also verified that privacy policies reported by the agencies were located on the web-site. This testing was conducted from August 1 through September 25, 2001. More information on the audit methodology is contained in Appendix B.

We conducted interviews with officials from the Department of Central Management Services and the Illinois Technology Office regarding their roles pertaining to State agencies' web-sites, use of tracking technology, and development of privacy policies. We also conducted follow-up interviews with State agencies regarding either their responses to our survey or questions arising from our review of their web-sites. Finally, we contacted 31 agencies to gather additional information concerning their security practices related to information collected over the Internet.

We reviewed the privacy policies reported by State agencies to determine the extent to which they contained information related to the four attributes of user notice, choice, access, and security, as directed by the House Resolution. We also reviewed privacy policies established by other states, as well as federal and other reports regarding tracking technology and Internet privacy.

The survey of State agencies inquired as to the management controls the agencies have over the information collected over the Internet. Such management controls include policies and procedures, and well-defined limits or safeguards over the use of, and who has access to, personal information. The primary management controls tested were agency privacy policies. We also conducted follow-up work at selected agencies to obtain additional information on those agencies' security practices pertaining to information obtained from Internet users. Conclusions regarding the adequacy of such policies are included in the audit report.

We reviewed State and federal laws as they apply to the use of technology to collect information on users of the Internet. We also reviewed prior studies and audits to provide background and comparative information used to examine Illinois' practices in these areas.

In addition to criteria found in laws, other studies, and audits, we used a report entitled "*Privacy Policies -- Are You Prepared? -- A Guidebook for State and Local Government*" issued in December 2000 by the National Electronic Commerce Coordinating Council (NECCC). The NECCC report was used to help develop the criteria we then used to review State agencies privacy policies. The NECCC is an alliance of national state government associations which works to advance electronic government within the states. The Council is comprised of NASIRE (a group representing the chief information officers of the states), the National Association of State Purchasing Officials (NASPO), the National Association of State Auditors, Comptrollers and Treasurers (NASACT), and the National Association of Secretaries of State (NASS). In addition to these voting members, other organizations participate in an advisory fashion, including the National Governors Association (NGA).

REPORT ORGANIZATION

The report is organized into three chapters. The following chapters are:

Chapter Two – Use of Internet Tracking Technology by State Officers and Agencies

Chapter Three – State Agency Privacy Policies

Chapter Two

USE OF INTERNET TRACKING TECHNOLOGY BY STATE OFFICERS AND AGENCIES

CHAPTER CONCLUSIONS

As of November 2001, 114 State agencies reported having an Internet web-site that the public could access to obtain information on programs and services. Of these 114 agencies, at least 52 used some form of technology, such as cookies or user logs, to collect information on the use of their web-sites. The following technology was used: 30 agencies used only cookies; 12 agencies used both logs and cookies; and 10 agencies used only user or web logs. Of the 42 agencies which used cookies, 19 agencies used session cookies only, 6 used persistent cookies only, and 17 used both.

In responding to our initial survey we sent in June 2001, only 19 agencies reported that cookies were used on their web-sites. However, our follow-up examination identified an additional 23 agencies whose web-sites used cookies. When we inquired as to why cookies were not reported on the survey, agency officials generally cited one of three reasons: 1) they were unaware of the cookies' existence; 2) the cookies were being placed by third parties and were beyond their control; or 3) the cookies were added to the web-site subsequent to their completion of our survey. Instances where agencies are unaware of cookies on their web-sites or allow cookies to be set by third parties raise concern about the adequacy of agency control over information collected on their web-sites.

Of the 42 agencies that used cookies, only 7 disclosed in their privacy policies that cookies were being used. Most of the State agencies that were using cookie technology either did not have a privacy policy or had a privacy policy that did not disclose the use of cookies.

Generally web or user logs and cookies do not capture information which can, on their own, identify a specific user. Concerns exist, however, if a log or cookie can be matched to personal information supplied by a user, then it may be possible to track the browsing of a web-site user. None of the agencies we surveyed reported using technology and matching it with personal information to monitor the routine browsing of specific users; however, several agencies noted that user or web logs were needed for security purposes (such as to identify the users trying to hack into the system).

Most agencies stated that the technology they used was needed. Web and user logs were used to compile web-site activity data which is useful for development and maintenance of the site. Session cookies were used to also compile usage information for web-site maintenance and development, as well as for the convenience of the user (e.g., maintains the state of a customer's order while ordering materials online). Persistent cookies were used to recognize returning users, for reasons such as eliminating the need for users to enter information more than once and validating users before they enter a secured site.

TRACKING TECHNOLOGY USED

At least 52 of the 114 agencies with web-sites used some form of technology to collect information about users. The types reported included user and web logs, session cookies, and persistent cookies. Many of the agencies used more than one type of technology.

We used two methods to identify whether an agency used technology to collect information about users of its web-site. The first was a survey we sent to all State agencies in June 2001. In responding to the survey, 33 agencies reported using tracking technology – 22 reported using web or user logs and 19 reported using some type of cookie. Several agencies used multiple technologies. Our second method was an examination of agencies' web-sites in August and September 2001 using Netscape Navigator to identify cookies that agencies may have been using but that were not reported on the survey.

Our examination identified cookies on web-sites of 23 agencies that reported to us in their survey responses that their web-sites did not use cookies. Furthermore, at five other agencies, we found an additional type of cookie to the one that was reported on their survey. Three of the agencies that reported no cookies on their survey stated that the cookies were added between the time they responded to the survey and the time when we did our online analysis. However, in most instances, the agencies were either unaware that the cookies existed on their web-sites or were aware of the cookies but stated the cookies were being placed by a third party (such as a vendor providing online class registration) and were beyond their control. Instances where agencies are unaware of cookies on their web-sites or where cookies are being set by third parties raise concern about the adequacy of agency control over information collected on their web-sites.

Web or User Logs

Of the 114 agencies with web-sites, 22 (19 percent) reported using web or user logs. Exhibit 2-1 lists the agencies that reported using web or user logs on their responses to our survey.

A web or user log captures information such as the IP address of the accessing computer, the type of browser and operating system, the specific page requested, the referring URL, and the date and time of the request. Generally a web or user log does not capture information which, on its own, identifies a specific user. The user's IP address is the most specific information that a web log collects. The IP address typically is not identifiable back to a specific computer, but rather, to an Internet provider that would have many users. An exception to this may be a user who has a direct Internet connection or a stand-alone IP address.

The actual number of State agencies that have access to or use log data is higher than the survey results would indicate since most web server software programs employ web or user logs. For example, the Illinois Technology Office responded to our survey that the Office does not use cookies or user logs to collect information on or track users. However, in a follow-up meeting, ITO officials noted they do receive statistics compiled from a web log maintained by the Department of Central Management Services' web server. The statistics include items such as total number of visitors, most frequently visited pages, and URLs. ITO officials indicated they responded no to the survey because this information was not used to track users. These web log statistics are available to all agencies that have their web-sites on DCMS' server.

Agencies stated user logs were primarily used for the purpose of web-site development and maintenance. The user log allows web-site administrators to ascertain the frequency with which different portions of its web-site are visited and if there are problems in the functionality of the web-site. Some examples of agencies' responses to why user logs are used included:

- To assess site popularity, use, and relationships to other pages for planning improvements; and
- Information collected includes general information regarding the number of users visiting Department web-sites and which pages or sections are viewed.

Agencies also reported that user logs were used for security purposes. From these logs, agencies can identify the IP address of the user accessing secured data and the duration of the access. Agencies can also scan the logs for unauthorized access attempts and block the IP address if necessary. Examples of agency responses citing using logs for security purposes included:

- If web servers are subjected to hacker attacks, we can disallow access to our systems from the offending IP addresses;

Exhibit 2-1 STATE AGENCIES REPORTING USE OF WEB OR USER LOGS	
1.	Aging, Department on
2.	Agriculture, Department of
3.	Building Commission, Illinois
4.	Chicago State University
5.	Commerce Commission, Illinois
6.	Criminal Justice Information Authority, Illinois
7.	Development Finance Authority
8.	Drycleaner Environmental Response Fund Council
9.	Eastern Illinois University
10.	Environmental Protection Agency
11.	Illinois State University
12.	Natural Resources, Department of
13.	Northern Illinois University
14.	Revenue, Department of
15.	Southern Illinois University
16.	Student Assistance Commission, Illinois
17.	Transportation, Department of
18.	University of Illinois
19.	University of Illinois Foundation
20.	University of Illinois - Illinois Ventures
21.	Violence Prevention Authority, Illinois
22.	Western Illinois University
Source: OAG from June 2001 survey responses	

- The logs are used to scan for unauthorized access; and
- We can track security problems through information in the web server log files.

Most agencies reported that they believe the use of web and user logs are needed. Of the 22 agencies responding to the survey question of need for these logs, only 3 said the logs were not necessary. In these three instances, the logs were used for site management and/or statistics. However, 16 other agencies used logs for the same purpose and stated that the logs were necessary.

Agencies reported keeping user or web logs for varied periods of time. A few responded that logs are deleted at the end of the user's session or retained for only a few months. However, most of the agencies that specified a length of time for retaining the logs reported maintaining them for at least one year, and in several cases, for an indefinite period of time.

Session Cookies

Session cookies were the most common type of cookie used, with 36 agencies using them (see Exhibit 2-2). As discussed in Chapter 1, session cookies are short-lived, are used only during the current online session, and expire when the user exits the browser. Information collected in a session cookie may include its unique identification number, its expiration date, IP (Internet Protocol) address, type of browser used (such as Netscape Navigator or Microsoft Internet Explorer), and its domain name (such as *state.il.us*).

Agencies reported using session cookies to gather web-site statistics, which are used to evaluate the effectiveness of the site for the purpose of developing and maintaining the site. Agencies also reported using session cookies to enhance the user's online experience, including:

- The session cookie maintains the state of a customer's order while ordering online;
- This technology helps us know that we have the same user from one screen to the next;
- The session cookies keep the pages straight for each user; and
- The cookie is used ONLY to maintain application state during tax filing, and the cookie is discarded at the end of the application session.

