



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2784

by Rep. Ann M. Williams

#### SYNOPSIS AS INTRODUCED:

815 ILCS 530/5

Amends the Personal Information Protection Act. Provides that "consumer marketing information" means information related to a consumer's online browsing history, online search history, or purchasing history, including, but not limited to, consumer profiles that are based upon the information. Provides that "geolocation information" means information that is (i) generated or derived from the operation or use of an electronic communications device, (ii) stored and sufficient to identify the street name and the name of the city or town in which an individual is located, and (iii) likely to enable someone to determine an individual's regular pattern of behavior. Provides that "geolocation information" does not include the contents of an electronic communication. Provides that "medical information" includes genetic information. Provides that "personal information" means an individual's first name or first initial and last name and email address. Adds geolocation information, consumer marketing information, and audio recordings to the list of data elements included in the definition of "personal information".

LRB101 10655 TAE 55762 b

1 AN ACT concerning business.

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

4 Section 5. The Personal Information Protection Act is  
5 amended by changing Section 5 as follows:

6 (815 ILCS 530/5)

7 Sec. 5. Definitions. In this Act:

8 "Data collector" may include, but is not limited to,  
9 government agencies, public and private universities,  
10 privately and publicly held corporations, financial  
11 institutions, retail operators, and any other entity that, for  
12 any purpose, handles, collects, disseminates, or otherwise  
13 deals with nonpublic personal information.

14 "Breach of the security of the system data" or "breach"  
15 means unauthorized acquisition of computerized data that  
16 compromises the security, confidentiality, or integrity of  
17 personal information maintained by the data collector. "Breach  
18 of the security of the system data" does not include good faith  
19 acquisition of personal information by an employee or agent of  
20 the data collector for a legitimate purpose of the data  
21 collector, provided that the personal information is not used  
22 for a purpose unrelated to the data collector's business or  
23 subject to further unauthorized disclosure.

1       "Consumer marketing information" means information related  
2 to a consumer's online browsing history, online search history,  
3 or purchasing history, including, but not limited to, consumer  
4 profiles that are based upon the information.

5       "Geolocation information" means information that is (i)  
6 generated or derived from the operation or use of an electronic  
7 communications device, (ii) stored and sufficient to identify  
8 the street name and name of the city or town in which an  
9 individual is located, and (iii) likely to enable someone to  
10 determine an individual's regular pattern of behavior.

11 "Geolocation information" does not include the contents of an  
12 electronic communication.

13       "Health insurance information" means an individual's  
14 health insurance policy number or subscriber identification  
15 number, any unique identifier used by a health insurer to  
16 identify the individual, or any medical information in an  
17 individual's health insurance application and claims history,  
18 including any appeals records.

19       "Medical information" means any information regarding an  
20 individual's medical history, genetic information, mental or  
21 physical condition, or medical treatment or diagnosis by a  
22 healthcare professional, including such information provided  
23 to a website or mobile application.

24       "Personal information" means either of the following:

25           (1) An individual's first name or first initial and  
26 last name or email address ~~An individual's first name or~~

1 ~~first initial and last name~~ in combination with any one or  
2 more of the following data elements, when either the name  
3 or the data elements are not encrypted or redacted or are  
4 encrypted or redacted but the keys to unencrypt or unredact  
5 or otherwise read the name or data elements have been  
6 acquired without authorization through the breach of  
7 security:

8 (A) Social Security number.

9 (B) Driver's license number or State  
10 identification card number.

11 (C) Account number or credit or debit card number,  
12 or an account number or credit card number in  
13 combination with any required security code, access  
14 code, or password that would permit access to an  
15 individual's financial account.

16 (D) Medical information.

17 (E) Health insurance information.

18 (F) Unique biometric data generated from  
19 measurements or technical analysis of human body  
20 characteristics used by the owner or licensee to  
21 authenticate an individual, such as a fingerprint,  
22 retina or iris image, or other unique physical  
23 representation or digital representation of biometric  
24 data.

25 (G) Geolocation information.

26 (H) Consumer marketing information.

1                   (I) Audio recordings.

2                   (2) User name or email address, in combination with a  
3                   password or security question and answer that would permit  
4                   access to an online account, when either the user name or  
5                   email address or password or security question and answer  
6                   are not encrypted or redacted or are encrypted or redacted  
7                   but the keys to unencrypt or unredact or otherwise read the  
8                   data elements have been obtained through the breach of  
9                   security.

10                  "Personal information" does not include publicly available  
11                  information that is lawfully made available to the general  
12                  public from federal, State, or local government records.

13                  (Source: P.A. 99-503, eff. 1-1-17.)