

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 is downloaded or installed onto a mobile device and  
16 collects, uses, or stores geolocation information.

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

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

1 (a) A private entity may not collect, use, store, or  
2 disclose geolocation information from a location-based  
3 application on a person's device unless the private entity  
4 first receives the person's affirmative express consent after  
5 providing clear, prominent, and accurate notice that:

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

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

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

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

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

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

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

24 (4) for the limited purpose of providing storage,  
25 security, or authentication services.

26 (c) A private entity need not obtain a person's affirmative

1 express consent after the person's initial consent as described  
2 in subsection (a) has been obtained unless the terms previously  
3 agreed to under items (1), (2), and (3) of subsection (a) are  
4 materially changed.

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

7 Section 15. Violation.

8 (a) A violation of this Act constitutes a violation of the  
9 Consumer Fraud and Deceptive Business Practices Act. Only a  
10 State's Attorney or the Attorney General may enforce a  
11 violation of this Act as an unlawful practice under the  
12 Consumer Fraud and Deceptive Business Practices Act, including  
13 when an agreement is void and unenforceable pursuant to Section  
14 20 of this Act.

15 (b) A private entity, other than an individual, that is in  
16 violation of this Act shall have 15 days after being notified  
17 of a violation to rectify that violation before the Attorney  
18 General or appropriate State's Attorney's Office may seek an  
19 enforcement action against that private entity.

20 Section 20. Waivers; contracts.

21 (a) Any waiver of the provisions of this Act is void and  
22 unenforceable.

23 (b) Any agreement created or modified after the effective  
24 date of this Act that does not comply with this Act is void and

1 unenforceable. An agreement that is void and unenforceable  
2 under this Section does not give rise to a private right of  
3 action under this Act.

4 Section 25. Applicability. This Act does not apply to: (i)  
5 a health care provider or other covered entity subject to the  
6 Federal Health Insurance Portability and Accountability Act of  
7 1996 and the rules promulgated thereunder; (ii) a financial  
8 institution or an affiliate of a financial institution that is  
9 subject to Title V of the Federal Gramm-Leach-Bliley Act of  
10 1999 and the rules promulgated thereunder; (iii) Internet,  
11 wireless, or telecommunications service providers; (iv) video  
12 service providers under Article XXI of the Public Utilities  
13 Act; (v) a person licensed as a private detective pursuant to  
14 the Private Detective, Private Alarm, Private Security,  
15 Fingerprint Vendor, and Locksmith Act of 2004; (vi) an  
16 individual or firm licensed under the Illinois Professional  
17 Land Surveyor Act of 1989 or the Professional Engineering  
18 Practice Act of 1989; (vii) a public utility, as defined in  
19 Section 3-105 of the Public Utilities Act, an alternative  
20 retail electric supplier, as defined in Section 16-102 of the  
21 Public Utilities Act, an alternative gas supplier, as defined  
22 in Section 19-105 of the Public Utilities Act, or the employees  
23 or agents of those entities; or (viii) any candidate,  
24 volunteer, employee, agent, or vendor of a candidate political  
25 committee, political party committee, political action

1 committee, ballot initiative committee, or independent  
2 expenditure committee, as defined in Section 9-1.8 of the  
3 Election Code.

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.)