



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3299

Introduced 2/11/2020, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

See Index

Creates the Consumer Privacy Act. Provides that a consumer has the right to request that a business that collects the consumer's personal information disclose to that consumer the categories and specific pieces of personal information the business has collected. Requires a business to, at or before the point of collection, inform a consumer as to the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. Requires the business to provide notice when collecting additional categories of personal information or when using a consumer's personal information for additional purposes. Provides that a consumer has the right to request that a business delete any personal information about the consumer that the business has collected from the consumer, with some exceptions. Requires a business that collects or sells a consumer's personal information to make certain disclosures to the consumer upon receipt of a verifiable consumer request. Provides that a consumer has the right, at any time, to opt out of the sale of his or her personal information to third parties. Prohibits a business from discriminating against a consumer who exercises any of the rights established under the Act by denying goods or services or charging the consumer different prices or rates for goods or services. Permits a business to provide financial incentives to a consumer that authorizes the sale of his or her personal information. Contains provisions concerning deadlines for processing a consumer's disclosure request; categories of personal information that must be disclosed; notice requirements; consumer information that is not subject to the Act's requirements; civil penalties for violations of the Act; and other matters. Amends the State Finance Act. Creates the Consumer Privacy Fund. Effective January 1, 2021.

LRB101 16653 JLS 70232 b

FISCAL NOTE ACT
MAY APPLY

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
5 Consumer Privacy Act.

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

7 (a) "Aggregate consumer information" means information
8 that relates to a group or category of consumers, from which
9 individual consumer identities have been removed, that is not
10 linked or reasonably linkable to any consumer or household,
11 including via a device. "Aggregate consumer information" does
12 not mean one or more individual consumer records that have been
13 deidentified.

14 (b) "Biometric information" means an individual's
15 physiological, biological, or behavioral characteristics that
16 can be used, singly or in combination with each other or with
17 other identifying data, to establish individual identity.
18 "Biometric information" includes, but is not limited to,
19 imagery of the iris, retina, fingerprint, face, hand, palm,
20 vein patterns, and voice recordings, from which an identifier
21 template, such as a faceprint, a minutiae template, or a
22 voiceprint, can be extracted, and keystroke patterns or
23 rhythms, gait patterns or rhythms, and sleep, health, or

1 exercise data that contain identifying information.

2 (c) "Business" means:

3 (1) A sole proprietorship, partnership, limited
4 liability company, corporation, association, or other
5 legal entity that is organized or operated for the profit
6 or financial benefit of its shareholders or other owners,
7 that collects consumers' personal information, or on
8 behalf of which such information is collected and that
9 alone, or jointly with others, determines the purposes and
10 means of the processing of consumers' personal
11 information, that does business in this State, and that
12 satisfies one or more of the following thresholds:

13 (A) Has annual gross revenues in excess of
14 \$25,000,000, as adjusted in accordance with paragraph
15 (5) of subsection (a) of Section 75.

16 (B) Alone or in combination, annually buys,
17 receives for the business's commercial purposes,
18 sells, or shares for commercial purposes, alone or in
19 combination, the personal information of 50,000 or
20 more consumers, households, or devices.

21 (C) Derives 50% or more of its annual revenues from
22 selling consumers' personal information.

23 (2) Any entity that controls or is controlled by a
24 business, as defined in paragraph (1), and that shares
25 common branding with the business. "Control" or
26 "controlled" means ownership of, or the power to vote, more

1 than 50% of the outstanding shares of any class of voting
2 security of a business; control in any manner over the
3 election of a majority of the directors, or of individuals
4 exercising similar functions; or the power to exercise a
5 controlling influence over the management of a company.

6 "Common branding" means a shared name, servicemark, or
7 trademark.

8 (d) "Business purpose" means the use of personal
9 information for the business's or a service provider's
10 operational purposes, or other notified purposes, provided
11 that the use of personal information is reasonably necessary
12 and proportionate to achieve the operational purpose for which
13 the personal information was collected or processed or for
14 another operational purpose that is compatible with the context
15 in which the personal information was collected. Business
16 purposes are:

17 (1) Auditing related to a current interaction with the
18 consumer and concurrent transactions, including, but not
19 limited to, counting ad impressions to unique visitors,
20 verifying positioning and quality of ad impressions, and
21 auditing compliance with this specification and other
22 standards.

23 (2) Detecting security incidents, protecting against
24 malicious, deceptive, fraudulent, or illegal activity, and
25 prosecuting those responsible for that activity.

26 (3) Debugging to identify and repair errors that impair

1 existing intended functionality.

2 (4) Short-term, transient use, provided that the
3 personal information is not disclosed to another third
4 party and is not used to build a profile about a consumer
5 or otherwise alter an individual consumer's experience
6 outside the current interaction, including, but not
7 limited to, the contextual customization of ads shown as
8 part of the same interaction.

9 (5) Performing services on behalf of the business or
10 service provider, including maintaining or servicing
11 accounts, providing customer service, processing or
12 fulfilling orders and transactions, verifying customer
13 information, processing payments, providing financing,
14 providing advertising or marketing services, providing
15 analytic services, or providing similar services on behalf
16 of the business or service provider.

17 (6) Undertaking internal research for technological
18 development and demonstration.

19 (7) Undertaking activities to verify or maintain the
20 quality or safety of a service or device that is owned,
21 manufactured, or controlled by the business, and to
22 improve, upgrade, or enhance the service or device that is
23 owned, manufactured, manufactured for, or controlled by
24 the business.

25 (e) "Collects", "collected", or "collection" means buying,
26 renting, gathering, obtaining, receiving, or accessing any

1 personal information pertaining to a consumer by any means.
2 This includes receiving information from the consumer, either
3 actively or passively, or by observing the consumer's behavior.

4 (f) "Commercial purposes" means to advance a person's
5 commercial or economic interests, such as by inducing another
6 person to buy, rent, lease, join, subscribe to, provide, or
7 exchange products, goods, property, information, or services,
8 or enabling or effecting, directly or indirectly, a commercial
9 transaction. "Commercial purposes" do not include for the
10 purpose of engaging in speech that State or federal courts have
11 recognized as noncommercial speech, including political speech
12 and journalism.

13 (g) "Consumer" means a natural person who is an Illinois
14 resident, as defined in Section 5 of the Hospital Uninsured
15 Patient Discount Act, however identified, including by any
16 unique identifier.