**Exhibit 2-2
COOKIES ON STATE AGENCY WEB-SITES**

<i>Agency Name</i>	<i>Type of Cookie</i>		<i>Cookie Disclosed In Survey?</i>	<i>Privacy Policy On Web-site?</i>	<i>Policy Disclosed Use Of Cookies?</i>
	<i>Session</i>	<i>Persistent</i>			
1. Banks and Real Estate, Office of	✓		S	✓	
2. Building Commission, Illinois	✓	✓			
3. Capital Development Board		✓			
4. Central Management Services, Dept. of	✓				
5. Commerce and Community Affairs, Dept. of	✓		S	✓	
6. Commerce Commission, Illinois	✓		S	✓**	✓**
7. Community College Board, Illinois	✓				
8. Comptroller		✓	P		
9. Corrections, Department of	✓				
10. Criminal Justice Information Authority, Ill.	✓	✓	S, P	✓	
11. Eastern Illinois University	✓	✓	S		
12. Eastern Illinois University Alumni	✓	✓			
13. Education, State Board of	✓	✓			
14. Elections, State Board of	✓				
15. Employment Security, Department of	✓			✓	
16. Health Care Cost Containment Council	✓				
17. Human Services, Department of	✓				
18. Labor, Department of		✓			
19. Liquor Control Commission	✓				
20. Math & Science Academy, Illinois	✓				
21. Metropolitan Pier and Exposition Authority	✓	✓	S		
22. Natural Resources, Department of	✓	✓	S, P	✓	✓
23. Northeastern Illinois University	✓	✓			
24. Northern Illinois University	✓	✓	S, P		
25. Northern Illinois University Foundation		✓	P	✓*	✓
26. Professional Regulation, Department of	✓	✓			
27. Public Aid, Department of	✓		S		
28. Revenue, Department of	✓		S	✓**	✓**
29. Secretary of State	✓		S	✓	✓
30. SIU Foundation – Carbondale	✓	✓			
31. SIU Physicians and Surgeons	✓		S		
32. Southern Illinois University		✓		✓	
33. State and Local Labor Relations Board	✓				
34. State Police Merit Board		✓			
35. Student Assistance Commission, Illinois	✓	✓	S	✓	
36. Teachers’ Retirement System	✓	✓		✓	✓**
37. Transportation	✓		S		
38. Treasurer	✓	✓	S, P	✓*	
39. University of Illinois	✓	✓	S		
40. University of Illinois Alumni	✓				
41. Western Illinois University	✓	✓	S	✓	✓
42. Wolcott Wood & Taylor, Inc. (Univ. of Illinois)	✓	✓			
TOTALS	36	23	19	14	7

Notes: S = Session cookie; P = Persistent cookie;

* = Policy appeared on third party site which set the cookie

** = Policy or cookie disclosure added after June 2001 survey and reported in November 2001 follow-up

Source: OAG from June 2001 survey responses and November 2001 follow-up, and August and September 2001 web-site analysis

Persistent Cookies

Twenty-three agencies' web-sites contained persistent cookies. Unlike session cookies which expire when the user exits the browser, persistent cookies remain on the user's computer until a specified expiration date. Persistent cookies can be used by a web-site to track a user's browsing behavior, through potential linkage to other data and whenever the user returns to the site. Persistent cookies themselves do not gather personally identifiable information. However, the data contained in a persistent cookie may be linked to an individual after the fact, even when that was not the original intent of the operating web-site.

An April 2001 GAO report gave the following example of how a persistent cookie could be used to link individuals through the Internet:

"Links may be established when persons accessing the Web site give out personal information, such as their names or e-mail addresses, which can uniquely identify them to the organization operating the Web site. Once a persistent cookie is linked to personally identifiable information, it is relatively easy to learn visitors' browsing habits and keep track of viewed or downloaded pages. This practice raises concerns about the privacy of visitors to federal Web sites."

Persistent cookies allow a web-site to recognize a returning user and thus eliminate the need for the user to re-enter information to validate who the user is or establish preferences. Agencies used persistent cookies for the following reasons:

- To ensure persons responding to the Question of the Month on the Comptroller's homepage do not distort survey results by voting more than once;
- To validate users when they access a secure site; and
- As a convenience to users so that they do not have to enter the same data more than once.

The persistent cookies remained on the user's computer for varying periods of time. Some persistent cookies at the University of Illinois, Treasurer's Office, and State Board of Education had an expiration date of 1969, which meant that they expired when the user exited the browser. Other examples of the length of time persistent cookies remained on the user's computer were 3 months for the Office of the Comptroller, to expiring in the year 2037 for the Department of Professional Regulation.

Third Party Cookies

Several of the persistent cookies we identified were cookies set by third parties (i.e., third party cookies). Some third party cookies are placed on the user's computer while the user is on the State agency's web-site; in other instances, the third party cookie is placed when the user goes to another web-site which performs a function or service for the State agency.

Many State agencies' web-sites have links to other web-sites that may be of interest to users. For example, the Department on Aging's web-site contains a link to other web-sites that may be of interest to senior citizens. These links include Illinois Area Agencies on Aging, the American Association of Retired People, and the National Aging Information Center. The State agency does not control the content of these web-sites, and more specifically, does not control whether the linked site uses any technology to monitor users. Since these are outside of the control of the agency, and the user is usually provided clear notice that they are leaving the State's web-site, we did not consider cookies placed by these identified linked sites to be third party cookies. Consequently, our examination of agency web-sites for cookies excluded these sites.

We did, however, identify several third party cookies placed by external entities that either were located on the State web-sites or were placed while the user was conducting a transaction or activity integral to the State agency site. Some examples of third party cookies identified included:

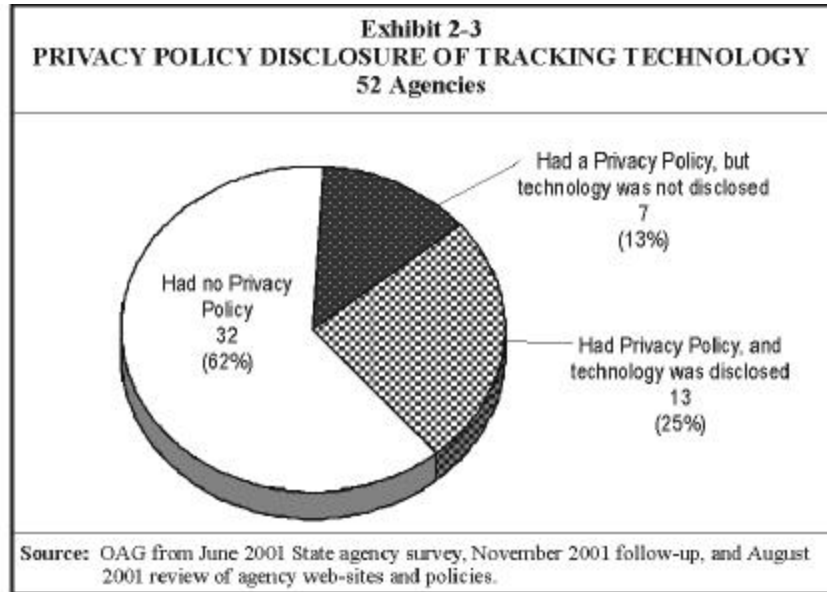
- The Capital Development Board had a subscription cookie with a private vendor. The vendor collected information on which pages were most frequently used and from which URLs users were coming to access the CDB's web-site. The private vendor set a persistent cookie on CDB's web-site to collect this information.
- Northern Illinois University Foundation used a private vendor to receive and process online contributions to the Foundation. To make an online contribution, the user was transferred to the web-site operated by the private vendor. At that time, a persistent cookie was placed. Because the private vendor's web-site was performing a service for the Foundation, we considered this to be a third party cookie.
- Eastern Illinois University used a vendor to provide a web-site for students to apply for admission over the Internet. The vendor then passed this information on to the University. The vendor set a persistent cookie on the students' computer when they applied for admission.

When external entities set cookies on State web-sites or on sites to which the State agency web-site sends users to complete State-related transactions, State agencies need to ensure that information collected by the external entities (both cookie-related information and personal information) is adequately controlled and safeguarded. An Eastern Illinois University official noted that the University's contract with the vendor operating the online admission application process does contain language that specifies what the vendor can do with the information collected. In addition, agencies also need to ensure that such vendors have appropriate privacy policies and safeguards over the security of the information collected.

NOTIFICATION OF TECHNOLOGY BEING USED

Agencies generally did not provide notification to users that logs or cookie technology were being used. When notification was provided, it was generally through disclosure in an agency's privacy policy or statement.

However, of the 52 agencies that used logs or cookies, 32 did not have a privacy policy; consequently, users were not notified of the technology being used. Exhibit 2-3 shows that of the 52 agencies using logs or cookies, only 20 of them had privacy policies on the web-site, and only 13 of the policies disclosed the technology used.



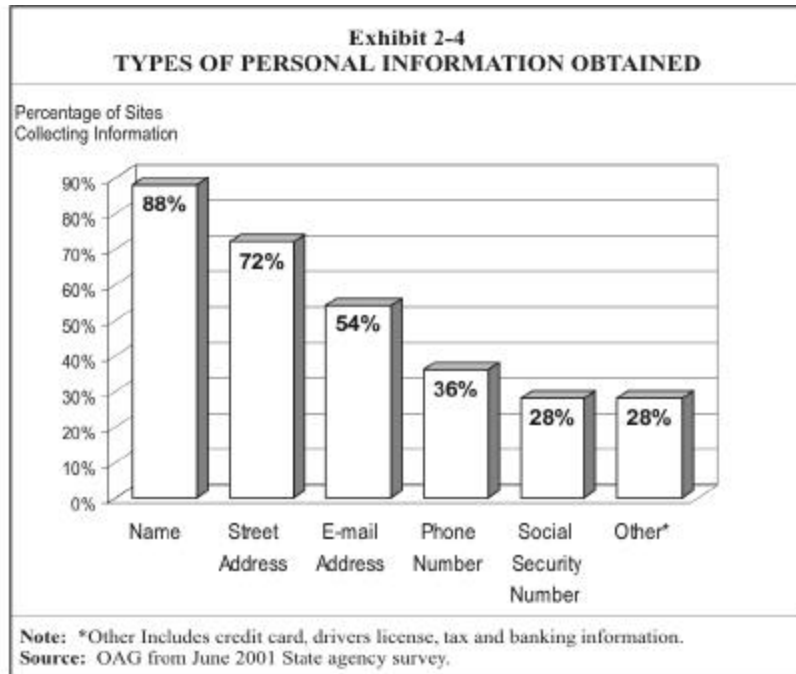
In most instances, there was no notification provided on the page of the web-site where the cookie was placed. Of the 42 agencies that used cookies, only 4 had a link to their privacy policy on the page where the cookie was being set.

The user does have some ability to adjust the browsers settings so that the user is notified when a cookie is encountered. The browser settings include: 1) to accept all cookies (i.e., cookies are accepted and no notification appears); 2) to only accept cookies that will be sent back to the originating server (i.e., will not accept third party cookies); 3) to provide notification of each cookie encountered and allow the user to accept or reject; or 4) to reject all cookies.

PERSONAL INFORMATION VOLUNTARILY PROVIDED BY USERS

Many State web-sites collect personal information submitted voluntarily by users. Personal information is collected in many ways, including through online information request forms, applications, and e-mails. Users voluntarily provide personal information such as name, street address, telephone number, e-mail address, credit card and social security numbers, and bank information. Of the 114 agencies with web-sites, our review of their web-sites found that 55 had online forms that collected personal information. Exhibit 2-4 shows the types of personal information collected by agencies that provided a detailed response to our survey.

Only two of the agencies noted in their survey responses that the personal information would be used for a purpose other than the purpose for which it was originally collected. Governors State University stated they intend to use the e-mail addresses submitted when someone requests information about the University to send newsletters about the University to prospective students. The Student Assistance Commission plans to use mailing or e-mail addresses submitted by individuals requesting an information or application packet to survey purchasers and non-purchasers about the College Illinois Program.



Sharing of Personal Information

Our survey of agencies inquired whether the agencies shared the personal information collected with other entities. Of the 114 agencies with web-sites, 12 responded that personal information is shared with other entities. Exhibit 2-5 summarizes with whom and the reasons why the personal information collected over the Internet was shared. As shown in Exhibit 2-5, the sharing of the information appears to be related to the purpose for which it was collected.

When information is shared, it is important that such sharing be disclosed to the user. Eight of the 12 agencies had a privacy policy on their web-site; 4 did not have a privacy policy. We reviewed the 8 policies and found that all of them contained references to the use and control of personal information. However, it should be noted that the content of the policies varied and the placement of the disclosures in the privacy statement may not have been on the same web page (or referenced by a link) from the page where the personal information was provided. As will be discussed in Chapter 3, most agencies do not have a privacy policy posted on their web-sites that informs users how personal information collected will be used.

