Board of Commissioners of Cook County

Legislation Details

File #:	23-3192 **Version:** 1	**Name:**	Sec. 46-37. Declining ICE Detainer Requests Absent Full Reimbursement; Limiting Direct and Indirect Disclosure of Personal Information to Immigration Agents
Type:	Ordinance Amendment	**Status:**	Held / Deferred in Committee
File created:	5/24/2023	**In control:**	Legislation and Intergovernmental Relations Committee
On agenda:	5/25/2023	**Final action:**	
Title:	PROPOSED ORDINANCE AMENDMENT		

Sec. 46-37. Declining ICE Detainer Requests Absent Full Reimbursement; Limiting Direct and Indirect Disclosure of Personal Information to Immigration Agents

(a) The Sheriff of Cook County shall decline ICE detainer requests unless there is a written agreement with the federal government by which all costs incurred by Cook County in complying with the ICE detainer shall be reimbursed.

(b) Unless ICE agents immigration agents have a criminal warrant or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or allowed to use County facilities for investigative interviews or other purposes and County personnel shall not expend their time responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates while on duty.

(c) There being no legal authority upon which the federal government may compel an expenditure of County resources to comply with an ICE detainer issued pursuant to 8 USC § 1226 or 8 USC § 1357 (d), there shall be no expenditure of any County resources or effort by on-duty County personnel for this purpose, except as expressly provided within this section.

(d) Any person who alleges a violation of this section may file a written complaint for investigation with the Cook County Sheriff's Office of Professional Review.

(e) County personnel shall not disclose personal information to immigration agents whether directly or indirectly through any third party, such as a criminal justice data exchange or non-government entity.

(f) County agencies shall require any third party given access to personal information to:

(i) Prohibit the disclosure of such information to immigration agents and use of such information for the enforcement of immigration laws;

(ii) Limit use or disclosure of such information by a third party to a purpose specified in a written agreement with the County agency, and no other purposes;

(iii) if the County agency permits the third party to disclose the personal information to another third party (herein "recipient"), prohibit the redisclosure or sharing of personal information by any recipient, and require the recipient certify in writing to compliance.

(iv) Maintain a list of recipients of this personal information on a monthly basis that is open to audit by County personnel.

(v) Have a written agreement with the County agency that contains the requirements of [this Section] and certifies that it complies with these requirements. For a third party given access to the personal

information of more than 500 individuals in a calendar year, the Chief Executive Officer or equivalent position shall execute the certification.

(g) County agencies shall conduct regular audits of third parties and shall issue an annual report regarding compliance under [this Section X] including but not limited to the extent to which personal information has been disclosed to immigration agents directly or indirectly through third parties. The annual report and all written agreements giving a third party access to the personal information of more than 500 individuals shall be made publicly available.

(h) Any third party which obtains, uses, or possesses personal information from a County agency in violation of the requirements of [this Section] shall notify the relevant County agency of the violation and what personal information is impacted, and shall be required by the County agency to cease any access, use or disclosure of personal information and, where possible, delete personal information in its possession that is in violation of the requirements of [this Section].

(i) Any person aggrieved by a violation of this Section shall have a right of action in a State circuit court or as a supplemental claim in federal district court against the offending third party.

Sec. [_-__]. Definitions.

The following words, terms, and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

( ) The term "County personnel" means any employee, official, agent, or contractor of a Cook County agency, board, bureau, commission, department, division, and/or office.

( ) The term "personal information" means any information about a living, natural person which may reasonably lead to the identification of that person, including but not limited to social security number, date of birth, biometric identifiers, location information, residential address, employment identification information, driver's license number, personal license plate number, personal telephone number, personal email address, medical records, jail release time, and incarceration status.

( ) The term "immigration agent" means any employee, agent, or contractor of a federal, state or local agency that enforces immigration law.

( ) The term "third party" means any entity other than the subject of the personal information, whether public or private, including but not limited to an individual, partnership, corporation, association, organization, bulk data requester, data broker, government agency, contractor, database, or data exchange.

Effective date: This ordinance shall be in effect immediately upon adoption.

Sponsors: ALMA E. ANAYA

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/29/2023	1	Board of Commissioners	defer	Pass
6/28/2023	1	Legislation and Intergovernmental Relations Committee	recommend for deferral	Pass
5/25/2023	1	Board of Commissioners	refer	Pass