17 (h) "Deidentified" means information that cannot
18 reasonably identify, relate to, describe, be capable of being
19 associated with, or be linked, directly or indirectly, to a
20 particular consumer, provided that a business that uses
21 deidentified information:

22 (1) Has implemented technical safeguards that prohibit
23 reidentification of the consumer to whom the information
24 may pertain.

25 (2) Has implemented business processes that
26 specifically prohibit reidentification of the information.

1 (3) Has implemented business processes to prevent
2 inadvertent release of deidentified information.

3 (4) Makes no attempt to reidentify the information.

4 (i) "Designated methods for submitting requests" means a
5 mailing address, email address, Internet web page, Internet web
6 portal, toll-free telephone number, or other applicable
7 contact information whereby consumers may submit a request or
8 direction under this Act, and any new, consumer-friendly means
9 of contacting a business, as approved by the Attorney General
10 under Section 75.

11 (j) "Device" means any physical object that is capable of
12 connecting to the Internet, directly or indirectly, or to
13 another device.

14 (k) "Homepage" means the introductory page of a website and
15 any Internet web page where personal information is collected.
16 In the case of an online service, such as a mobile application,
17 "homepage" means the application's platform page or download
18 page, a link within the application, such as from the
19 application configuration, "About", "Information", or settings
20 page, and any other location that allows consumers to review
21 the notice required by subsection (a) of Section 50, including,
22 but not limited to, before downloading the application.

23 (l) "Infer" or "inference" means the derivation of
24 information, data, assumptions, or conclusions from facts,
25 evidence, or another source of information or data.

26 (m) "Person" means an individual, proprietorship, firm,

1 partnership, joint venture, syndicate, business trust,
2 company, corporation, limited liability company, association,
3 committee, and any other organization or group of persons
4 acting in concert.

5 (n) (1) "Personal information" means information that
6 identifies, relates to, describes, is capable of being
7 associated with, or could reasonably be linked, directly or
8 indirectly, with a particular consumer or household. "Personal
9 information" includes, but is not limited to, the following if
10 it identifies, relates to, describes, is capable of being
11 associated with, or could be reasonably linked, directly or
12 indirectly, with a particular consumer or household:

13 (A) Identifiers such as a real name, alias, postal
14 address, unique personal identifier, online identifier,
15 Internet Protocol address, email address, account name,
16 social security number, driver's license number, passport
17 number, or other similar identifiers.

18 (B) Any personal information that identifies, relates
19 to, describes, or is capable of being associated with, a
20 particular individual, including, but not limited to, his
21 or her name, signature, social security number, physical
22 characteristics or description, address, telephone number,
23 passport number, driver's license or State identification
24 card number, insurance policy number, education,
25 employment, employment history, bank account number,
26 credit card number, debit card number, or any other

1 financial information, medical information, or health
2 insurance information. "Personal information" does not
3 include publicly available information that is lawfully
4 made available to the general public from federal, State,
5 or local government records.

6 (C) Characteristics of protected classifications under
7 State or federal law.

8 (D) Commercial information, including records of
9 personal property, products or services purchased,
10 obtained, or considered, or other purchasing or consuming
11 histories or tendencies.

12 (E) Biometric information.

13 (F) Internet or other electronic network activity
14 information, including, but not limited to, browsing
15 history, search history, and information regarding a
16 consumer's interaction with an Internet website,
17 application, or advertisement.

18 (G) Geolocation data.

19 (H) Audio, electronic, visual, thermal, olfactory, or
20 similar information.

21 (I) Professional or employment-related information.

22 (J) Education information, defined as information that
23 is not publicly available personally identifiable
24 information as defined in the Family Educational Rights and
25 Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99).

26 (K) Inferences drawn from any of the information

1 identified in this subsection to create a profile about a
2 consumer reflecting the consumer's preferences,
3 characteristics, psychological trends, predispositions,
4 behavior, attitudes, intelligence, abilities, and
5 aptitudes.

6 (2) "Personal information" does not include publicly
7 available information. For purposes of this subsection,
8 "publicly available" means information that is lawfully made
9 available from federal, State, or local government records.
10 "Publicly available" does not mean biometric information
11 collected by a business about a consumer without the consumer's
12 knowledge. Information is not publicly available if that data
13 is used for a purpose that is not compatible with the purpose
14 for which the data is maintained and made available in the
15 government records or for which it is publicly maintained.
16 "Personal information" does not include consumer information
17 that is deidentified or aggregate consumer information.

18 (o) "Probabilistic identifier" means the identification of
19 a consumer or a device to a degree of certainty of more
20 probable than not based on any categories of personal
21 information included in, or similar to, the categories
22 enumerated in the definition of personal information.

23 (p) "Processing" means any operation or set of operations
24 that are performed on personal data or on sets of personal
25 data, whether or not by automated means.

26 (q) "Pseudonymize" or "pseudonymization" means the

1 processing of personal information in a manner that renders the
2 personal information no longer attributable to a specific
3 consumer without the use of additional information, provided
4 that the additional information is kept separately and is
5 subject to technical and organizational measures to ensure that
6 the personal information is not attributed to an identified or
7 identifiable consumer.

8 (r) "Research" means scientific, systematic study and
9 observation, including basic research or applied research that
10 is in the public interest and that adheres to all other
11 applicable ethics and privacy laws or studies conducted in the
12 public interest in the area of public health. Research with
13 personal information that may have been collected from a
14 consumer in the course of the consumer's interactions with a
15 business's service or device for other purposes:

16 (1) Shall be compatible with the business purpose for
17 which the personal information was collected.

18 (2) Shall be subsequently pseudonymized and
19 deidentified, or deidentified and in the aggregate, such
20 that the information cannot reasonably identify, relate
21 to, describe, be capable of being associated with, or be
22 linked, directly or indirectly, to a particular consumer.

23 (3) Shall be made subject to technical safeguards that
24 prohibit reidentification of the consumer to whom the
25 information may pertain.

26 (4) Shall be subject to business processes that

1 specifically prohibit reidentification of the information.

2 (5) Shall be made subject to business processes to
3 prevent inadvertent release of deidentified information.

4 (6) Shall be protected from any reidentification
5 attempts.

6 (7) Shall be used solely for research purposes that are
7 compatible with the context in which the personal
8 information was collected.

9 (8) Shall not be used for any commercial purpose.

10 (9) Shall be subjected by the business conducting the
11 research to additional security controls that limit access
12 to the research data to only those individuals in a
13 business as are necessary to carry out the research
14 purpose.