AGENCY USE OF INTERNET USER TRACKING TECHNOLOGY

Exhibit 2-5 INFORMATION SHARED WITH OTHER ENTITIES		
AGENCY	DESCRIPTION OF HOW INFORMATION WAS SHARED	POLICY?*
Eastern Illinois University – Alumni Assoc.	Alumni have the ability to update their information. This updated information is then shared with Eastern Illinois University to update their database. Information is gathered by and shared with University employees.	No
Employment Security, Dept. of	The Skill Match Program, which matches job seekers and employers, collects the name and address of the job seeker or the employer. Social security numbers or FEIN are optional and are not shared with anyone outside of the Department. The information is passed between job seekers and employers and is used only for referral purposes.	Yes
Office of Governor	Constituents e-mail questions to the Governor's Office and sometime provide information such as name, address, and social security number. This information is used to respond to their inquiry, and the e-mail may be shared with another State agency if appropriate to answer the question.	Yes
Illinois Student Assistance Commission	The web-site for the Illinois Designated Account Purchase Program (IDAPP), which creates access to educational loan capital to Illinois students, collects personal information which is shared with schools.	Yes
Northeastern Illinois University	Information is sometimes shared with others. For example, the University has a link through Student Resources and Career Placement that allows visitors to the site to submit information about themselves as part of a job search. This information is shared with employers as part of career placement assistance.	No
Northern Illinois University	Continuing Education information such as registration for courses or programs (such as name and address) is collected. This information is shared with Program Coordinators	Yes
Revenue, Dept. of	Information such as address, social security numbers, and bank account numbers are used to complete tax return filings and to process electronic funds transfers. The Department has information exchange agreements with the IRS for enforcement purposes and provides information to banks to perform the electronic banking transactions.	Yes**
Secretary of State	Name, address, and credit card number are collected in order to process online renewals of license plates. Information is provided to an outside agency to process the credit card transactions.	Yes
State Police, Dept. of	The Department provides computer-based training and maintains demographic, work location, and course performance information. This information is provided to the local agency for which the trainee works.	No
Treasurer	The Illinois Funds program provides investment opportunity advice to Illinois public officials responsible for public funds. Information such as name, address, phone number, e-mail address are used to process transactions. This information is provided to a financial institution. The E-Pay Program, which is an electronic payment program for local government and constituents, collects name, address, social security number, credit card number, etc., and provides the information to participating merchants and other associated financial organizations. The Bright Start College Savings Program collects information via an online "Kit Request" and an account application form, which is provided to the Program's financial institution.	Yes
University of Illinois Alumni Association	Name and information (such as address, phone, e-mail) for both residence and business is collected to maintain accurate records. This information is shared with University of Illinois entities on all three campuses.	No
Western Illinois University	Name, contact information, graduation year, current employer and spouse and child information is collected to update Alumni Association records. This information may be shared with other alumni. Also, a web form collects name, contact information, parental contact information and details about news-worthy accomplishments, which is then used to create a news release.	Yes
Notes: * = Did privacy policy reference use and/or control of personal information? ** Privacy policy added after June 2001 survey		
Source: OAG June 2001 survey of State agencies and November 2001 follow-up.		

SECURITY OVER PERSONAL INFORMATION

We selected 31 agencies to examine the State agencies' security practices as they relate to personal information received over the Internet. During our interviews with agency staff, we learned information was collected over the Internet by one of the following methods:

- Using a web-based application directly interfacing with a database;
- Printing a form, which the user could complete and mail to the agency; or
- Completing a form online and e-mailing the form to an agency specified e-mail account.

Based on our interviews we concluded that security over the data collected and maintained varied significantly. Some agencies maintained data collected on web servers, some on network databases, and others in databases on a standalone PC. The layers of security varied as well and often depended on where the data was maintained. For example, some agencies had data maintained on their web server and relied primarily on security established over the server, while others had data maintained in databases residing on their networks, which were secured by application security features as well as network operating system security.

We found control over web-sites varied and, in some instances, was decentralized. Control over primary URLs and sub-strings was not always the responsibility of the same person or department. For example, one agency provided individual departments with tools for generating their own web-sites (which were sub-strings of the agency's primary URL) and allowed them to control their sites, including data security within their departments. It was not always known how data security was established at the department level. For example, university personnel interviewed stated that departments and students were allowed the capability of establishing their own web-sites as a sub-string of the university's primary URL. The department responsible for maintaining the university's primary URL was not responsible for other department or student sites. In addition, comprehensive policies and procedures over web development did not always exist. In some instances, policies and procedures varied by department.

Several agencies shared data collected via the Internet with external entities. Some agencies had contracts or shared data agreements with third party vendors. Some agency personnel interviewed stated that these contracts and agreements contained language relating to the privacy and restricted usage of data collected. However, there were some agencies that knew of data being shared, yet were not aware of any provisions for restricting the usage of data collected. In addition, one agency shared data maintained with external vendors/providers and did not have a documented agreement. However, the data shared was restricted to specific information applicable to that vendor.

Data collected and maintained via the Internet needs to be consistently protected against unauthorized access. Comprehensive security policies and procedures should ensure all data collected and maintained is adequately and consistently secured. These policies and procedures should include privacy and data security provisions for data collected and maintained by third party vendors and external users.

Web-sites and primary URLs, as well as associated sub-strings, need to be adequately and consistently controlled and comprehensive web development policies and procedures adopted. These policies should address areas of responsibility and control, including sub-string sites that are not the responsibility of the primary URL.

Finally, all third party users/providers should have documented shared data agreements or contracts that clearly outline privacy policies and data usage restrictions. These agreements should address the use of cookies set by third party entities as well as security provisions over data collected and maintained.

Chapter Three

STATE AGENCY PRIVACY POLICIES

CHAPTER CONCLUSIONS

There currently exist no Statewide requirements specifically for State agencies' use of technology to collect information on users of State web-sites or requirements regarding the establishment and posting of privacy policies. While a privacy policy was added to the State's homepage (*www.state.il.us*) in July 2001, the policy applied only to the State's homepage and certain web-sites associated with the Office of Governor. Consequently, each State agency is responsible for developing privacy policies which disclose how the agency will use information obtained over the Internet.

Of the 114 agencies that reported having a web-site, only 25 agencies (22 percent) reported in their response to our June 2001 survey that they had a privacy statement or policy located on their web-sites. In our November 2001 follow-up, 7 additional agencies reported now having privacy policies, thereby increasing the total number of agencies with privacy policies to 32 (28 percent). Of these 32 agencies, 15 privacy policies were accessible or linked to the homepage; 8 were not located on the homepage but were readily accessible at other locations on the agency's web-site; the remaining 9 were not readily accessible. A web-site's privacy policy should be readily available to the user of the web-site and generally be accessible from the homepage and all pages that set cookies or solicit personal information.

We found that the content of the privacy statements and policies varied widely. Some were very detailed, addressing logging activities, use of cookie technology, and information regarding the disclosure of personal information. Other policies contained limited notices to web-site users on the collection, maintenance, and use of information about them.

The General Assembly may wish to consider enacting a law which requires all State agencies with a web-site to develop and prominently post a privacy policy addressing the collection, maintenance, and disclosure of personal information, as well as the use of technology to collect information on the use of their web-sites.

PRIVACY REQUIREMENTS

At the federal level, the Privacy Act of 1974 requires federal agencies to protect the individual's right to privacy when personal information is collected. Also, the federal Children's Online Privacy Protection Act of 1998 (effective April 21, 2000) requires anyone who operates a web-site directed to children or who has actual knowledge that the person from whom they seek information is a child to comply with certain requirements on collection, use, and disposition of children's personal information. State agency web-sites that collect personally identifiable information from children (or collect non-individually identifiable information that is then

combined with an identifier) would need to comply with the Children's Online Privacy Protection Act.

In June 1999, federal agencies were first required to post privacy notices on their web-sites. The Office of Management and Budget (OMB) issued Memorandum M-99-18 which required that privacy notices be posted on the agency's principal web-site by September 1, 1999. The OMB further required that, by December 1, 1999, privacy policies need to be added to any other known, major entry points to agency web-sites as well as any web page where they collected substantial personal information from the public. The Memorandum went on to require:

"Each policy must clearly and concisely inform visitors to the site what information the agency collects about individuals, why the agency collects it, and how the agency will use it. Privacy policies must be clearly labeled and easily accessed when someone visits a web site."

The Memorandum noted that posting a privacy policy helps ensure that individuals have notice and choice about, and thus confidence in, how their personal information is handled when they use the Internet. It further noted that every federal web-site must include a privacy policy statement, even if the site does not collect any information that results in creating a Privacy Act record. Finally, it laid out model language for federal web-site policies.

The OMB directive also addressed the use of cookies. The directive stated that cookies were not to be used at federal sites unless, in addition to clear and conspicuous notice, the following conditions were met:

- A compelling need to gather the data on the site;
- Appropriate and publicly disclosed privacy safeguards for handling of information derived from cookies; and
- Personal approval by the head of the agency.

Unlike the federal government, there is no requirement that privacy notices or policies be developed or disclosed on State of Illinois web-sites, nor is there any Statewide guidance on the use of tracking technology, such as cookies. The State of Illinois has many laws that establish privacy or confidentiality requirements over the different types of information State agencies obtain. For example, there are specific laws that require State agencies to hold confidential information related to: reports of elder abuse, mental health and public aid recipients; certain types of student records; foster child information; and various trade secrets.

The State Freedom of Information Act (5 ILCS 140) establishes the basic parameters on what information is public. The Act governs the public dissemination and copying of certain material and is without regard to the method of collection (e.g., over the Internet, through the mail, etc.). The Act states that the public policy is that "all persons are entitled to full and complete information regarding the affairs of government" The Act does contain a list of

exemptions to the disclosure requirements, including information that is specifically prohibited from disclosure by federal or State law and information that if disclosed would constitute a clearly unwarranted invasion of personal privacy.

While the use of cookies has been the subject of several lawsuits in the United States, there are currently no laws that specifically address the use of cookies. Other laws, such as the federal Electronic Communications Privacy Act, the Computer Fraud and Abuse Act, and the Wiretap Act have been cited in complaints.

July 2001 State Privacy Policy

In July 2001, a privacy policy was added to the State of Illinois homepage (see Appendix G). The policy covered important issues related to how information collected from Internet users will and will not be used. For example, it provided clear notice to Internet users that information collected through Illinois web-sites may become public records and therefore subject to disclosure under the Illinois Freedom of Information Act. It noted that "If personal information is requested on the web site or volunteered by the user, state law and the federal Privacy Act of 1974 may protect it. However, this information is a public record once you provide it, and may be subject to public inspection and copying if not protected by federal and state law."

It also stated that no personal information provided to a State agency will be sold or rented to any entity or individual. Any personal information received by Departments under control of the Governor shall be limited to the State of Illinois government agencies and/or authorized Department contractors or grantees.

There were, however, aspects of the policy that could be improved or clarified. For example, the policy did not clearly specify to which agencies or web-sites it applied. By appearing on the State's homepage, one could interpret that the policy applies to all State agencies, or at least those State agencies' web-sites listed on the State's homepage, or just agencies under the Governor. For example, a report released in September 2001, *Do Illinois Governments Safeguard Internet Privacy* by the Gryphon Foundation included the following statement:

"The State of Illinois homepage now contains an official privacy policy that applies to all information collected and received through State of Illinois web-sites (<http://www.state.il.us/privacystmnt.htm>)."

The Illinois Technology Office (ITO) is responsible for maintaining the privacy policy on the State's homepage. ITO officials stated that the policy only applied to the State's homepage and major sites related to the Office of the Governor. The ITO also does not require any State agencies to have a privacy policy; however, the ITO will provide agencies guidance and allow them to use the State's privacy policy as a template for developing their agency-specific privacy policy. Thus, there is a clear distinction between the ITO's intention of limiting the coverage of the privacy policy and the interpretation of coverage by others.

