



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2411

by Rep. Sam Yingling

SYNOPSIS AS INTRODUCED:

740 ILCS 14/15

Amends the Biometric Information Privacy Act. Provides that except to the extent necessary for an employer to conduct background checks or implement employee security protocols, a private entity may not require a person or customer to provide his or her biometric identifier or biometric information as a condition for the provision of goods or services. Provides that the new provisions do not apply to: (i) companies that provide medical services; (ii) law enforcement agencies; or (iii) governmental entities.

LRB100 07957 HEP 18031 b

1 AN ACT concerning civil law.

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

4 Section 5. The Biometric Information Privacy Act is amended
5 by changing Section 15 as follows:

6 (740 ILCS 14/15)

7 Sec. 15. Retention; collection; disclosure; destruction.

8 (a) A private entity in possession of biometric identifiers
9 or biometric information must develop a written policy, made
10 available to the public, establishing a retention schedule and
11 guidelines for permanently destroying biometric identifiers
12 and biometric information when the initial purpose for
13 collecting or obtaining such identifiers or information has
14 been satisfied or within 3 years of the individual's last
15 interaction with the private entity, whichever occurs first.
16 Absent a valid warrant or subpoena issued by a court of
17 competent jurisdiction, a private entity in possession of
18 biometric identifiers or biometric information must comply
19 with its established retention schedule and destruction
20 guidelines.

21 (a-5) Except to the extent necessary for an employer to
22 conduct background checks or implement employee security
23 protocols, a private entity may not require a person or

1 customer to provide his or her biometric identifier or
2 biometric information as a condition for the provision of goods
3 or services. This subsection (a-5) does not apply to: (i)
4 companies that provide medical services; (ii) law enforcement
5 agencies; or (iii) governmental entities.

6 (b) No private entity may collect, capture, purchase,
7 receive through trade, or otherwise obtain a person's or a
8 customer's biometric identifier or biometric information,
9 unless it first:

10 (1) informs the subject or the subject's legally
11 authorized representative in writing that a biometric
12 identifier or biometric information is being collected or
13 stored;

14 (2) informs the subject or the subject's legally
15 authorized representative in writing of the specific
16 purpose and length of term for which a biometric identifier
17 or biometric information is being collected, stored, and
18 used; and

19 (3) receives a written release executed by the subject
20 of the biometric identifier or biometric information or the
21 subject's legally authorized representative.

22 (c) No private entity in possession of a biometric
23 identifier or biometric information may sell, lease, trade, or
24 otherwise profit from a person's or a customer's biometric
25 identifier or biometric information.

26 (d) No private entity in possession of a biometric

1 identifier or biometric information may disclose, redisclose,
2 or otherwise disseminate a person's or a customer's biometric
3 identifier or biometric information unless:

4 (1) the subject of the biometric identifier or
5 biometric information or the subject's legally authorized
6 representative consents to the disclosure or redisclosure;

7 (2) the disclosure or redisclosure completes a
8 financial transaction requested or authorized by the
9 subject of the biometric identifier or the biometric
10 information or the subject's legally authorized
11 representative;

12 (3) the disclosure or redisclosure is required by State
13 or federal law or municipal ordinance; or

14 (4) the disclosure is required pursuant to a valid
15 warrant or subpoena issued by a court of competent
16 jurisdiction.

17 (e) A private entity in possession of a biometric
18 identifier or biometric information shall:

19 (1) store, transmit, and protect from disclosure all
20 biometric identifiers and biometric information using the
21 reasonable standard of care within the private entity's
22 industry; and

23 (2) store, transmit, and protect from disclosure all
24 biometric identifiers and biometric information in a
25 manner that is the same as or more protective than the
26 manner in which the private entity stores, transmits, and

1 protects other confidential and sensitive information.

2 (Source: P.A. 95-994, eff. 10-3-08.)