15 (s) (1) "Sell", "selling", "sale", or "sold" means selling,
16 renting, releasing, disclosing, disseminating, making
17 available, transferring, or otherwise communicating orally, in
18 writing, or by electronic or other means, a consumer's personal
19 information by the business to another business or a third
20 party for monetary or other valuable consideration.

21 (2) For purposes of this Act, a business does not sell
22 personal information when:

23 (A) A consumer uses or directs the business to
24 intentionally disclose personal information or uses the
25 business to intentionally interact with a third party,
26 provided the third party does not also sell the personal

1 information, unless that disclosure would be consistent
2 with the provisions of this Act. An intentional interaction
3 occurs when the consumer intends to interact with the third
4 party, via one or more deliberate interactions. Hovering
5 over, muting, pausing, or closing a given piece of content
6 does not constitute a consumer's intent to interact with a
7 third party.

8 (B) The business uses or shares an identifier for a
9 consumer who has opted out of the sale of the consumer's
10 personal information for the purposes of alerting third
11 parties that the consumer has opted out of the sale of the
12 consumer's personal information.

13 (C) The business uses or shares with a service provider
14 personal information of a consumer that is necessary to
15 perform a business purpose if both of the following
16 conditions are met:

17 (i) The business has provided notice of that
18 information being used or shared in its terms and
19 conditions consistent with Section 45.

20 (ii) The service provider does not further
21 collect, sell, or use the personal information of the
22 consumer except as necessary to perform the business
23 purpose.

24 (D) The business transfers to a third party the
25 personal information of a consumer as an asset that is part
26 of a merger, acquisition, bankruptcy, or other transaction

1 in which the third party assumes control of all or part of
2 the business, provided that information is used or shared
3 consistently with Sections 20 and 25. If a third party
4 materially alters how it uses or shares the personal
5 information of a consumer in a manner that is materially
6 inconsistent with the promises made at the time of
7 collection, it shall provide prior notice of the new or
8 changed practice to the consumer. The notice shall be
9 sufficiently prominent and robust to ensure that existing
10 consumers can easily exercise their choices consistently
11 with Section 30. This subparagraph does not authorize a
12 business to make material, retroactive privacy policy
13 changes or make other changes in their privacy policy in a
14 manner that would violate the Uniform Deceptive Trade
15 Practices Act.

16 (t) "Service" or "services" means work, labor, and
17 services, including services furnished in connection with the
18 sale or repair of goods.

19 (u) "Service provider" means a sole proprietorship,
20 partnership, limited liability company, corporation,
21 association, or other legal entity that is organized or
22 operated for the profit or financial benefit of its
23 shareholders or other owners, that processes information on
24 behalf of a business and to which the business discloses a
25 consumer's personal information for a business purpose in
26 accordance with a written contract, provided that the contract

1 prohibits the entity receiving the information from retaining,
2 using, or disclosing the personal information for any purpose
3 other than for the specific purpose of performing the services
4 specified in the contract for the business, or as otherwise
5 permitted by this Act, including retaining, using, or
6 disclosing the personal information for a commercial purpose
7 other than providing the services specified in the contract
8 with the business.

9 (v) "Third party" means a person who is not any of the
10 following:

11 (1) The business that collects personal information
12 from consumers under this Act.

13 (2) (A) A person to whom the business discloses a
14 consumer's personal information for a business purpose in
15 accordance with a written contract, provided that the
16 contract:

17 (i) Prohibits the person receiving the personal
18 information from:

19 (I) Selling the personal information.

20 (II) Retaining, using, or disclosing the
21 personal information for any purpose other than
22 for the specific purpose of performing the
23 services specified in the contract, including
24 retaining, using, or disclosing the personal
25 information for a commercial purpose other than
26 providing the services specified in the contract.

1 (III) Retaining, using, or disclosing the
2 information outside of the direct business
3 relationship between the person and the business.

4 (ii) Includes a certification made by the person
5 receiving the personal information that the person
6 understands the restrictions in subparagraph (A) and
7 will comply with them.

8 (B) A person covered by this paragraph who violates any
9 of the restrictions set forth in this Act shall be liable
10 for the violations. A business that discloses personal
11 information to a person covered by this paragraph in
12 compliance with this paragraph shall not be liable under
13 this Act if the person receiving the personal information
14 uses it in violation of the restrictions set forth in this
15 Act, provided that, at the time of disclosing the personal
16 information, the business does not have actual knowledge,
17 or reason to believe, that the person intends to commit
18 such a violation.

19 (w) "Unique identifier" or "unique personal identifier"
20 means a persistent identifier that can be used to recognize a
21 consumer, a family, or a device that is linked to a consumer or
22 family, over time and across different services, including, but
23 not limited to, a device identifier; an Internet Protocol
24 address; cookies, beacons, pixel tags, mobile ad identifiers,
25 or similar technology; customer number, unique pseudonym, or
26 user alias; telephone numbers, or other forms of persistent or

1 probabilistic identifiers that can be used to identify a
2 particular consumer or device. As used in this subsection,
3 "family" means a custodial parent or guardian and any minor
4 children over which the parent or guardian has custody.

5 (x) "Verifiable consumer request" means a request that is
6 made by a consumer, by a consumer on behalf of the consumer's
7 minor child, or by a natural person or a person registered with
8 the Secretary of State, authorized by the consumer to act on
9 the consumer's behalf, and that the business can reasonably
10 verify, in accordance with rules adopted by the Attorney
11 General under paragraph (7) of subsection (a) of Section 75 to
12 be the consumer about whom the business has collected personal
13 information. A business is not obligated to provide information
14 to the consumer in accordance with Sections 20 and 25 if the
15 business cannot verify, in accordance with this subsection and
16 rules adopted by the Attorney General under paragraph (7) of
17 subsection (a) of Section 75, that the consumer making the
18 request is the consumer about whom the business has collected
19 information or is a person authorized by the consumer to act on
20 such consumer's behalf.

21 Section 10. Personal information; business collection and
22 disclosure.

23 (a) A consumer has the right to request that a business
24 that collects the consumer's personal information disclose to
25 that consumer the categories and specific pieces of personal

1 information the business has collected.

2 (b) A business that collects a consumer's personal
3 information shall, at or before the point of collection, inform
4 the consumer as to the categories of personal information to be
5 collected and the purposes for which the categories of personal
6 information shall be used. A business shall not collect
7 additional categories of personal information or use personal
8 information collected for additional purposes without
9 providing the consumer with notice consistent with this
10 Section.