Regarding the use of technology, the July 2001 policy disclosed that web logs are maintained, but that no attempt is made to link the logs with individuals that browse State of Illinois web-sites. It also provided assurance that cookie technology is not used on web-sites referred to at the listed URLs, or any sub strings of these URLs, including www.state.il.us, www.state.il.us/gov/, www.business.state.il.us, and www.future4kids.org. The Chief Technology Officer for the State affirmed that this disclosure on cookie technology only applied to the four entities listed above and any specific sub-string under the Governor's web-site. A sub-string is any extension that is beyond the core URL. For example, www.state.il.us/gov/women (Governor's Commission on the Status of Women) is a sub-string, or extension of, the www.state.il.us/gov URL.

Although ITO officials stated that the policy did not apply to other State agencies, users of the State web-site may have believed it applied to other State web-sites as well. After informing ITO officials about the potential for differing interpretations of the State's homepage privacy policy, they stated they would work on clarifying the privacy policy.

Revised State Privacy Policy

On October 11, 2001, an updated privacy policy was added to the State of Illinois homepage (see Appendix H). ITO officials stated that the policy specifically applies only to the State's homepage. The policy contains the following statement:

"The State of Illinois Home Page is a portal with links to other web sites. These include links to web sites operated by Illinois agencies and officials, other government agencies, nonprofit organizations and private businesses. When you link to another site, you are subject to the privacy policy of that new site."

ITO officials stated the purpose of the change was to clear up any confusion regarding which pages are covered by the policy and inform users that once they leave the State's homepage, they are subject to the policy on subsequent pages visited. They also stated that they were developing specific policies for the web-sites they control, such as the Governor's site and will include a detailed list of each URL covered by the privacy policy. The October 11, 2001 revision removed specific references to the use of cookies, user logs, and handling of personal information from the privacy policy on the State's homepage.

On October 15, 2001, we reviewed the privacy statement on the Governor's web-site and found a revised statement called "Governor's Office Privacy Notice". We reviewed the Governor's Office Privacy Notice and found that it had specific sections in the following areas:

- Preamble
- Privacy Statement
- Personal Information and Choice
- Policies For Individuals Under 13 Years Of Age
- Web Logs
- Information Retained and How It Is Used

- Correspondence
- Cookies
- Link Disclaimer
- Legal Notices

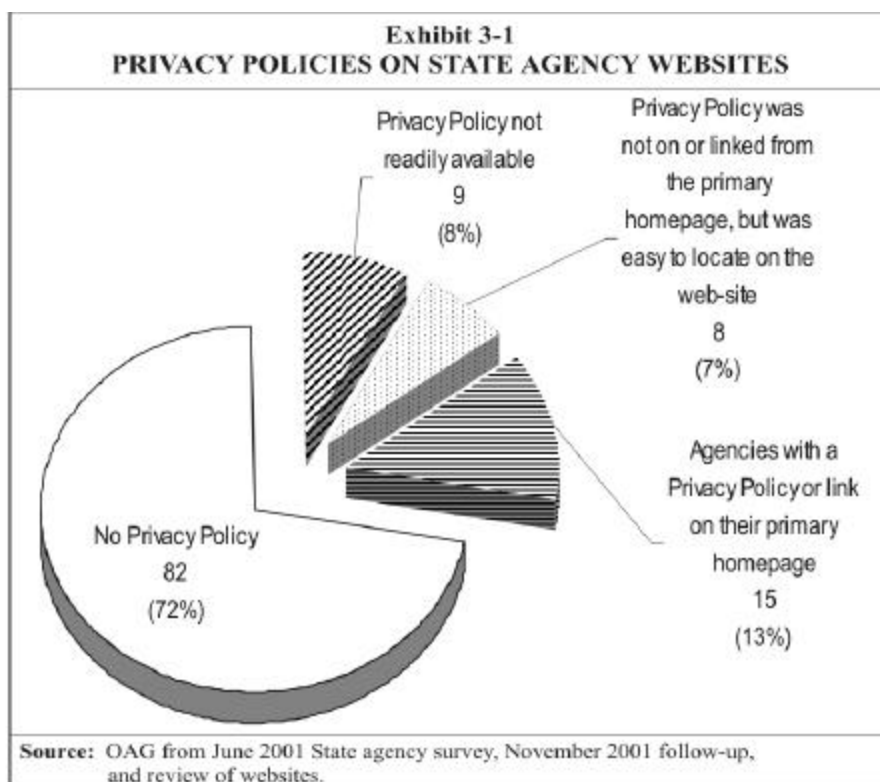
In addition, the Notice stated that it applied only to the Governor’s Office web-site and included a list of eight specific URLs to which it applied (see Appendix I).

Individual State Agency Privacy Policies

Of the 114 agencies that reported having a web-site, only 25 agencies (22 percent) reported in their response to our June 2001 survey that they had a privacy statement/policy located on their web-sites. In our November 2001 follow-up, 7 additional agencies reported now having privacy policies, thereby increasing the total number of agencies with privacy policies to 32 (28 percent). We visited the web-sites for these 32 agencies to locate and review the privacy policies. Exhibit 3-1 summarizes the results of this review.

Of the 32 agencies which reported having privacy policies, 15 had the policy posted either on their homepage or clearly linked to their primary homepage. Another 8

web-sites had privacy policies that, while not on their homepage, were easily accessible by users elsewhere on their web-site. For the remaining 9 agencies which reported having a privacy policy, the policies were not readily accessible to users, and in some instances, were either not posted on the web-site or were generic privacy policies and not specific to Internet privacy issues.



We also conducted a review of agencies' privacy policies accessible on web-sites to determine whether they contained the four criteria identified in the third determination of House Resolution Number 263. These four criteria are the same as established by the Federal Trade

Commission for commercial web-sites. While the applicability of these criteria may vary depending upon what information is collected by the State agency, State agencies need to consider and address all four criteria.

In our review, we classified agencies into two groups: a low impact group and high impact group. The low impact group includes State agencies that did not use technology to track users and only received personal identifying information through e-mails a user may submit. The high impact group includes those agencies that either have online forms that users can complete, or use technology to track users. In high impact groups, there is a greater likelihood that personal information such as name, address, social security number, or e-mail address would be provided to the site by a user.

Of the 32 agencies who reported privacy policies, we classified 26 as high impact and 6 as low impact web-sites. We classified all of the policies reviewed in each of the 4 categories. However, it should be noted that if a site provided “Notice” that no personal information was maintained, the agency may have not deemed it necessary to include “Choice,” “Access,” and “Security” provisions in its policy.

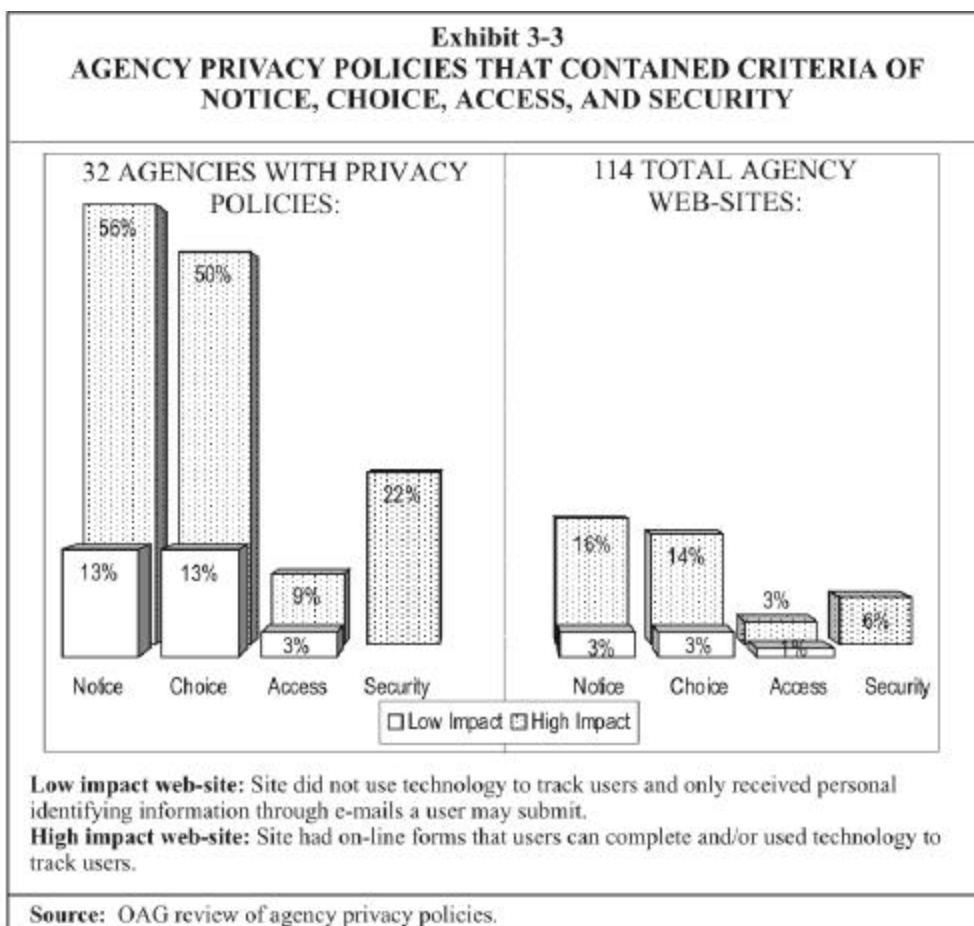
In our analysis, we concluded that a site provided:

- **Notice**, if the site posted a privacy policy and stated anything about what specific personal information it collects.
- **Choice**, if the policy discussed choice with respect to at least one type of communication or if a statement disclosed that information would not be shared with third parties.

Exhibit 3-2 DEFINITION OF NOTICE, CHOICE, ACCESS, AND SECURITY
<p>Notice – Provide users clear and conspicuous notice of the agency’s information practices, including what information is collected, how it is collected (e.g., directly or through non-obvious means, such as cookies), how it is used, how Choice, Access, and Security are provided to users, whether information collected is disclosed to other entities, and whether other entities are collecting information through the site.</p> <p>Choice – Offer users choices as to how personal identifying information is used beyond the use for which the information was provided (e.g., to consummate a transaction). Such choice would encompass both internal secondary uses (such as marketing back to users) and external secondary uses (such as disclosing data to other entities).</p> <p>Access – Offer users reasonable access to the information the web-site has collected about them, including a reasonable opportunity to review information and to correct inaccuracies or delete information.</p> <p>Security – Take reasonable steps to protect the security of the information collected.</p>
<p>Source: OAG from Federal Trade Commission's Fair Information Principles</p>

- **Access**, if the policy allowed users to do any of the following:
 - review at least some personal information about them;
 - have inaccuracies in at least some personal information about themselves corrected; or
 - have at least some personal information deleted.
- **Security**, if the policy made any disclosure regarding security.

As shown in Exhibit 3-3, 69 percent (22 of 32) of the policies contained some form of notice regarding the collection of personal information. The other 10 policies either were not accessible on the web-site or did not contain a disclosure about personal information. Sixty-three percent (20 of 32) of the policies had statements regarding choice; however only 7 of 32 and 4 of 32 had statements regarding security and access, respectively. As indicated above, the compliance rates ranged from 12 percent to 69 percent for agencies with privacy policies; however, the percentages drop significantly to a range of 4 percent to 19 percent when analyzing the population of 114 agencies that had web-sites. Appendix J includes a listing of the 32 agencies with policies and the sections disclosed in each policy.



