



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5103

by Rep. André Thapedi

#### SYNOPSIS AS INTRODUCED:

740 ILCS 14/25

Amends the Biometric Information Privacy Act. Provides that nothing in the Act shall be deemed to apply to a private entity collecting, storing, or transmitting biometric information if: (i) the biometric information is used exclusively for employment, human resources, fraud prevention, or security purposes; (ii) the private entity does not sell, lease, trade, or similarly profit from the biometric identifier or biometric information collected; or (iii) the private entity stores, transmits, and protects the biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the private entity stores, transmits, and protects other confidential and sensitive information.

LRB100 20689 HEP 36147 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 25 as follows:

6 (740 ILCS 14/25)

7 Sec. 25. Construction.

8 (a) Nothing in this Act shall be construed to impact the  
9 admission or discovery of biometric identifiers and biometric  
10 information in any action of any kind in any court, or before  
11 any tribunal, board, agency, or person.

12 (b) Nothing in this Act shall be construed to conflict with  
13 the X-Ray Retention Act, the federal Health Insurance  
14 Portability and Accountability Act of 1996 and the rules  
15 promulgated under either Act.

16 (c) Nothing in this Act shall be deemed to apply in any  
17 manner to a financial institution or an affiliate of a  
18 financial institution that is subject to Title V of the federal  
19 Gramm-Leach-Bliley Act of 1999 and the rules promulgated  
20 thereunder.

21 (d) Nothing in this Act shall be construed to conflict with  
22 the Private Detective, Private Alarm, Private Security,  
23 Fingerprint Vendor, and Locksmith Act of 2004 and the rules

1 promulgated thereunder.

2 (e) Nothing in this Act shall be construed to apply to a  
3 contractor, subcontractor, or agent of a State agency or local  
4 unit of government when working for that State agency or local  
5 unit of government.

6 (f) Nothing in this Act shall be deemed to apply to a  
7 private entity collecting, storing, or transmitting biometric  
8 information if: (i) the biometric information is used  
9 exclusively for employment, human resources, fraud prevention,  
10 or security purposes; (ii) the private entity does not sell,  
11 lease, trade, or similarly profit from the biometric identifier  
12 or biometric information collected; or (iii) the private entity  
13 stores, transmits, and protects the biometric identifiers and  
14 biometric information in a manner that is the same as or more  
15 protective than the manner in which the private entity stores,  
16 transmits, and protects other confidential and sensitive  
17 information.

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