11 (c) A business shall provide the information specified in
12 subsection (a) to a consumer only upon receipt of a verifiable
13 consumer request.

14 (d) A business that receives a verifiable consumer request
15 from a consumer to access personal information shall promptly
16 take steps to disclose and deliver, free of charge to the
17 consumer, the personal information required by this Section.
18 The information may be delivered by mail or electronically, and
19 if provided electronically, the information shall be in a
20 portable and, to the extent technically feasible, in a readily
21 usable format that allows the consumer to transmit this
22 information to another entity without hindrance. A business may
23 provide personal information to a consumer at any time, but
24 shall not be required to provide personal information to a
25 consumer more than twice in a 12-month period.

26 (e) This Section does not require a business to retain any

1 personal information collected for a single, one-time
2 transaction, if such information is not sold or retained by the
3 business or to reidentify or otherwise link information that is
4 not maintained in a manner that would be considered personal
5 information.

6 Section 15. Consumer request to delete personal
7 information.

8 (a) A consumer has the right to request that a business
9 delete any personal information about the consumer which the
10 business has collected from the consumer.

11 (b) A business that collects personal information about
12 consumers shall disclose, in accordance with Section 40, the
13 consumer's rights to request the deletion of the consumer's
14 personal information.

15 (c) A business that receives a verifiable consumer request
16 from a consumer to delete the consumer's personal information
17 in accordance with subsection (a) shall delete the consumer's
18 personal information from its records and direct any service
19 providers to delete the consumer's personal information from
20 their records.

21 (d) A business or a service provider shall not be required
22 to comply with a consumer's request to delete the consumer's
23 personal information if it is necessary for the business or
24 service provider to maintain the consumer's personal
25 information in order to:

1 (1) Complete the transaction for which the personal
2 information was collected; provide a good or service
3 requested by the consumer; or perform actions that are
4 reasonably anticipated within the context of a business's
5 ongoing business relationship with the consumer; or
6 otherwise perform a contract between the business and the
7 consumer.

8 (2) Detect security incidents; protect against
9 malicious, deceptive, fraudulent, or illegal activity; or
10 prosecute those responsible for that activity.

11 (3) Debug to identify and repair errors that impair
12 existing intended functionality.

13 (4) Exercise free speech, ensure the right of another
14 consumer to exercise his or her right of free speech, or
15 exercise another right provided for by law.

16 (5) Engage in public or peer-reviewed scientific,
17 historical, or statistical research in the public interest
18 that adheres to all other applicable ethics and privacy
19 laws, when the businesses' deletion of the information is
20 likely to render impossible or seriously impair the
21 achievement of such research, if the consumer has provided
22 informed consent.

23 (6) Enable solely internal uses that are reasonably
24 aligned with the expectations of the consumer based on the
25 consumer's relationship with the business.

26 (7) Comply with a legal obligation.

1 (8) Otherwise use the consumer's personal information,
2 internally, in a lawful manner that is compatible with the
3 context in which the consumer provided the information.

4 Section 20. Consumer request to disclose categories of
5 information collected.

6 (a) A consumer has the right to request that a business
7 that collects personal information about the consumer disclose
8 to the consumer the following:

9 (1) The categories of personal information it has
10 collected about that consumer.

11 (2) The categories of sources from which the personal
12 information is collected.

13 (3) The business or commercial purpose for collecting
14 or selling personal information.

15 (4) The categories of third parties with whom the
16 business shares personal information.

17 (5) The specific pieces of personal information it has
18 collected about that consumer.

19 (b) A business that collects personal information about a
20 consumer shall disclose to the consumer, in accordance with
21 paragraph (3) of subsection (a) of Section 40, the information
22 specified in subsection (a) upon receipt of a verifiable
23 consumer request from the consumer.

24 (c) A business that collects personal information about
25 consumers shall disclose, in accordance with subparagraph (B)

1 of paragraph (5) of subsection (a) of Section 40:

2 (1) The categories of personal information it has
3 collected about that consumer.

4 (2) The categories of sources from which the personal
5 information is collected.

6 (3) The business or commercial purpose for collecting
7 or selling personal information.

8 (4) The categories of third parties with whom the
9 business shares personal information.

10 Section 25. Consumer request to disclose categories of
11 information sold.

12 (a) A consumer has the right to request that a business
13 that sells the consumer's personal information, or that
14 discloses it for a business purpose, disclose to that consumer:

15 (1) The categories of personal information that the
16 business collected about the consumer.

17 (2) The categories of personal information that the
18 business sold about the consumer and the categories of
19 third parties to whom the personal information was sold, by
20 category or categories of personal information for each
21 third party to whom the personal information was sold.

22 (3) The categories of personal information that the
23 business disclosed about the consumer for a business
24 purpose.

25 (b) A business that sells personal information about a

1 consumer, or that discloses a consumer's personal information
2 for a business purpose, shall disclose, in accordance with
3 paragraph (4) of subsection (a) of Section 40, the information
4 specified in subsection (a) to the consumer upon receipt of a
5 verifiable consumer request from the consumer.

6 (c) A business that sells consumers' personal information,
7 or that discloses consumers' personal information for a
8 business purpose, shall disclose, in accordance with
9 subparagraph (C) of paragraph (5) of subsection (a) of Section
10 40:

11 (1) The category or categories of personal information
12 it has sold, or if the business has not sold consumers'
13 personal information, it shall disclose that fact.

14 (2) The category or categories of personal information
15 it has disclosed for a business purpose, or if the business
16 has not disclosed consumers' personal information for a
17 business purpose, it shall disclose that fact.

18 (d) A third party shall not sell personal information about
19 a consumer that has been sold to the third party by a business
20 unless the consumer has received explicit notice and is
21 provided an opportunity to exercise the right to opt out under
22 Section 30.

23 Section 30. Right to opt out.

24 (a) A consumer has the right, at any time, to direct a
25 business that sells personal information about the consumer to

1 third parties not to sell the consumer's personal information.
2 This right may be referred to as the right to opt out.

3 (b) A business that sells consumers' personal information
4 to third parties shall provide notice to consumers, in
5 accordance with subsection (a) of Section 45, that this
6 information may be sold and that consumers have the right to
7 opt out of the sale of their personal information.

8 (c) Notwithstanding subsection (a), a business shall not
9 sell the personal information of consumers if the business has
10 actual knowledge that the consumer is less than 16 years of
11 age, unless the consumer, in the case of consumers who are at
12 least 13 years of age and not yet 16 years old, or the
13 consumer's parent or guardian, in the case of consumers who are
14 less than 13 years of age, has affirmatively authorized the
15 sale of the consumer's personal information. A business that
16 willfully disregards the consumer's age shall be deemed to have
17 had actual knowledge of the consumer's age. This right may be
18 referred to as the right to opt in.