Other States' Privacy Policies

In June of 2001, we accessed the primary web-site for state government for each of the 50 states. We conducted a review of the primary web-site to determine if a privacy policy existed and whether the policy was included on the primary web-site for the state.

We identified that 32 states had a link to the privacy policy on the primary web-site for the state. While these states had a link to a privacy policy on the primary web-site, it does not necessarily mean that the policy applied to all state web-sites. Additionally 2 states had a privacy policy; however, it was not linked from the primary web-site (see Exhibit 3-4).

For the remaining 16 states, we accessed specific departments included as links on the primary web-site and identified that an additional 13 states had a privacy policy on a department web-site. For example, a privacy policy was not included on the state of Michigan's primary web-site; however, the Michigan Attorney General's web-site had a privacy policy. The Arizona web-site had a draft policy and we were unable to identify any

EXAMPLES OF OTHER STATES' PRIVACY POLICIES
<p>TEXAS: Administrative rule requires the home pages of all state government web-sites and key entry points must include privacy policies that address the following:</p> <ul style="list-style-type: none"> • Use of server logs and cookies; • Information collected by other technologies and processes; and • Information collected via e-mail and web-based forms shall post a link to the privacy policy. The form may include a provision for the user to opt-out of sharing information with another party or a warning that the information may be a public record and therefore subject to the Texas Public Information Act.
<p>WASHINGTON: Executive Order 00-03, "Public Records Privacy Protections," attempts to balance confidentiality with the state's public disclosure and open government laws:</p> <ul style="list-style-type: none"> • Agencies that operate Internet Web sites must have privacy policies that are prominently displayed on their home pages. The policies must be consistent with the Model Privacy Notice developed by the Department of Information Services. • Agencies must establish procedures and practices for handling and disposing records that contain confidential personal information. • Personal information must not be sold, and lists of individuals must not be released for commercial purposes. The collection of personal data should be limited to that which is needed for legitimate public purposes and retained only as long as necessary. • Agencies that enter into contracts or agreements for sharing personal information with other entities must have contractual requirements that protect the information from inappropriate uses. • When personal information about citizens is collected, they should be notified that the law may require it to be disclosed as a public record. People should be informed about how they can review their personal information and recommend corrections if it is inaccurate or incomplete. • Agencies must have contact persons to handle privacy complaints and questions from the public.

privacy policies on the Alaska or Oregon state government web-sites.

Our review of the policies indicated that they varied significantly and this coincided with the findings of the National Electronic Commerce Coordinating Council in its December 2000 publication, “*Privacy Policies – Are You Prepared? A Guidebook for State and Local Government*”. The National Electronic Commerce Coordinating Council (NECCC) is an alliance of national state government associations dedicated to the advancement of electronic government within the states (described in greater detail in the Scope and Methodology section in Chapter 1).

The NECCC encourages states to pursue policies for protecting individually identifiable information on all of their portals, web pages and other sites of entry on the World Wide Web. The content of such policies should at a minimum address the following five points:

1. **Adoption of a Privacy Policy:**

Each state and local government should adopt a privacy policy and take responsibility for enforcing it among its divisions and departments. Thoughtful consideration should be given to the parameters for the policy as well as its legal implications before it is posted.

2. **Notice and Disclosure:** A privacy policy must be easy to find, read and understand. The policy should inform the constituent that when personal information is collected, there will be a limited way that information will be used, possible third party distribution of that information and the choices available regarding collection, use, and distribution of the collected information.

Exhibit 3-4 TYPES OF PRIVACY POLICIES BY STATE	
Policy Type	States
Statewide Policy with Link to Policy on State’s Homepage	Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin
Statewide Policy with No Link to Policy on State’s Homepage	Mississippi, Wyoming
Policy on a State Agency Web-site	Colorado, Illinois, Louisiana, Massachusetts, Michigan, Missouri, Montana, Nebraska, Oklahoma, Rhode Island, South Dakota, Vermont, West Virginia
No Policy Identified	Alaska, Arizona, Oregon
Source: OAG review of states' web-sites in June 2001	

3. **Opt-In/Opt-Out Clauses:** Many consumer protection groups have advocated for opt-in or opt-out clauses. These groups, along with many individuals in the public and private sector, believe that citizens should be given the opportunity to choose how their personally identifiable information collected from them online is used when it is unrelated to the purpose for which it was provided. The growing belief is that one of the best ways to protect privacy on the Internet is to combine the elements of opt-in and opt-out clauses. (Note: Some state freedom of information laws preclude an agency from offering an opt-in or opt-out clause. Based on these state laws information that is collected is classified as a record and must be treated in a manner consistent with their state laws.)
4. **Data Security:** State entities and their affiliated agencies that collect data online have a unique responsibility to their constituents to ensure that the individually identifiable information collected is protected from loss, misuse, inaccuracies or alteration. Reasonable steps should be taken to ensure that third parties who receive information are aware of these security practices and that those parties are also taking precautions to safeguard any transferred information.
5. **Data Access:** Organizations creating, maintaining, using or disseminating individually identifiable information should take precautions to assure that the data is accurate, complete and timely for the purposes for which it is to be used. States should develop mechanisms so that inaccuracies in data such as contact information, etc., may be easily corrected. These processes need to be simple, easy to use, and provide verification to the citizen that the inaccuracies have been corrected. Procedures should also be implemented to protect against accidental or unauthorized alteration of one's information.

The NECCC report concluded that a privacy policy should be published on every government web-site, even if the site does not create records of the information collected. A privacy statement should explain how information is managed. Because State agency web-sites have many different purposes, the privacy policies found on these sites should also be diverse and specific to the visited site. A "one size fits all" approach to developing a privacy policy will not effectively or accurately reflect the information gathered by individual agencies or how they process and store this information.

Specific web-based forms that require personal information should post a privacy policy, or a link to the policy, on the page/form indicating how the information will be used and under what conditions the information may be shared or released to another party. The form may include a provision for the individual to opt-out of sharing the information with another party, or a warning that the information may be a public record and subject to an open records request. Web pages designed for children must comply with all applicable federal (i.e., Children's Online Privacy Protection Act) and State laws intended to protect minors.

Finally, the NECCC Guidebook notes that:

“In the course of operating a web-site, certain information may be collected automatically in logs or cookies. Some agencies may be able to collect a great deal of information, but, according to policy, choose to collect only limited information. In some instances, agencies may have the technical ability to collect information and later take additional steps to identify people, such as looking up static Internet Protocol addresses that can be linked to specific individuals. Regardless of an agency’s decision to collect this type of information or take further steps to gather more information, the privacy statement must clearly denote the policy. It is imperative to ensure these policies are consistent with the state’s Freedom of Information or Open Records laws.”

CONCLUSION

There currently exist no Statewide requirements specifically for State agencies' use of technology to collect information on users of State web-sites or requirements regarding the establishment and posting of privacy policies.

Only 32 agencies reported that they had a privacy policy/statement on their web-sites of the 114 agencies that reported having a web-site. Additionally, we found that the content of the privacy statements/policies varied widely. Some were very detailed, addressing logging activities, use of cookie technology, and information regarding the disclosure of personal information. Other policies contained limited disclosures and some were not readily accessible on web-sites. For example, only two State agencies included all four principles of notice, choice, access, and security in their policies.

While privacy policies are clearly needed to inform users of web-sites how information State agencies receive from them will be used, due care needs to be taken by the agencies to ensure that their policies accurately state their use of technology and information handling practices. An agency may be subject to potential liability if it uses information in a manner inconsistent with its stated privacy policy. Some examples of areas where potential liabilities may occur include:

- Not complying with its posted privacy policies;
- Misrepresenting the nature, use or duration of cookies on its site;
- Lack of disclosure or inadequately disclosing its use of data collection technology, such as cookies; and
- Failing to disclose the use of data collection technology by third parties or sharing information with third parties without disclosure or in contravention of stated privacy policies.

MATTER FOR CONSIDERATION BY THE GENERAL ASSEMBLY

The General Assembly may wish to consider legislation which establishes basic requirements that agencies must follow regarding operations of their web-sites. Such legislation could require that:

- *Each State agency develop a privacy policy for its web-site and that such privacy policy should be readily accessible (such as being located on the homepage and other places where personal information is collected and tracking technology is used);*
- *The privacy policies clearly identify the use of any technology used to collect information on or track individual users;*
- *The privacy policies contain provisions that effectively disclose practices regarding notice, choice, access, and security; and*
- *A compelling need be demonstrated to gather data from users on a State agency web-site.*

AGENCY RESPONSE

**ILLINOIS
TECHNOLOGY
OFFICE**

The ITO continues to review and respond accordingly to the evolution of e-government technology. Although I would agree with the need to provide clear and prominent privacy policies, legislation may be too restrictive to adapt to continual changes in the industry and tools used to serve citizens better, especially given the current security considerations in our nation and actions we may need to take in the future.

APPENDIX A
HOUSE RESOLUTION NUMBER 263

1 HOUSE RESOLUTION 263

2 WHEREAS, A recent report revealed that 64 federal World
3 Wide Web sites used unauthorized information-collecting
4 "cookies" that allow those agencies to track the browsing and
5 buying habits of Internet users who visited those sites; and

6 WHEREAS, On October 11, 2000, a statement by the United
7 States General Accounting Office indicated that some federal
8 Web sites were lacking when measured against the Federal
9 Trade Commission's four fair information principles: notice
10 (data collectors must disclose their information practices
11 before collecting personal information from consumers);
12 choice (consumers must be given options with respect to
13 whether and how personal information collected from them may
14 be used for purposes beyond those for which the information
15 was provided); access (consumers should be able to view and
16 contest the accuracy and completeness of data collected about
17 them); and security (data collectors must take reasonable
18 steps to ensure that information collected from consumers is
19 accurate and secure from unauthorized use); and

20 WHEREAS, Persons using Web sites maintained by officers
21 and agencies of the State of Illinois are entitled to
22 assurance that their privacy will be protected when they use
23 those Web sites; therefore, be it

24 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
25 NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
26 we direct the Auditor General to conduct an audit of each
27 State officer and agency that maintains a World Wide Web site
28 and determine whether the officer or agency uses technology
29 that allows it to track the browsing or buying habits of
30 Internet users who visit the site and, if so, whether the
31 tracking is necessary and whether the officer or agency
32 protects those users through adequate notice, choice, access,

1 and security; and be it further

2 RESOLVED, That the Auditor General is directed to report
3 its findings and recommendations to the General Assembly by
4 January 2, 2002; and be it further

5 RESOLVED, That a copy of this resolution be presented to
6 the Auditor General.

APPENDIX B
AUDIT METHODOLOGY

Appendix B METHODOLOGY

We gathered data for this audit using a number of methods, including: a mail survey of State agencies regarding their use of Internet tracking technologies; an examination of State agency web-sites to identify cookies and the collection of personal information; a review of privacy policies of State agencies and those of other states; and interviews, including officials from the Department of Central Management Services (DCMS) and the Illinois Technology Office (ITO) regarding their roles pertaining to State agencies' web-sites, use of tracking technology, and development of privacy policies.

AGENCY MAIL SURVEY. We conducted a mail survey in June 2001 of 143 State agencies. A copy of the survey is found in Appendix C. We received a response from all agencies. Several of the agencies' responses were included as part of another agency's survey response (for example, Governors State University Foundation was included as part of the Governors State University response because they share a web-site). For reporting purposes, we considered these joint responses as one response. In addition, several agencies submitted multiple surveys (such as if they had multiple web-sites, separate organization units, etc.). For reporting purposes, we combined these multiple responses into one overall response for the agency. The process of combining responses resulted in a total of 135 responses. The survey responses were entered into an Access database for analysis. As part of the agency review process, in November 2001 we asked agencies to update significant changes to their June 2001 survey responses.

