

HB3200



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3200

by Rep. Diane Pappas

SYNOPSIS AS INTRODUCED:

815 ILCS 530/10

Amends the Personal Information Protection Act. Provides that if there is a breach of the security of system data, a data collector must notify the Attorney General in addition to the Illinois resident to whom the breach relates. Requires the notice to be provided no later than 5 days after the breach.

LRB101 10070 JLS 55173 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 5. The Personal Information Protection Act is
5 amended by changing Section 10 as follows:

6 (815 ILCS 530/10)

7 Sec. 10. Notice of breach.

8 (a) Any data collector that owns or licenses personal
9 information concerning an Illinois resident shall notify the
10 Attorney General and the resident at no charge that there has
11 been a breach of the security of the system data following
12 discovery or notification of the breach. The disclosure
13 notification shall be made in the most expedient time possible,
14 but no later than 5 days after the breach and without
15 unreasonable delay, consistent with any measures necessary to
16 determine the scope of the breach and restore the reasonable
17 integrity, security, and confidentiality of the data system.
18 The disclosure notification to an Illinois resident shall
19 include, but need not be limited to, information as follows:

20 (1) With respect to personal information as defined in
21 Section 5 in paragraph (1) of the definition of "personal
22 information":

23 (A) the toll-free numbers and addresses for

1 consumer reporting agencies;

2 (B) the toll-free number, address, and website
3 address for the Federal Trade Commission; and

4 (C) a statement that the individual can obtain
5 information from these sources about fraud alerts and
6 security freezes.

7 (2) With respect to personal information defined in
8 Section 5 in paragraph (2) of the definition of "personal
9 information", notice may be provided in electronic or other
10 form directing the Illinois resident whose personal
11 information has been breached to promptly change his or her
12 user name or password and security question or answer, as
13 applicable, or to take other steps appropriate to protect
14 all online accounts for which the resident uses the same
15 user name or email address and password or security
16 question and answer.

17 The notification shall not, however, include information
18 concerning the number of Illinois residents affected by the
19 breach.

20 (b) Any data collector that maintains or stores, but does
21 not own or license, computerized data that includes personal
22 information that the data collector does not own or license
23 shall notify the Attorney General and the owner or licensee of
24 the information of any breach of the security of the data
25 immediately following discovery, if the personal information
26 was, or is reasonably believed to have been, acquired by an

1 unauthorized person. In addition to providing such
2 notification to the owner or licensee, the data collector shall
3 cooperate with the owner or licensee in matters relating to the
4 breach. That cooperation shall include, but need not be limited
5 to, (i) informing the owner or licensee of the breach,
6 including giving notice of the date or approximate date of the
7 breach and the nature of the breach, and (ii) informing the
8 owner or licensee of any steps the data collector has taken or
9 plans to take relating to the breach. The data collector's
10 cooperation shall not, however, be deemed to require either the
11 disclosure of confidential business information or trade
12 secrets or the notification of an Illinois resident who may
13 have been affected by the breach.

14 (b-5) The notification to an Illinois resident required by
15 subsection (a) of this Section may be delayed if an appropriate
16 law enforcement agency determines that notification will
17 interfere with a criminal investigation and provides the data
18 collector with a written request for the delay. However, the
19 data collector must notify the Illinois resident as soon as
20 notification will no longer interfere with the investigation.

21 (c) For purposes of this Section, notice to consumers may
22 be provided by one of the following methods:

23 (1) written notice;

24 (2) electronic notice, if the notice provided is
25 consistent with the provisions regarding electronic
26 records and signatures for notices legally required to be

1 in writing as set forth in Section 7001 of Title 15 of the
2 United States Code; or

3 (3) substitute notice, if the data collector
4 demonstrates that the cost of providing notice would exceed
5 \$250,000 or that the affected class of subject persons to
6 be notified exceeds 500,000, or the data collector does not
7 have sufficient contact information. Substitute notice
8 shall consist of all of the following: (i) email notice if
9 the data collector has an email address for the subject
10 persons; (ii) conspicuous posting of the notice on the data
11 collector's web site page if the data collector maintains
12 one; and (iii) notification to major statewide media or, if
13 the breach impacts residents in one geographic area, to
14 prominent local media in areas where affected individuals
15 are likely to reside if such notice is reasonably
16 calculated to give actual notice to persons whom notice is
17 required.

18 (d) Notwithstanding any other subsection in this Section, a
19 data collector that maintains its own notification procedures
20 as part of an information security policy for the treatment of
21 personal information and is otherwise consistent with the
22 timing requirements of this Act, shall be deemed in compliance
23 with the notification requirements of this Section if the data
24 collector notifies subject persons in accordance with its
25 policies in the event of a breach of the security of the system
26 data.

1 (Source: P.A. 99-503, eff. 1-1-17; 100-201, eff. 8-18-17.)