19 (d) A business that has received direction from a consumer
20 not to sell the consumer's personal information, or in the case
21 of a minor consumer's personal information has not received
22 consent to sell the minor consumer's personal information,
23 shall be prohibited, in accordance with paragraph (4) of
24 subsection (a) of Section 45, from selling the consumer's
25 personal information after its receipt of the consumer's
26 direction, unless the consumer subsequently provides express

1 authorization for the sale of the consumer's personal
2 information.

3 Section 35. Prohibited practices.

4 (a) (1) A business shall not discriminate against a consumer
5 because the consumer exercised any of the consumer's rights
6 under this Act, including, but not limited to, by:

7 (A) Denying goods or services to the consumer.

8 (B) Charging different prices or rates for goods or
9 services, including through the use of discounts or other
10 benefits or imposing penalties.

11 (C) Providing a different level or quality of goods or
12 services to the consumer.

13 (D) Suggesting that the consumer will receive a
14 different price or rate for goods or services or a
15 different level or quality of goods or services.

16 (2) Nothing in this subsection prohibits a business from
17 charging a consumer a different price or rate, or from
18 providing a different level or quality of goods or services to
19 the consumer, if that difference is reasonably related to the
20 value provided to the consumer by the consumer's data.

21 (b) (1) A business may offer financial incentives,
22 including payments to consumers as compensation, for the
23 collection of personal information, the sale of personal
24 information, or the deletion of personal information. A
25 business may also offer a different price, rate, level, or

1 quality of goods or services to the consumer if that price or
2 difference is directly related to the value provided to the
3 business by the consumer's data.

4 (2) A business that offers any financial incentives in
5 accordance with this subsection, shall notify consumers of the
6 financial incentives as provided under Section 45.

7 (3) A business may enter a consumer into a financial
8 incentive program only if the consumer gives the business prior
9 opt-in consent in accordance with Section 45 which clearly
10 describes the material terms of the financial incentive program
11 and which may be revoked by the consumer at any time.

12 (4) A business shall not use financial incentive practices
13 that are unjust, unreasonable, coercive, or usurious in nature.

14 Section 40. Processing disclosure requests; deadlines.

15 (a) In order to comply with Sections 10, 15, 20, 25, and
16 35, a business shall, in a form that is reasonably accessible
17 to consumers:

18 (1) Make available to consumers 2 or more designated
19 methods for submitting requests for information required
20 to be disclosed under Sections 20 and 25, including, at a
21 minimum, a toll-free telephone number, and if the business
22 maintains a website, a website address.

23 (2) Disclose and deliver the required information to a
24 consumer free of charge within 45 days of receiving a
25 verifiable consumer request from the consumer. The

1 business shall promptly take steps to determine whether the
2 request is a verifiable consumer request, but this shall
3 not extend the business's duty to disclose and deliver the
4 information within 45 days of receipt of the consumer's
5 request. The time period to provide the required
6 information may be extended once by an additional 45 days
7 when reasonably necessary, provided the consumer is
8 provided notice of the extension within the first 45-day
9 period. The disclosure shall cover the 12-month period
10 preceding the business's receipt of the verifiable
11 consumer request and shall be made in writing and delivered
12 through the consumer's account with the business, if the
13 consumer maintains an account with the business, or by mail
14 or electronically at the consumer's option if the consumer
15 does not maintain an account with the business, in a
16 readily usable format that allows the consumer to transmit
17 this information from one entity to another entity without
18 hindrance. The business shall not require the consumer to
19 create an account with the business in order to make a
20 verifiable consumer request.

21 (3) For purposes of subsection (b) of Section 20:

22 (A) To identify the consumer, associate the
23 information provided by the consumer in the verifiable
24 consumer request to any personal information
25 previously collected by the business about the
26 consumer.

1 (B) Identify by category or categories the
2 personal information collected about the consumer in
3 the preceding 12 months by reference to the enumerated
4 category or categories in subsection (c) that most
5 closely describes the personal information collected.

6 (4) For purposes of subsection (b) of Section 25:

7 (A) Identify the consumer and associate the
8 information provided by the consumer in the verifiable
9 consumer request to any personal information
10 previously collected by the business about the
11 consumer.

12 (B) Identify by category or categories the
13 personal information of the consumer that the business
14 sold in the preceding 12 months by reference to the
15 enumerated category in subsection (c) that most
16 closely describes the personal information, and
17 provide the categories of third parties to whom the
18 consumer's personal information was sold in the
19 preceding 12 months by reference to the enumerated
20 category or categories in subsection (c) that most
21 closely describes the personal information sold. The
22 business shall disclose the information in a list that
23 is separate from a list generated for the purposes of
24 subparagraph (C).

25 (C) Identify by category or categories the
26 personal information of the consumer that the business

1 disclosed for a business purpose in the preceding 12
2 months by reference to the enumerated category or
3 categories in subsection (c) that most closely
4 describes the personal information, and provide the
5 categories of third parties to whom the consumer's
6 personal information was disclosed for a business
7 purpose in the preceding 12 months by reference to the
8 enumerated category or categories in subsection (c)
9 that most closely describes the personal information
10 disclosed. The business shall disclose the information
11 in a list that is separate from a list generated for
12 the purposes of subparagraph (B).

13 (5) Disclose the following information in its online
14 privacy policy or policies if the business has an online
15 privacy policy or policies and in any Illinois-specific
16 description of consumers' privacy rights, or if the
17 business does not maintain those policies, on its website,
18 and update that information at least once every 12 months:

19 (A) A description of a consumer's rights under
20 Sections 20, 25, and 35 and one or more designated
21 methods for submitting requests.

22 (B) For purposes of subsection (c) of Section 20, a
23 list of the categories of personal information it has
24 collected about consumers in the preceding 12 months by
25 reference to the enumerated category or categories in
26 subsection (c) that most closely describe the personal

1 information collected.

2 (C) For purposes of paragraphs (1) and (2) of
3 subsection (c) of Section 25, 2 separate lists:

4 (i) A list of the categories of personal
5 information it has sold about consumers in the
6 preceding 12 months by reference to the enumerated
7 category or categories in subsection (c) of this
8 Section that most closely describe the personal
9 information sold, or if the business has not sold
10 consumers' personal information in the preceding
11 12 months, the business shall disclose that fact.