The survey of State agencies inquired as to the management controls the agencies have over the information collected via the Internet. Such management controls include policies and procedures and limits or safeguards over the use of, and access to, personal information. The primary management controls tested were agency privacy policies, discussed in more detail below. We also conducted follow-up interviews with State agencies regarding either their responses to our survey or questions arising from our review of their web-sites.

SECURITY OF INFORMATION OBTAINED ONLINE. We contacted 31 agencies to gather additional information concerning their security practices related to information collected over the Internet. We asked questions specifically regarding the type of data collected online, if data is used for the intended purposes, if the data is secured from unauthorized access, and if security software is used to restrict access to the data collected. In addition, we inquired about specific internal access rights and the applicability of Freedom of Information Act provisions to the information collected.

ONLINE WEB-SITE ANALYSIS. To verify the information reported by agencies, we examined each agency's web-site using Netscape Navigator software to identify cookies. This

testing was conducted from August through September 2001. The examination was based on the content of the web-site on the date of our review.

We used an option available on our software that notified us before the computer would accept a cookie. We documented the existence of cookies by making a print screen copy of the notification of cookies and the “cookies.txt” which stores information on cookies. We also used an additional software program that identified and listed cookies that were stored on the computer from each web-site. We also made a print screen copy of the computer’s “history.doc” to document our navigation through each web-site. Our review of web-sites was based on the survey responses and included a review of applicable substrings (those that appeared to provide an integral function on the web-site). We reviewed each web-site for cookies, request forms, e-mail solicitations, other tracking technologies, privacy policies or statements, or other notifications of tracking technologies.

PRIVACY POLICY REVIEW. During August 2001, we verified and reviewed the privacy policies or statements reported by the agencies in their survey responses. We conducted a similar review of privacy policies reported in our November 2001 follow-up. We initially determined whether the privacy policy was as intended by the resolution and the location or link of the privacy policy on the web-site.

We then reviewed the privacy policies reported by State agencies to determine the extent to which they contained information related to the four attributes of user notice, choice, access, and security, as directed by the House Resolution. We used a liberal interpretation to determine if personal information was received by the agency. Information was considered personal if it was used to identify or locate an individual, e.g., name, address, telephone number, social security number, e-mail address, driver’s license number, tax information, banking information, and credit card number. Thus, if an agency had any type of request form on their web-site, we determined that personal information was collected.

We also reviewed privacy policies established by other states in June of 2001. We accessed the primary web-site for state government for each of the 50 states. We conducted a review of the primary web-site to determine if a privacy policy existed and whether the policy was included on the primary web-site for the state.

APPENDIX C
AGENCY SURVEY

USE OF INTERNET COOKIES
SURVEY QUESTIONNAIRE (Page 1 of 4)

INSTRUCTIONS: The purpose of this survey is to collect information regarding any technology an agency uses to track users, or collect information on users, of their Internet web-sites. Should your agency have multiple web-sites for which responses to the questions below would be different, please complete a survey for each web-site. Also, please complete pages 3 and 4 of the survey for **each** cookie or similar means of technology used by your agency.

Please return the completed survey by July 20, 2001 to Mr. Bill Sampias, Office of the Auditor General, 740 East Ash St., Springfield, IL 62703-3154 in the enclosed self addressed stamped envelope. Please contact Bill Sampias at 217/785-5563 or auditor@mail.state.il.us, if you have any questions or want an electronic version (Word 7.0) of the survey.

DEFINITIONS: For purposes of this survey, please note the following definitions:

Web-site – Agency specific information available on the Internet that is officially sanctioned by the agency.

Web server – The hardware and software that contains a web-site and provides access from the Internet.

URL – (Uniform Resource Locator) Address of a certain file or directory on the Internet (such as www.state.il.us/auditor).

Privacy statement – Publicly available statements that disclose information collection practices and may include options to choose whether and how information is used, view and contest accuracy and completeness of information, or verify that information is secure from unauthorized access.

Cookie – Text files that have unique identifiers that are used to store and retrieve information. Some web-sites use cookies to recognize returning users, track on-line purchases, or maintain and serve customer web pages. *Session Cookie* – A cookie that expires when the user exits the browser. *Persistent Cookie* – A cookie that can remain on the user's computer for a specified length of time and that can be used by a web-site to track a user's browsing behavior, through potential linkage to other data and whenever the user returns to the site.

1. Person completing this survey:

Agency: _____

Name: _____

Title: _____ Phone: _____

E-Mail Address: _____

2. Does your agency have a web-site? _____ YES _____ NO *(If NO, please stop and return the survey to the address listed above)*

3. Please list the URL address for each web-site for which responses to this survey apply: _____

4. Does your agency maintain its own web server? _____ YES _____ NO

If NO, please list who maintains the web server: _____

USE OF INTERNET COOKIES
SURVEY QUESTIONNAIRE (Page 2 of 4)

5. Does your agency maintain its own web-site(s)? YES NO

If NO, please list who maintains the site(s): _____

6. Does your agency's web-site have a Privacy Statement? YES NO

If YES, please provide the specific URL address to the statement.

7. Do users of your web-site voluntarily provide personal information to your agency (such as name, address, social security numbers, credit card account numbers, etc.)?

YES (If YES, please answer questions 7a, 7b, and 7c) NO (If NO, please go to question 8)

7a. If YES to Question 7, please describe what personal information is collected and the purpose for which it is collected: _____

7b. If YES to Question 7, is this information shared with others outside of the agency?

YES NO

If YES, please list with whom the information is shared: _____

7c. If YES to Question 7, is the information used for a purpose other than the purpose for which it was originally collected?

YES NO

If YES, please describe this other use of the information: _____

8. Does your agency use cookies, user logs, or other types of technology to collect information on or track users?

YES (If YES, please complete the rest of the survey)

NO (If NO, please stop and return the survey to the address listed on page 1)

9. Does your agency have any policies on the use of cookies or use of information obtained from users of the web-site?

YES NO

9a. If YES, are these policies included in the Privacy Statement? (see question 6)

YES NO

If NO to question 9a, please provide the URL to these policies. (If policies are not on the web-site please enclose a copy with the survey).

USE OF INTERNET COOKIES
SURVEY QUESTIONNAIRE (Page 3 of 4)

Instructions: Please complete pages 3 and 4 of this survey for **each** cookie or other technology method used by your agency to monitor, track, or collect information on users of your web-site(s). Please make additional copies of this form as necessary.

10. What type of technology is used?

Session Cookie Persistent Cookie User Log Other (Please describe)

11. URL address where cookie (or other technology) is used? _____

12. Does the web-site clearly notify users of the presence of cookies or other technology used by your agency to monitor, track, or collect information on users of the web-site?

YES NO

13a. Does the web-site give users the option of refusing to accept the cookie or other tracking technology? YES NO

13b. If YES to Question 13a, can users complete the transaction without accepting the cookie or other tracking technology? YES NO

14. What specific information obtained from cookies (or other technology) is tracked or collected?

15. How long does the cookie (or other means of technology) persist? _____

USE OF INTERNET COOKIES
SURVEY QUESTIONNAIRE (Page 4 of 4)

16. Is the cookie (or other technology) necessary? ____ YES ____ NO

If YES, why is the cookie necessary? _____

If NO, why is the cookie not necessary? _____

17. Why does your agency use the cookie (or other technology)? _____

18. How is the information obtained from cookies (or other technology) used? _____

19. Who has access to the information obtained from cookies (or other technology) within the agency? _____

20. Is information obtained from cookies (or other technology) shared with anyone outside the agency? ____ YES ____ NO

If YES, please describe the type of information shared and who receives it: _____

21. What procedures do you have in place to protect information obtained from cookies (or other technology) from unauthorized access or disclosure? _____

22. Are there any other comments you would like to make? _____

APPENDIX D

SURVEY RESPONSES: AGENCIES WITH WEB-SITES

**Appendix D
SURVEY RESPONSES****
Questions 1 - 9**

<i>Agencies With a Web-Site</i>	<i>Maintain Web Server</i>	<i>Maintain Web-Site</i>	<i>Privacy Statement</i>	<i>Obtain Personal Information</i>	<i>Share Personal Information – Outside Agency***</i>	<i>Personal Information Used for Other Purposes</i>	<i>Use Cookies or Other Technology</i>	<i>Policy on Use of Cookies</i>	<i>Cookie Policy in Privacy Statement *****</i>
Aging, Department on	Yes	Yes	No	No	N/A	N/A	Yes	N/A	N/A
Agriculture, Department of	Yes	Yes	No	Yes	No	No	Yes	No	N/A
Appellate Defender, State	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Arts Council, Illinois	No	Yes	No	Yes	No	No	No	N/A	N/A
Attorney General	No	Yes	Yes	Yes	No	No	No	N/A	N/A
Auditor General	No	Yes	Yes	Yes	No	No	No	N/A	N/A
Banks and Real Estate, Office of	Yes	Yes	Yes	No	N/A	N/A	Yes	Yes	Yes
Building Commission, Illinois	Yes	Yes	No	Yes	No	No	Yes	No	N/A
Bureau of the Budget	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Capital Development Board	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Central Management Services, Dept. of	Yes	Yes	No	Yes	No	No	No	N/A	N/A
Chicago State University	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Children and Family Services, Dept. of	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Commerce and Community Affairs, Dept. of	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Commerce Commission, Illinois	Yes	Yes	Yes*	Yes	No	No	Yes	Yes*	Yes*
Community College Board, Illinois	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Comptroller	Yes	Yes	No	Yes	No	No	Yes	No	N/A
Corrections, Department of	Yes	Yes	No	Yes	No	No	No	N/A	N/A
Courts, Administrative Office of Illinois	No	Yes	Yes	No	N/A	N/A	No	N/A	N/A
Criminal Justice Information Authority, Ill.	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Deaf and Hard of Hearing Commission	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Development Finance Authority, Illinois	No	Yes	Yes*	No	N/A	N/A	Yes	Yes*	Yes*
Developmental Disabilities, Council on	No	Yes*	Yes*	Yes*	No**	No**	No	N/A	N/A
Drycleaner Env. Resp. Trust Fund Cncl.	Yes	Yes	No	No	N/A	N/A	Yes	No	N/A
Eastern Illinois University	Yes	Yes	No	Yes	No	No	Yes	Yes	No
Eastern Illinois University Alumni	No	Yes	No	Yes	Yes	No	No	N/A	N/A
Economic and Fiscal Commission	No	No	No	No	N/A	N/A	No	N/A	N/A
Education, State Board of	Yes	Yes	No	Yes	No	No	No	N/A	N/A
Educational Labor Relations Board	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Elections, State Board of	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Emergency Management Agency	Yes	Yes	No	Yes	No	No	No	N/A	N/A
Employment Security, Department of	Yes	Yes	Yes	Yes	Yes	No	No	N/A	N/A
Environmental Protection Agency	Yes	Yes	Yes*	Yes	No	No	Yes	Yes*	Yes*
Farm Development Authority, Illinois	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Financial Institutions	No	Yes	No	Yes	No	No	No	N/A	N/A
Gaming Board	No	Yes	No	No	N/A	N/A	No	N/A	N/A
General Assembly Retirement System	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Governor	No	Yes	Yes	Yes	Yes	No	No	N/A	N/A
Governor's Comm. on the Status of Women	No	No	Yes	No	N/A	N/A	No	N/A	N/A
Governors State University	Yes	Yes	No	Yes	No	Yes	No	N/A	N/A
Guardianship and Advocacy Commission	Yes	Yes	Yes*	Yes	No	No	No	Yes*	Yes*
Health Care Cost Containment Council	No	Yes	No	Yes	No	No	No	N/A	N/A
Higher Education, Board of	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Historic Preservation Agency	No	Yes	No	Yes	No	No	Yes	No	N/A
Housing Development Authority	Yes	Yes	Yes	Yes	No	No	No	N/A	N/A

