

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 1. Short title. This Act may be cited as the
5 Geolocation Privacy Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Geolocation information" means information that: (i) is
8 not the contents of a communication; (ii) is generated by or
9 derived from, in whole or in part, the operation of a mobile
10 device, including, but not limited to, a smart phone, tablet,
11 or laptop computer; and (iii) is sufficient to determine or
12 infer the precise location of that device. "Geolocation
13 information" does not include Internet protocol addresses.

14 "Location-based application" means a software application
15 that collects, uses, or stores geolocation information.

16 "Private entity" means any individual, partnership,
17 corporation, limited liability company, association, or other
18 group, however organized. "Private entity" does not include any
19 governmental agency.

20 Section 10. Collection, use, storage, and disclosure of
21 geolocation information from location-based applications.

22 (a) A private entity may not collect, use, store, or

1 disclose geolocation information from a location-based
2 application on a person's device unless the private entity
3 first receives the person's affirmative express consent after
4 providing clear, prominent, and accurate notice that:

5 (1) informs the person that his or her geolocation
6 information will be collected, used, or disclosed;

7 (2) informs the person in writing of the specific
8 purposes for which his or her geolocation information will
9 be collected, used, or disclosed; and

10 (3) provides the person a hyperlink or comparably
11 easily accessible means to access the information
12 specified in this subsection.

13 (b) A private entity may collect, use, or disclose
14 geolocation information from a location-based application on a
15 person's device without receiving affirmative express consent
16 if the collection or disclosure is:

17 (1) to allow a parent or legal guardian to locate an
18 unemancipated minor child;

19 (2) to allow a court-appointed guardian to locate a
20 legally incapacitated person; or

21 (3) for the provision of fire, medical, public safety,
22 or other emergency services.

23 (c) A private entity need not obtain a person's affirmative
24 express consent after the person's initial consent as described
25 in subsection (a) has been obtained unless the terms previously
26 agreed to under items (1), (2), and (3) of subsection (a) are

1 materially changed.

2 (d) This Section applies to location-based applications
3 created or modified after the effective date of this Act.

4 Section 15. Violation. A violation of this Act constitutes
5 a violation of the Consumer Fraud and Deceptive Business
6 Practices Act. Only a State's Attorney or the Attorney General
7 may enforce a violation of this Act as an unlawful practice
8 under the Consumer Fraud and Deceptive Business Practices Act.

9 Section 20. Waivers; contracts.

10 (a) Any waiver of the provisions of this Act is void and
11 unenforceable.

12 (b) Any contract provision relating to the use of a
13 location-based application that does not comply with the
14 applicable provisions of this Act is void and unenforceable.

15 Section 25. Applicability. This Act does not apply to: (i)
16 a health care provider or other covered entity subject to the
17 Federal Health Insurance Portability and Accountability Act of
18 1996 and the rules promulgated thereunder; (ii) a financial
19 institution or an affiliate of a financial institution that is
20 subject to Title V of the Federal Gramm-Leach-Bliley Act of
21 1999 and the rules promulgated thereunder; or (iii) Internet,
22 wireless, or telecommunications service providers; (iv) cable
23 or video service providers under Article XXI of the Public

1 Utilities Act; or (v) a person licensed as a private detective
2 pursuant to the Private Detective, Private Alarm, Private
3 Security, Fingerprint Vendor, and Locksmith Act of 2004.

4 Section 90. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2Z as follows:

6 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

7 Sec. 2Z. Violations of other Acts. Any person who knowingly
8 violates the Automotive Repair Act, the Automotive Collision
9 Repair Act, the Home Repair and Remodeling Act, the Dance
10 Studio Act, the Geolocation Privacy Protection Act, the
11 Physical Fitness Services Act, the Hearing Instrument Consumer
12 Protection Act, the Illinois Union Label Act, the Job Referral
13 and Job Listing Services Consumer Protection Act, the Travel
14 Promotion Consumer Protection Act, the Credit Services
15 Organizations Act, the Automatic Telephone Dialers Act, the
16 Pay-Per-Call Services Consumer Protection Act, the Telephone
17 Solicitations Act, the Illinois Funeral or Burial Funds Act,
18 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and
19 Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High
20 Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage
21 Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the
22 Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the
23 Cigarette Use Tax Act, the Electronic Mail Act, the Internet
24 Caller Identification Act, paragraph (6) of subsection (k) of

1 Section 6-305 of the Illinois Vehicle Code, Section 11-1431,
2 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the
3 Illinois Vehicle Code, Article 3 of the Residential Real
4 Property Disclosure Act, the Automatic Contract Renewal Act,
5 the Reverse Mortgage Act, Section 25 of the Youth Mental Health
6 Protection Act, or the Personal Information Protection Act
7 commits an unlawful practice within the meaning of this Act.
8 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
9 eff. 7-28-16.)