12 (ii) A list of the categories of personal
13 information it has disclosed about consumers for a
14 business purpose in the preceding 12 months by
15 reference to the enumerated category or categories
16 in subsection (c) that most closely describe the
17 personal information disclosed, or if the business
18 has not disclosed consumers' personal information
19 for a business purpose in the preceding 12 months,
20 the business shall disclose that fact.

21 (6) Ensure that all individuals responsible for
22 handling consumer inquiries about the business's privacy
23 practices or the business's compliance with this Act are
24 informed of all requirements under Sections 20, 25, and 35,
25 and the requirements under this Section, and how to direct
26 consumers to exercise their rights under Sections 20, 25,

1 and 35 and under this Section.

2 (7) Use any personal information collected from the
3 consumer in connection with the business's verification of
4 the consumer's request solely for the purposes of
5 verification.

6 (b) A business is not obligated to provide the information
7 required under Sections 20 and 25 to the same consumer more
8 than twice in a 12-month period.

9 (c) The categories of personal information required to be
10 disclosed under Sections 20 and 25 shall follow the definition
11 of personal information in Section 5.

12 Section 45. Informational web page.

13 (a) A business that is required to comply with Section 30
14 shall, in a form that is reasonably accessible to consumers:

15 (1) Provide a clear and conspicuous link on the
16 business's Internet homepage, titled "Do Not Sell My
17 Personal Information", to an Internet web page that enables
18 a consumer, or a person authorized by the consumer, to opt
19 out of the sale of the consumer's personal information. A
20 business shall not require a consumer to create an account
21 in order to direct the business not to sell the consumer's
22 personal information.

23 (2) Include a description of a consumer's rights in
24 accordance with Section 30, along with a separate link to
25 the "Do Not Sell My Personal Information" Internet web page

1 in:

2 (A) Its online privacy policy or policies if the
3 business has an online privacy policy or policies.

4 (B) Any Illinois-specific description of
5 consumers' privacy rights.

6 (3) Ensure that all individuals responsible for
7 handling consumer inquiries about the business's privacy
8 practices or the business's compliance with this Act are
9 informed of all requirements under Section 30 and this
10 Section and how to direct consumers to exercise their
11 rights under Section 30 and this Section.

12 (4) For consumers who exercise their right to opt out
13 of the sale of their personal information, refrain from
14 selling personal information collected by the business
15 about the consumer.

16 (5) For a consumer who has opted out of the sale of the
17 consumer's personal information, respect the consumer's
18 decision to opt out for at least 12 months before
19 requesting that the consumer authorize the sale of the
20 consumer's personal information.

21 (6) Use any personal information collected from the
22 consumer in connection with the submission of the
23 consumer's opt-out request solely for the purposes of
24 complying with the opt-out request.

25 (b) Nothing in this Act shall be construed to require a
26 business to comply with this Act by including the required

1 links and text on the homepage that the business makes
2 available to the public generally, if the business maintains a
3 separate and additional homepage that is dedicated to Illinois
4 consumers and that includes the required links and text, and
5 the business takes reasonable steps to ensure that Illinois
6 consumers are directed to the homepage for Illinois consumers
7 and not the homepage made available to the public generally.

8 (c) A consumer may authorize another person solely to opt
9 out of the sale of the consumer's personal information on the
10 consumer's behalf, and a business shall comply with an opt-out
11 request received from a person authorized by the consumer to
12 act on the consumer's behalf, in accordance with rules adopted
13 by the Attorney General.

14 Section 50. Compliance with other laws or regulations.

15 (a) The obligations imposed on businesses by this Act shall
16 not restrict a business's ability to:

17 (1) Comply with federal, State, or local laws.

18 (2) Comply with a civil, criminal, or regulatory
19 inquiry, investigation, subpoena, or summons by federal,
20 State, or local authorities.

21 (3) Cooperate with law enforcement agencies concerning
22 conduct or activity that the business, service provider, or
23 third party reasonably and in good faith believes may
24 violate federal, State, or local law.

25 (4) Exercise or defend legal claims.

1 (5) Collect, use, retain, sell, or disclose consumer
2 information that is deidentified or in the aggregate
3 consumer information.

4 (6) Collect or sell a consumer's personal information
5 if every aspect of that commercial conduct takes place
6 wholly outside of Illinois. For purposes of this Act,
7 commercial conduct takes place wholly outside of Illinois
8 if the business collected that information while the
9 consumer was outside of Illinois, no part of the sale of
10 the consumer's personal information occurred in Illinois,
11 and no personal information collected while the consumer
12 was in Illinois is sold.

13 (b) The obligations imposed on businesses by Sections 20
14 through 45 shall not: (i) apply where compliance by the
15 business with this Act would violate an evidentiary privilege
16 under Illinois law; and (ii) prevent a business from providing
17 the personal information of a consumer to a person covered by
18 an evidentiary privilege under Illinois law as part of a
19 privileged communication.

20 (c) (1) This Act does not apply to any of the following:

21 (A) Medical information protected from disclosure
22 under State confidentiality laws on patient health
23 information or protected health information that is
24 collected by a covered entity or business associate
25 governed by the privacy, security, and breach notification
26 rules issued by the United States Department of Health and

1 Human Services, Parts 160 and 164 of Title 45 of the Code
2 of Federal Regulations, established in accordance with the
3 Health Insurance Portability and Accountability Act of
4 1996 (Public Law 104-191) and the Health Information
5 Technology for Economic and Clinical Health Act (Public Law
6 111-5).

7 (B) A provider of health care governed by State
8 confidentiality laws on patient health information or a
9 covered entity governed by the privacy, security, and
10 breach notification rules issued by the United States
11 Department of Health and Human Services, Parts 160 and 164
12 of Title 45 of the Code of Federal Regulations, established
13 in accordance the Health Insurance Portability and
14 Accountability Act of 1996 (Public Law 104-191), to the
15 extent the provider or covered entity maintains personal
16 information in the same manner as medical information or
17 protected health information as described in subparagraph
18 (A).

19 (C) Information collected as part of a clinical trial
20 subject to the Federal Policy for the Protection of Human
21 Subjects, also known as the Common Rule, in accordance with
22 good clinical practice guidelines issued by the
23 International Council for Harmonisation of Technical
24 Requirements for Pharmaceuticals for Human Use or in
25 accordance with human subject protection requirements of
26 the United States Food and Drug Administration.

