



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1719

Introduced 2/15/2019, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2Z

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

Creates the Keep Internet Devices Safe Act. Includes a statement of legislative intent and defines terms. Provides that no private entity may turn on or enable, cause to be turned on or enabled, or otherwise use a digital device's microphone to listen for or collect information, including spoken words or other audible or inaudible sounds, unless a user first agrees to a written policy meeting specified criteria. Provides that a private entity that collects, stores, or transmits any information collected through a digital device's microphone concerning an Illinois resident shall implement and maintain reasonable security measures to protect such information from unauthorized access, acquisition, destruction, use, modification, and disclosure. Adds provisions governing waiver, applicability, and exceptions. Provides that a violation of the Keep Internet Devices Safe Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act and makes a corresponding change in that Act.

LRB101 07614 TAE 52661 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 1. Short title. This Act may be cited as the Keep
5 Internet Devices Safe Act.

6 Section 5. Legislative findings; intent. The General
7 Assembly finds the following:

8 (a) An increasing number of everyday household devices,
9 such as smart phones, televisions, cars, toys, and home
10 appliances, are being enhanced by speech recognition and other
11 technologies that use microphones to listen for environmental
12 triggers. As a result, private companies are gaining
13 unprecedented and near constant access to Illinois citizens and
14 their families' private lives, including what they do in their
15 homes and their daily habits.

16 (b) While there are tremendous benefits from these
17 technologies, the collection of personal information from
18 Internet connected devices pose serious privacy and physical
19 safety risks to Illinois citizens and children. Children's toys
20 now have microphones that can record and collect personal
21 information from conversations within earshot of the device.

22 (c) The increasing prevalence of these technologies in
23 everyday devices enables companies to collect, store, analyze,

1 and share increasing amounts of personal data, often without
2 Illinois families ever knowing. Illinois citizens have a right
3 to their personal data and the public welfare, security, and
4 safety will be served by requiring companies to be transparent
5 about their data collection and sharing practices.

6 (d) It is the public policy of the State of Illinois to
7 ensure that Illinois citizens be aware of and have control over
8 whether a private entity records, collects, stores, or
9 discloses their personal information and to ensure that their
10 personal information is maintained in a secure manner.

11 Section 10. Definitions. In this Act:

12 "Digital device" means a smart phone, tablet, television,
13 computer, car, toy, home appliance, or any other device that
14 may be used for personal, family, or household purposes that
15 contains a microphone.

16 "Microphone" means an instrument capable of listening for,
17 collecting, recording, storing, analyzing, transmitting,
18 interpreting, or otherwise using spoken words or other audible
19 or inaudible sounds.

20 "Private entity" means any partnership, corporation,
21 limited liability company, association, organization or other
22 group, regardless of organizational structure, or any agent
23 thereof. "Private entity" does not include a state or local
24 government agency.

25 "User" means a person who purchases, leases, or otherwise

1 uses a digital device.

2 Section 15. Collection, use, storage, or disclosure of
3 information from a digital device's microphone. No private
4 entity may turn on or enable, cause to be turned on or enabled,
5 or otherwise use a digital device's microphone to listen for or
6 collect information, including spoken words or other audible or
7 inaudible sounds, unless a user first agrees to a written
8 policy informing the user:

9 (1) that the microphone in his or her digital device
10 will be turned on, enabled, or used;

11 (2) how often the microphone will be turned on,
12 enabled, or used;

13 (3) of the categories of information, such as spoken
14 words or audible or inaudible sounds, the microphone will
15 be listening for, collecting, storing, and disclosing; and

16 (4) of the purpose for which the information will be
17 collected, used, stored, and disclosed.

18 Section 20. Security measures.

19 (a) A private entity that collects, stores, or transmits
20 any information collected through a digital device's
21 microphone concerning an Illinois resident shall implement and
22 maintain reasonable security measures to protect such
23 information from unauthorized access, acquisition,
24 destruction, use, modification, and disclosure.

1 (b) A contract for the disclosure of information collected
2 through a digital device's microphone concerning an Illinois
3 resident that is maintained by a private entity subject to this
4 Act must include a provision requiring the person or private
5 entity to whom the information is disclosed to implement and
6 maintain reasonable security measures to protect such
7 information from unauthorized access, acquisition,
8 destruction, use, modification, or disclosure.

9 Section 25. Unlawful practice. A violation of this Act
10 constitutes an unlawful practice under the Consumer Fraud and
11 Deceptive Business Practices Act.

12 Section 30. General provisions.

13 (a) Any waiver of the provisions of this Act is void and
14 unenforceable.

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

18 Section 35. The Consumer Fraud and Deceptive Business
19 Practices Act is amended by changing Section 2Z as follows:

20 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

21 Sec. 2Z. Violations of other Acts. Any person who knowingly
22 violates the Automotive Repair Act, the Automotive Collision

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

26 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,

1 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
2 100-863, eff. 8-14-18.)