**Appendix D
SURVEY RESPONSES****
Questions 1 - 9**

<i>Agencies With a Web-Site</i>	<i>Maintain Web Server</i>	<i>Maintain Web-Site</i>	<i>Privacy Statement</i>	<i>Obtain Personal Information</i>	<i>Share Personal Information – Outside Agency***</i>	<i>Personal Information Used for Other Purposes</i>	<i>Use Cookies or Other Technology</i>	<i>Policy on Use of Cookies</i>	<i>Cookie Policy in Privacy Statement *****</i>
Human Rights Commission	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Human Rights, Department of	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Human Services, Department of	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Illinois State University	Yes	Yes	Yes	Yes	No	No	Yes	N/A	N/A
Illinois State University Foundation	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Industrial Commission	No	No	No	Yes	No	No	No	N/A	N/A
Insurance, Department of	Yes	Yes	No	Yes	No	No	No	N/A	N/A
Intergovernmental Cooperation Comm.	No	No	No	No	N/A	N/A	No	N/A	N/A
Joint Committee on Administrative Rules	No	No	No	No	N/A	N/A	No	N/A	N/A
Judges Retirement System	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Judicial Inquiry Board	No	No	No	No	N/A	N/A	No	N/A	N/A
Labor, Department of	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Law Enf. Training & Standards Board, Ill.	No	No	No	No	N/A	N/A	No	N/A	N/A
Legislative Audit Commission	No	No	No	No	N/A	N/A	No	N/A	N/A
Leg. Info. System (Incl. Gen. Assembly)	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Legislative Printing Unit	No	No	No	No	N/A	N/A	No	N/A	N/A
Legislative Reference Bureau	No	No	No	No	N/A	N/A	No	N/A	N/A
Legislative Research Unit	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Lieutenant Governor	No	Yes	No	Yes	No	No	No	N/A	N/A
Liquor Control Commission	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Lottery, Department of	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Math and Science Academy, Illinois	Yes	Yes	No	Yes	No	No	No	N/A	N/A
Medical District Commission	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Metropolitan Pier and Exposition Authority	Yes	No	No	Yes	No	No	Yes	No	N/A
Military Affairs, Department of	Yes	Yes	Yes	No	N/A	N/A	No	N/A	N/A
Natural Resources, Department of	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Northeastern Illinois University	Yes	Yes	No	Yes*	Yes*	No**	No	N/A	N/A
Northern Illinois University	Yes	Yes	Yes	Yes	Yes	No	Yes	No	N/A
Northern Illinois University Alumni Assoc.	No	Yes	No	Yes	No	No	No	N/A	N/A
Northern Illinois University Foundation	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Nuclear Safety, Department of	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Pension Laws Commission	No	No	No	No	N/A	N/A	No	N/A	N/A
Pollution Control Board	Yes	Yes	No	Yes	No	No	No	N/A	N/A
Prairie State 2000 Authority	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Professional Regulation, Department of	Yes	Yes	No	Yes	No	No	No	N/A	N/A
Property Tax Appeal Board	No	Yes	No	Yes	No	No	No	N/A	N/A
Public Aid, Department of	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes
Public Health, Department of	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Racing Board, Illinois	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Revenue, Department of	Yes	Yes	Yes*	Yes	Yes	No	Yes	Yes	Yes*
Secretary of State	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
SIU Alumni Association – Carbondale	No	Yes	No	Yes	No	No	No	N/A	N/A
SIU Foundation – Carbondale	Yes	Yes	Yes	No	N/A	N/A	No	N/A	N/A
SIU Physicians and Surgeons	Yes	Yes	No	Yes	No	No	Yes	No	N/A
Southern Illinois University	Yes	Yes	Yes	Yes	No	No	Yes	No	N/A

**Appendix D
SURVEY RESPONSES****
Questions 1 - 9**

<i>Agencies With a Web-Site</i>	<i>Maintain Web Server</i>	<i>Maintain Web-Site</i>	<i>Privacy Statement</i>	<i>Obtain Personal Information</i>	<i>Share Personal Information – Outside Agency***</i>	<i>Personal Information Used for Other Purposes</i>	<i>Use Cookies or Other Technology</i>	<i>Policy on Use of Cookies</i>	<i>Cookie Policy in Privacy Statement *****</i>
State and Local Labor Relations Board	No	Yes	No	No	N/A	N/A	No	N/A	N/A
State Employees' Retirement System	No	Yes	No	No	N/A	N/A	No	N/A	N/A
State Fire Marshal	No	No	No	No	N/A	N/A	No	N/A	N/A
State Police, Department of	Yes	Yes	No	Yes	Yes	No	Yes	No	N/A
State Police Merit Board	No	Yes	No	Yes	No	No	No	N/A	N/A
State's Attorneys Appellate Prosecutor	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Student Assistance Commission, Illinois	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Teachers' Retirement System	Yes	Yes	Yes	Yes	No	No	Yes*	Yes*	Yes*
Toll Highway Authority, Illinois State	No	No	No	Yes	No	No	No	N/A	N/A
Transportation, Department of	Yes	Yes	No	Yes	No	No	Yes	No	N/A
Treasurer	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
U of I Research Park, LLC	No	No	No	No	N/A	N/A	No	N/A	N/A
UI HMO, Inc.	No	Yes	No	Yes	No	No	No	N/A	N/A
Universities Civil Service Commission	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Universities Retirement System	Yes	Yes	Yes*	Yes*	No**	No**	No	N/A	N/A
University of Illinois	Yes	Yes	No	No	N/A	N/A	Yes	No	N/A
University of Illinois – Ventures LLC	Yes	Yes	No	No	N/A	N/A	Yes	No	N/A
University of Illinois Alumni	No	Yes	No	Yes	Yes	No	No	N/A	N/A
University of Illinois Foundation	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
University Park – SIU	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Veterans' Affairs, Department of	No	Yes	No	No	N/A	N/A	No	N/A	N/A
Violence Prevention Authority, Illinois	No	Yes	Yes	No	N/A	N/A	Yes	Yes	Yes
Western Illinois University	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Wolcott Wood & Taylor, Inc. (Un. of Illinois)	Yes	Yes	No	No	N/A	N/A	No	N/A	N/A
Response Totals (114)									
Yes	56	99	32	58	12	2	34	20	19
No	58	15	82	56	46	56	80	13	1
N/A	0	0	0	0	56	56	0	81	94

Notes: * In our November 2001 follow-up, the agency revised its response provided to us in our June 2001 survey from "No" or "N/A" to "Yes".

** In our November 2001 follow-up, the agency revised its response provided to us in our June 2001 survey from "N/A" to "No".

*** For additional information on the information shared with other entities, see Exhibit 2-5.

**** This Appendix is based upon responses provided by agencies to our June 2001 survey and November 2001 follow-up. These responses (such as whether "cookies" are used) may differ from what we found in our follow-up work, and consequently, what is reported in the audit report.

***** While some responses are listed as N/A because the agency did not use cookie technology, their privacy policy may have disclosed that cookies were not used.

Source: Agency responses to June 2001 OAG survey and November 2001 follow-up.

**Appendix D
SURVEY RESPONSES**
Questions 12, 13, 16 and 20**

<i>Agencies With Tracking Technology on their Web-Site</i>	<i>Notify Users of Tracking Technology</i>	<i>User has Option to Refuse Cookie or Other Technology</i>	<i>If Refused, User Can Still Complete the Transaction</i>	<i>Tracking Technology Necessary</i>	<i>Information Shared with Others Outside the Agency</i>
Aging, Department on	No	No	N/A	Yes	No
Agriculture, Department of	No	No	N/A	Yes	No
Banks and Real Estate, Office of	No	No	N/A	Yes	No
Building Commission, Illinois	No	No	N/A	Yes	No
Chicago State University	Yes	Yes	Yes	Yes	No
Commerce and Community Affairs, Dept. of	No	No	N/A	Yes	Yes
Commerce Commission, Illinois	No	No	N/A	Yes	Yes
Comptroller	No	No	N/A	Yes	No
Criminal Justice Information Authority, Ill.	Yes	Yes	Yes	No	No
Development Finance Authority, Illinois	No	No	N/A	Yes	No
Drycleaner Env. Resp. Trust Fund Cncl.	No	No	N/A	Yes	No
Eastern Illinois University	Yes	No	N/A	Yes	No
Environmental Protection Agency	Yes	No	N/A	Yes	No
Historic Preservation Agency	No	No	N/A	No	No
Illinois State University	Yes	Yes	Yes	Yes	No
Metropolitan Pier and Exposition Authority	No	No	N/A	Yes	No
Natural Resources, Department of	Yes	No	N/A	Yes	No
Northern Illinois University	Yes	Yes	No	Yes	No
Northern Illinois University Foundation	Yes	No	N/A	N/A	N/A
Public Aid, Department of	Yes	No	N/A	Yes	No
Revenue, Department of	Yes*	No	N/A	Yes	No
Secretary of State	No	No	N/A	Yes	No
SIU Physicians and Surgeons	No	No	N/A	Yes	No
Southern Illinois University	No	No	N/A	Yes	No
State Police, Department of	No	No	N/A	Yes	Yes
Student Assistance Commission, Illinois	No	No	N/A	Yes	No
Transportation, Department of	No	No	N/A	No	No
Treasurer	No	Yes	Yes	Yes	No
University of Illinois	No	No	N/A	Yes	Yes
University of Illinois Foundation	No	No	N/A	Yes	No
University of Illinois - Ventures LLC	No	No	N/A	Yes	No
Violence Prevention Authority, Illinois	Yes	No	N/A	Yes	No
Western Illinois University	Yes	Yes	Yes	Yes	Yes
Response Totals (32)					
Yes	12	6	5	29	5
No	21	27	1	3	27
N/A	0	0	27	1	1

Notes: * In our November 2001 follow-up, the agency revised its response provided to us in our June 2001 survey from "No" to "Yes".
 ** This Appendix is based upon responses provided by agencies to our June 2001 survey and November 2001 follow-up. These responses may differ from what we found in our follow-up work, and consequently, what is reported in the audit report. Also, Teachers' Retirement System reported the use of cookies in the November 2001 follow-up and thus did not complete the questions in this portion of Appendix D.
 Source: Agency responses to June 2001 OAG survey and November 2001 follow-up.