1 (2) As used in this Section:

2 "Medical information" means any individually identifiable
3 information, in electronic or physical form, in possession of
4 or derived from a provider of health care, health care service
5 plan, pharmaceutical company, or contractor regarding a
6 patient's medical history, mental or physical condition, or
7 treatment. "Individually identifiable" means that the medical
8 information includes or contains any element of personal
9 identifying information sufficient to allow identification of
10 the individual, such as the patient's name, address, electronic
11 mail address, telephone number, or social security number, or
12 other information that, alone or in combination with other
13 publicly available information, reveals the individual's
14 identity.

15 "Provider of health care" means any physician, hospital
16 facility, facility licensed under the Nursing Home Care Act,
17 long-term care facility as defined in Section 1-113 of the
18 Nursing Home Care Act, or other person that is licensed or
19 otherwise authorized to deliver health care services.

20 "Business associate", "covered entity", and "protected
21 health information" have the meanings ascribed to those terms
22 in Section 160.103 of Title 45 of the Code of Federal
23 Regulations.

24 (d) This Act does not apply to the sale of personal
25 information to or from a consumer reporting agency if that
26 information is to be reported in, or used to generate, a

1 consumer report as defined in subsection (d) of Section 1681a
2 of Title 15 of the United States Code, and use of that
3 information is limited by the federal Fair Credit Reporting Act
4 (15 U.S.C. 1681 et seq.).

5 (e) This Act does not apply to personal information
6 collected, processed, sold, or disclosed in accordance with the
7 federal Gramm-Leach-Bliley Act, Public Law 106-102, and
8 implementing regulations, or the Illinois Banking Act. This
9 subsection does not apply to Section 55.

10 (f) This Act does not apply to personal information
11 collected, processed, sold, or disclosed in accordance with the
12 Driver's Privacy Protection Act of 1994 (18 U.S.C. 2721 et
13 seq.). This subsection does not apply to Section 55.

14 (g) Notwithstanding a business's obligation to respond to
15 and honor consumer rights requests in accordance with this Act:

16 (1) A time period for a business to respond to any
17 verified consumer request may be extended by up to 90
18 additional days where necessary, taking into account the
19 complexity and number of the requests. The business shall
20 inform the consumer of any such extension within 45 days of
21 receipt of the request, together with the reasons for the
22 delay.

23 (2) If the business does not take action on the request
24 of the consumer, the business shall inform the consumer,
25 without delay and at the latest within the time period
26 permitted of response by this Section, of the reasons for

1 not taking action and any rights the consumer may have to
2 appeal the decision to the business.

3 (3) If requests from a consumer are manifestly
4 unfounded or excessive, in particular because of their
5 repetitive character, a business may either charge a
6 reasonable fee, taking into account the administrative
7 costs of providing the information or communication or
8 taking the action requested, or refuse to act on the
9 request and notify the consumer of the reason for refusing
10 the request. The business shall bear the burden of
11 demonstrating that any verified consumer request is
12 manifestly unfounded or excessive.

13 (h) A business that discloses personal information to a
14 service provider shall not be liable under this Act if the
15 service provider receiving the personal information uses it in
16 violation of the restrictions set forth in this Act, provided
17 that, at the time of disclosing the personal information, the
18 business does not have actual knowledge, or reason to believe,
19 that the service provider intends to commit such a violation. A
20 service provider shall likewise not be liable under this Act
21 for the obligations of a business for which it provides
22 services as set forth in this Act.

23 (i) This Act shall not be construed to require a business
24 to reidentify or otherwise link information that is not
25 maintained in a manner that would be considered personal
26 information.

1 (j) The rights afforded to consumers and the obligations
2 imposed on the business in this Act shall not adversely affect
3 the rights and freedoms of other consumers.

4 Section 55. Civil actions.

5 (a)(1) Any consumer whose unencrypted or unredacted
6 personal information, as defined in Section 5 of the Personal
7 Information Protection Act, is subject to an unauthorized
8 access and exfiltration, theft, or disclosure as a result of
9 the business's violation of the duty to implement and maintain
10 reasonable security procedures and practices appropriate to
11 the nature of the information to protect the personal
12 information may institute a civil action for any of the
13 following:

14 (A) Recovery of damages in an amount not less than \$100
15 and not greater than \$750 per consumer per incident or
16 actual damages, whichever is greater.

17 (B) Injunctive or declaratory relief.

18 (C) Any other relief the court deems proper.

19 (2) In assessing the amount of statutory damages, the court
20 shall consider any one or more of the relevant circumstances
21 presented by any of the parties to the case, including, but not
22 limited to, the nature and seriousness of the misconduct, the
23 number of violations, the persistence of the misconduct, the
24 length of time over which the misconduct occurred, the
25 willfulness of the defendant's misconduct, and the defendant's

1 assets, liabilities, and net worth.

2 (b) Actions under this Section may be brought by a consumer
3 if, prior to initiating any action against a business for
4 statutory damages on an individual or class-wide basis, a
5 consumer provides a business 30 days' written notice
6 identifying the specific provisions of this Act the consumer
7 alleges have been or are being violated. If a cure is possible,
8 if within the 30 days the business actually cures the noticed
9 violation and provides the consumer an express written
10 statement that the violations have been cured and that no
11 further violations shall occur, no action for individual
12 statutory damages or class-wide statutory damages may be
13 initiated against the business. No notice shall be required
14 prior to an individual consumer initiating an action solely for
15 actual pecuniary damages suffered as a result of the alleged
16 violations of this Act. If a business continues to violate this
17 Act in breach of the express written statement provided to the
18 consumer under this Section, the consumer may initiate an
19 action against the business to enforce the written statement
20 and may pursue statutory damages for each breach of the express
21 written statement, as well as any other violation of the title
22 that postdates the written statement.

23 (c) The cause of action established by this Section applies
24 only to violations as defined in subsection (a) and shall not
25 be based on violations of any other Section of this Act.
26 Nothing in this Act shall be interpreted to serve as the basis

1 for a private right of action under any other law. This shall
2 not be construed to relieve any party from any duties or
3 obligations imposed under other law or the United States or
4 Illinois Constitution.

5 Section 60. Attorney General enforcement.

6 (a) Any business or third party may seek the opinion of the
7 Attorney General for guidance on how to comply with the
8 provisions of this Act.

