

HB3051



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3051

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the App Privacy Protection Act. Requires an entity that owns, controls, or operates a web site, online service, or software application to identify in its customer agreements or applicable terms whether third parties collect electronic information directly from the digital devices of individuals in Illinois who use or visit its web site, online service, or software application. Requires the disclosure of the names of those third parties and the categories of information collected. Amends the Consumer Fraud and Deceptive Business Practices Act to provide that a violation of the App Privacy Protection Act constitutes a violation of that Act.

LRB101 10656 JLS 55763 b

A BILL FOR

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 App
5 Privacy Protection Act.

6 Section 5. Definitions. In this Act:

7 "Electronic information" means information derived by or
8 generated from a web site, online service, or software
9 application that is downloaded, installed, or otherwise used on
10 a digital device.

11 "Private entity" means an individual, partnership,
12 corporation, limited liability company, association, or other
13 group, however organized.

14 Section 10. Disclosure. A private entity that owns,
15 controls, or operates a web site, online service, or software
16 application must identify in its customer agreements or
17 applicable terms whether third parties collect electronic
18 information directly from the digital devices of individuals in
19 Illinois who use or visit its web site, online service, or
20 software application, and disclose:

21 (1) the names of the third parties; and

22 (2) the types or categories of electronic information

1 the third party collects.

2 Section 15. Violation. A violation of this Act constitutes
3 a violation of the Consumer Fraud and Deceptive Business
4 Practices Act.

5 Section 20. Waiver; contracts.

6 (a) Any waiver of the provisions of this Act is void and
7 unenforceable.

8 (b) Any agreement created or modified after the effective
9 date of this Act that does not comply with this Act is void and
10 unenforceable.

11 Section 25. The Consumer Fraud and Deceptive Business
12 Practices Act is amended by changing Section 2Z as follows:

13 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

14 Sec. 2Z. Violations of other Acts. Any person who knowingly
15 violates the App Privacy Protection Act, Automotive Repair Act,
16 the Automotive Collision Repair Act, the Home Repair and
17 Remodeling Act, the Dance Studio Act, the Physical Fitness
18 Services Act, the Hearing Instrument Consumer Protection Act,
19 the Illinois Union Label Act, the Installment Sales Contract
20 Act, the Job Referral and Job Listing Services Consumer
21 Protection Act, the Travel Promotion Consumer Protection Act,
22 the Credit Services Organizations Act, the Automatic Telephone

1 Dialers Act, the Pay-Per-Call Services Consumer Protection
2 Act, the Telephone Solicitations Act, the Illinois Funeral or
3 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care
4 Act, the Safe and Hygienic Bed Act, the Illinois Pre-Need
5 Cemetery Sales Act, the High Risk Home Loan Act, the Payday
6 Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a)
7 or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a)
8 or (b) of Section 3-10 of the Cigarette Use Tax Act, the
9 Electronic Mail Act, the Internet Caller Identification Act,
10 paragraph (6) of subsection (k) of Section 6-305 of the
11 Illinois Vehicle Code, Section 11-1431, 18d-115, 18d-120,
12 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois Vehicle
13 Code, Article 3 of the Residential Real Property Disclosure
14 Act, the Automatic Contract Renewal Act, the Reverse Mortgage
15 Act, Section 25 of the Youth Mental Health Protection Act, the
16 Personal Information Protection Act, or the Student Online
17 Personal Protection Act commits an unlawful practice within the
18 meaning of this Act.

19 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
20 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
21 100-863, eff. 8-14-18.)