APPENDIX E

LISTING OF AGENCIES WITHOUT WEB-SITES

<i>Appendix E</i> <i>AGENCIES WITHOUT A WEB-SITE</i>	
1. Civil Service Commission	
2. Community College System Foundation	
3. Court of Claims	
4. East St. Louis Financial Advisory Authority	
5. Eastern Illinois University Foundation	
6. Educational Facilities Authority, Illinois	
7. EPA – Trust Fund Commission	
8. Grain Insurance Corporation, Illinois	
9. Health Facilities Authority	
10. Illinois Distance Learning Foundation	
11. Illinois Literacy Foundation	
12. IMSA Fund for the Advancement of Education	
13. Investment, Illinois State Board of	
14. Kankakee River Valley Area Airport Authority	
15. Legislative Space Needs Commission	
16. Prairieland Energy, Inc.	
17. Prisoner Review Board	
18. Rural Bond Bank, Illinois *	
19. SIU Foundation – Edwardsville	
20. Summer School for the Arts	
21. Western Illinois University Foundation	
<p>Note: * In our November 2001 follow-up, the agency reported that they were in the process of constructing a web-site. Source: OAG Analysis of Agency Responses to June 2001 Survey and November 2001 Follow-Up</p>	

APPENDIX F

WEB-SITES WITH THIRD PARTY COOKIES

Appendix F
AGENCIES WITH THIRD PARTY COOKIES

1. Capital Development Board
2. Eastern Illinois University
3. Eastern Illinois University Alumni Association
4. Labor, Department of
5. Natural Resources, Department of
6. Northeastern Illinois University
7. Northern Illinois University
8. Northern Illinois University Foundation
9. SIU Foundation - Carbondale
10. Southern Illinois University
11. Treasurer
12. University of Illinois
Source: OAG review of State agency web-sites in August and September 2001

APPENDIX G

PRIVACY POLICY ON STATE HOMEPAGE: JULY 2001

State of Illinois Home Page Privacy Notice

PREAMBLE

Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees. On the other hand, the access to this information is not intended to be used to violate individual privacy, nor the purpose of furthering a commercial enterprise, or to disrupt the duly-undertaken work of any public body independent of the fulfillment of any of rights of the people to access to information.

PRIVACY STATEMENT

Information collected and received through State of Illinois web sites may become public records and therefore subject to disclosure under the Illinois Freedom of Information Act. It is therefore the policy of the State of Illinois that no personal information you provide to us, including your name, address, telephone number, drivers license number, Social Security Number and e-mail address will be sold, or rented to any entity or individual. The release of personal information by the Departments under the control of the Governor shall be limited to the State of Illinois government agencies and/or to authorized Department contractors or grantees.

PERSONAL INFORMATION AND CHOICE

"Personal information" is information about an individual that is readily identifiable to that specific individual. Personal information includes personal identifiers such as an individual's name, address, phone number, drivers license number and social security number. A domain name or Internet Protocol address is not considered personal information. We collect no personal information about you unless you voluntarily participate in an activity that asks for information (e.g., sending an e-mail or participating in a survey). If you choose not to participate in these activities, your choice will in no way affect your ability to use any other feature of State of Illinois web sites. If personal information is requested on the web site or volunteered by the user, state law and the federal Privacy Act of 1974 may protect it. However, this information is a public record once you provide it, and may be subject to public inspection and copying if not protected by federal or state law. Users are cautioned that the collection of personal information requested from or volunteered by children on-line or by email will be treated the same as information given by an adult and may be subject to public access.

POLICIES FOR INDIVIDUALS UNDER 13 YEARS OF AGE

The State of Illinois is committed to complying fully with the Children's Online Privacy Protection Act. Accordingly, if you are under the age of 13, you are not authorized to provide us with personally identifying information, and we will not use any such information in our database or other data collection activities. We appreciate your cooperation with this federally mandated requirement.

WEB LOGS

The State of Illinois analyzes our web site logs to continually improve the value of the materials available on our site. Our web site logs are not personally identifiable, and we make no attempt to link them with the individuals that browse State of Illinois web sites.

LOG INFORMATION COLLECTED AND HOW IT IS USED

If you do nothing during your visit to State of Illinois websites but browse or download information, we automatically collect and store the following information about your visit: 1. The Internet Protocol address and domain name used but not the email address. The Internet Protocol address is a numerical identifier assigned either to your Internet service provider or directly to your computer. We use the Internet Protocol address to direct Internet traffic to you; 2. The type of browser and operating system you used and your connection speed; 3. The date and time you visited this site; and 4. The web pages or services you accessed at this site.

CORRESPONDANCE

If during your visit to State of Illinois websites you participate in a survey or send an email, the following additional information will be collected: 1. E-mail correspondence: The e-mail address and contents of the e-mail; 2. Surveys : Any information you volunteered in response to a survey. The information collected is not limited to text characters and may include audio, video, and graphic information formats that you have provided. We use your email to respond appropriately. This may be to respond to you, to address issues you identify, to further improve our web site, or to forward the email to another agency for appropriate action. Survey information is used for the purpose designated.

COOKIES

We do not currently utilize cookie technology on the web sites referred to at the following URLs or any sub strings of these URLs.

www.state.il.us

www.state.il.us/gov/

www.business.state.il.us

www.futures4kids.org

LINK DISCLAIMER

The State of Illinois has links to other websites. These include links to web sites operated by other government agencies, nonprofit organizations and private businesses. When you link to another site, you are no longer on a site covered by this Privacy Notice. When you link to another web site, you are subject to the privacy policy of that new site.

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APPENDIX H

**PRIVACY POLICY ON STATE HOMEPAGE:
OCTOBER 2001**

State of Illinois Home Page Privacy Notice

www.state.il.us/default.htm

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APPENDIX I

**PRIVACY POLICY ON OFFICE OF THE GOVERNOR:
OCTOBER 2001**

Governor's Office Privacy Notice

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PREAMBLE

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"Personal information" is information about an individual that is readily identifiable to that specific individual. Personal information includes personal identifiers such as an individual's name, address, phone number, drivers license number and social security number. A domain name or Internet Protocol address is not considered personal information. We collect no personal information about you unless you voluntarily participate in an activity that asks for information (e.g., sending an e-mail or participating in a survey). If you choose not to participate in these activities, your choice will in no way affect your ability to use any other feature of State of Illinois web sites. If personal information is requested on the web site or volunteered by the user, State law and the federal Privacy Act of 1974 may protect it. However, this information is a public record once you provide it, and may be subject to public inspection and copying if not protected by federal or state law.

POLICIES FOR INDIVIDUALS UNDER 13 YEARS OF AGE

The State of Illinois is committed to complying fully with the Children's Online Privacy Protection Act. Accordingly, if you are under the age of 13, you are not authorized to provide us with personally identifying information, and we will not use any such information in our database or other data collection activities. We appreciate your cooperation with this federally mandated requirement. Users are cautioned that the collection of personal information volunteered by children on-line or by e-mail will be treated the same as information given by an adult and may be subject to public access.

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The State of Illinois analyzes our web site logs to continually improve the value of the materials

available on our site. Our web site logs are not personally identifiable.

INFORMATION RETAINED AND HOW IT IS USED

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CORRESPONDENCE

If during your visit to State of Illinois websites you participate in a survey or send an e-mail, the following additional information will be collected: 1. E-mail correspondence: The e-mail address and contents of the e-mail. We may use your e-mail to respond appropriately. This may be to respond to you, to address issues you identify, to further improve our web site, or to forward the e-mail to another agency for appropriate action. 2. Surveys : Any information you volunteered in response to a survey. Survey information is used for the purpose designated. The information collected is not limited to text characters and may include audio, video, and graphic information formats that you have provided.

COOKIES

The Governor's Office does not currently utilize cookie technology on this web site.

LINK DISCLAIMER

The Governor's Office has links to other websites. These include links to web sites operated by other government agencies, nonprofit organizations and private businesses. When you link to another site, you are no longer on a site covered by this Privacy Notice. When you link to another web site, you are subject to the privacy policy of that new site. Please see the information below for a complete list of those URLs that are covered by this privacy policy.

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Disclaimer of Duty to Continue Provision of Data

Due to the dynamic nature of the Internet, resources that are free and publicly available one day may require a fee or restricted access the next, and the location of items may change as menus, home pages, and files are reorganized. The user expressly agrees that use of the State's web site is at the user's sole risk. The State does not warrant that the service will be uninterrupted or error free. The documents and related graphics published on this server could contain technical inaccuracies or typographical errors. Changes are periodically added to the information herein. The State and/or its respective agencies and programs may make improvements and/or changes in the information and/or programs described herein at any time.

Choice of Law

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<http://www.state.il.us/gov/getdone.htm>
<http://www.state.il.us/gov/first.htm>
<http://www.state.il.us/gov/boards.htm>
<http://www.state.il.us/gov/office.htm>
<http://www.state.il.us/gov/preview.htm>
<http://www.state.il.us/gov/sos2001.htm>

APPENDIX J

ANALYSIS OF AGENCY PRIVACY POLICIES

Appendix J ANALYSIS OF AGENCY PRIVACY POLICIES				
<i>State Agencies</i>	<i>Notice</i>	<i>Choice</i>	<i>Access</i>	<i>Security</i>
Attorney General *	✓	✓		
Auditor General	✓	✓		
Banks and Real Estate, Office of *	✓	✓		✓
Chicago State University *	✓			
Commerce and Community Affairs, Dept. of *	✓	✓		
Commerce Commission, Illinois *	✓	✓		
Criminal Justice Information Authority, Illinois *				
Development Finance Authority, Illinois *	✓			
Developmental Disabilities, Council of	✓	✓	✓	
Employment Security, Department of *	✓	✓		
Environmental Protection Agency *	✓	✓		
Governor	✓	✓		
Governor's Commission on the Status of Women				
Guardianship and Advocacy Commission *	✓	✓		
Housing Development Authority *	✓	✓	✓	
Illinois State University *				
Military Affairs, Department of				
Natural Resources, Department of *	✓	✓		
Northern Illinois University *				
Northern Illinois University Foundation *				
Revenue, Dept. of *	✓	✓		✓
Secretary of State *	✓	✓		
SIU Foundation – Carbondale *				
Southern Illinois University *				
Student Assistance Commission, Illinois *	✓	✓	✓	✓
Supreme Court	✓	✓		
Teachers' Retirement System *	✓	✓		✓
Treasurer *				
Universities Retirement System *	✓	✓		✓
University of Illinois Foundation *				
Violence Prevention Authority, Illinois *	✓	✓		✓
Western Illinois University*	✓	✓	✓	✓
TOTAL	22	20	4	7
Note:* - Agency with a High Impact web-site. Source: Information derived from review of privacy policies available on web-sites in August 2001 of State agencies reporting they had privacy policy.				

APPENDIX K
AGENCY RESPONSES



OFFICE OF THE GOVERNOR
207 STATE CAPITOL, SPRINGFIELD, ILLINOIS 62706

GEORGE H. RYAN
GOVERNOR

November 20, 2001

William J. Sampias
Director
Information Systems Audits
Office of the Auditor General
740 East Ash
Springfield, IL 62703-3154

Dear William:

Thank you for sending me the draft report of your audit regarding House Resolution 263. Overall, the report is very thorough and informative. Below please find a few comments/corrections to the report.

- *Page 4 – The report reads, "According to ITO officials, while the ITO provides assistance to State agencies by educating them on IT-related issues, they do not maintain or assist any agency with their web-site".*

That statement is not completely correct, as the ITO has assisted several agencies with their websites. This assistance has included layout and design ideas, privacy policy reviews, accessibility information and more.

- *Page 23 – The report reads, "The General Assembly may wish to consider enacting a law which requires all State agencies with a web-site to develop and prominently post a privacy policy addressing the collection, maintenance, and disclosure of personal information, as well as the use of technology to collect information on the use of their web-sites."*

The ITO continues to review and respond accordingly to the evolution of e-government technology. Although I would agree with the need to provide clear and prominent privacy policies, legislation may be too restrictive to adapt to continual changes in the industry and tools used to serve citizens better, especially given the current security considerations in our nation and actions we may need to take in the future.

Thank you for the opportunity to review the report and make comments. Please let me know if you need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Mary Reynolds".

Mary Reynolds
Chief Technology Officer