9 (b) A business shall be in violation of this Act if it
10 fails to cure any alleged violation within 30 days after being
11 notified of alleged noncompliance. Any business, service
12 provider, or other person that violates this Act shall be
13 subject to an injunction and liable for a civil penalty of not
14 more than \$2,500 for each violation or \$7,500 for each
15 intentional violation, which shall be assessed and recovered in
16 a civil action brought in the name of the people of the State
17 of Illinois by the Attorney General. The civil penalties
18 provided for in this Section shall be exclusively assessed and
19 recovered in a civil action brought in the name of the people
20 of the State of Illinois by the Attorney General.

21 (c) Any civil penalty assessed for a violation of this Act,
22 and the proceeds of any settlement of an action brought under
23 subsection (b), shall be deposited into the Consumer Privacy
24 Fund, created under Section 65, with the intent to fully offset
25 any costs incurred by the State courts and the Attorney General

1 in connection with this Act.

2 Section 65. Consumer Privacy Fund.

3 (a) The Consumer Privacy Fund is created as a special fund
4 in the State treasury. The Fund shall consist of any moneys
5 deposited into the Fund as provided in subsection (c) of
6 Section 60 and any moneys appropriated to the Attorney General
7 for the purposes of this Section from the General Revenue Fund.

8 (b) Moneys in the Consumer Privacy Fund shall be used,
9 subject to appropriation, to offset any costs incurred by the
10 State courts in connection with actions brought to enforce this
11 Act and any costs incurred by the Attorney General in carrying
12 out the Attorney General's duties under this Act and for no
13 other purpose. All interest earned on moneys in the Fund shall
14 be deposited into the Fund.

15 Section 70. Conflict of laws. The provisions of this Act
16 are not limited to information collected electronically or over
17 the Internet, but apply to the collection and sale of all
18 personal information collected by a business from consumers.
19 Wherever possible, law relating to consumers' personal
20 information should be construed to harmonize with the
21 provisions of this Act, but in the event of a conflict between
22 other laws and the provisions of this Act, the provisions of
23 the law that afford the greatest privacy protection for
24 consumers shall control.

1 Section 75. Attorney General; rules.

2 (a) On or before July 1, 2021, the Attorney General shall
3 solicit broad public participation and adopt rules to further
4 the purposes of this Act, including, but not limited to, the
5 following areas:

6 (1) Updating as needed additional categories of
7 personal information to those enumerated in subsection (c)
8 of Section 40 and subsection (n) of Section 5 in order to
9 address changes in technology, data collection practices,
10 obstacles to implementation, and privacy concerns.

11 (2) Updating as needed the definition of unique
12 identifiers to address changes in technology, data
13 collection, obstacles to implementation, and privacy
14 concerns, and additional categories to the definition of
15 designated methods for submitting requests to facilitate a
16 consumer's ability to obtain information from a business in
17 accordance with Section 40.

18 (3) Establishing any exceptions necessary to comply
19 with State or federal law, including, but not limited to,
20 those relating to trade secrets and intellectual property
21 rights, within one year of the effective date of this Act
22 and as needed thereafter.

23 (4) Establishing rules and procedures for the
24 following:

25 (A) To facilitate and govern the submission of a

1 request by a consumer to opt out of the sale of
2 personal information under Section 30.

3 (B) To govern business compliance with a
4 consumer's opt-out request.

5 (C) For the development and use of a recognizable
6 and uniform opt-out logo or button by all businesses to
7 promote consumer awareness of the opportunity to opt
8 out of the sale of personal information.

9 (5) Adjusting the monetary threshold in subparagraph
10 (A) of paragraph (1) of subsection (c) of Section 5 in
11 January of every odd-numbered year to reflect any increase
12 in the Consumer Price Index.

13 (6) Establishing rules, procedures, and any exceptions
14 necessary to ensure that the notices and information that
15 businesses are required to provide in accordance with this
16 Act are provided in a manner that may be easily understood
17 by the average consumer, are accessible to consumers with
18 disabilities, and are available in the language primarily
19 used to interact with the consumer, including establishing
20 rules and guidelines regarding financial incentive
21 offerings, within one year after the effective date of this
22 Act and as needed thereafter.

23 (7) Establishing rules and procedures to further the
24 purposes of Sections 20 and 25 and to facilitate a
25 consumer's or the consumer's authorized agent's ability to
26 obtain information in accordance with Section 40, with the

1 goal of minimizing the administrative burden on consumers,
2 taking into account available technology, security
3 concerns, and the burden on the business, to govern a
4 business's determination that a request for information
5 received by a consumer is a verifiable consumer request,
6 including treating a request submitted through a
7 password-protected account maintained by the consumer with
8 the business while the consumer is logged into the account
9 as a verifiable consumer request and providing a mechanism
10 for a consumer who does not maintain an account with the
11 business to request information through the business's
12 authentication of the consumer's identity, within one year
13 after the effective date of this Act and as needed
14 thereafter.

15 (b) The Attorney General may adopt additional rules as
16 necessary to further the purposes of this Act.

17 (c) The Attorney General shall not bring an enforcement
18 action under this Act until 6 months after the publication of
19 the final rules adopted in accordance with this Section or July
20 1, 2021, whichever is sooner.

21 Section 80. Component parts of a single transaction. If a
22 series of steps or transactions were component parts of a
23 single transaction intended from the beginning to be taken with
24 the intention of avoiding the reach of this Act, including the
25 disclosure of information by a business to a third party in

1 order to avoid the definition of sell, a court shall disregard
2 the intermediate steps or transactions for purposes of
3 effectuating the purposes of this Act.

4 Section 85. Nonwaiver of Act. Any provision of a contract
5 or agreement of any kind that purports to waive or limit in any
6 way a consumer's rights under this Act, including, but not
7 limited to, any right to a remedy or means of enforcement,
8 shall be deemed contrary to public policy and shall be void and
9 unenforceable. This Section shall not prevent a consumer from
10 declining to request information from a business, declining to
11 opt out of a business's sale of the consumer's personal
12 information, or authorizing a business to sell the consumer's
13 personal information after previously opting out.

14 Section 90. Construction. This Act shall be liberally
15 construed to effectuate its purposes.

16 Section 95. Application. This Act is intended to supplement
17 federal and State law, if permissible, but does not apply if
18 such application is preempted by, or in conflict with, federal
19 law or the United States or Illinois Constitution.

20 Section 900. The State Finance Act is amended by adding
21 Section 5.930 as follows:

1 (30 ILCS 105/5.930 new)

2 Sec. 5.930. The Consumer Privacy Fund.

3 Section 999. Effective date. This Act takes effect January
4 1, 2021.

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30 ILCS 105/5.930 new