

HB2937



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2937

Introduced 2/19/2021, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

705 ILCS 90/1-10
705 ILCS 90/2-5

Amends the Judicial Privacy Act. Defines "internet data aggregator". Provides that it shall additionally be unlawful for an internet data aggregator to sell, license, trade, purchase, or otherwise provide or make available for consideration a judicial officer's personally identifiable information, regardless of intent, if the judicial officer has properly made a written request to not disclose the personal information.

LRB102 14753 LNS 20106 b

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Judicial Privacy Act is amended by changing
5 Sections 1-10 and 2-5 as follows:

6 (705 ILCS 90/1-10)

7 Sec. 1-10. Definitions. As used in this Act:

8 "Government agency" includes all agencies, authorities,
9 boards, commissions, departments, institutions, offices, and
10 any other bodies politic and corporate of the State created by
11 the constitution or statute, whether in the executive,
12 judicial, or legislative branch; all units and corporate
13 outgrowths created by executive order of the Governor or any
14 constitutional officer, by the Supreme Court, or by resolution
15 of the General Assembly; or agencies, authorities, boards,
16 commissions, departments, institutions, offices, and any other
17 bodies politic and corporate of a unit of local government, or
18 school district.

19 "Home address" includes a judicial officer's permanent
20 residence and any secondary residences affirmatively
21 identified by the judicial officer, but does not include a
22 judicial officer's work address.

23 "Immediate family" includes a judicial officer's spouse,

1 child, parent, or any blood relative of the judicial officer
2 or the judicial officer's spouse who lives in the same
3 residence.

4 "Internet data aggregator" means a commercial entity that
5 collects, assembles, or maintains personal information
6 concerning an individual who is not a customer or an employee
7 of that entity in order to sell the information or provide
8 third-party access to the information.

9 "Judicial officer" includes actively employed and former
10 or deceased:

11 (1) Justices of the United States Supreme Court and
12 the Illinois Supreme Court;

13 (2) Judges of the United States Court of Appeals;

14 (3) Judges and magistrate judges of the United States
15 District Court;

16 (4) Judges of the United States Bankruptcy Court;

17 (5) Judges of the Illinois Appellate Court; and

18 (6) Judges and associate judges of the Illinois
19 Circuit Courts.

20 "Personal information" means a home address, home
21 telephone number, mobile telephone number, pager number,
22 personal email address, social security number, federal tax
23 identification number, checking and savings account numbers,
24 credit card numbers, marital status, and identity of children
25 under the age of 18.

26 "Publicly available content" means any written, printed,

1 or electronic document or record that provides information or
2 that serves as a document or record maintained, controlled, or
3 in the possession of a government agency that may be obtained
4 by any person or entity, from the Internet, from the
5 government agency upon request either free of charge or for a
6 fee, or in response to a request under the Freedom of
7 Information Act.

8 "Publicly post" or "publicly display" means to communicate
9 to another or otherwise make available to the general public.

10 "Written request" means written notice signed by a
11 judicial officer or a representative of the judicial officer's
12 employer requesting a government agency, person, business, or
13 association to refrain from posting or displaying publicly
14 available content that includes the judicial officer's
15 personal information.

16 (Source: P.A. 100-98, eff. 8-11-17.)

17 (705 ILCS 90/2-5)

18 Sec. 2-5. Publicly posting a judicial officer's personal
19 information on the Internet by persons, businesses, and
20 associations.

21 (a) Prohibited Conduct.

22 (1) All persons, businesses, and associations shall
23 refrain from publicly posting or displaying on the
24 Internet publicly available content that includes a
25 judicial officer's personal information, provided that the

1 judicial officer has made a written request to the person,
2 business, or association that it refrain from disclosing
3 the personal information.

4 (2) No person, business, or association shall solicit,
5 sell, or trade on the Internet a judicial officer's
6 personal information with the intent to pose an imminent
7 and serious threat to the health and safety of the
8 judicial officer or the judicial officer's immediate
9 family. It shall additionally be unlawful for an Internet
10 data aggregator to sell, license, trade, purchase, or
11 otherwise provide or make available for consideration a
12 judicial officer's personally identifiable information,
13 regardless of intent, if the judicial officer has properly
14 made a written request to not disclose the personal
15 information.

16 (3) This subsection includes, but is not limited to,
17 Internet phone directories, Internet search engines,
18 Internet data aggregators, and Internet service providers.
19 (b) Required Conduct.

20 (1) After a person, business, or association has
21 received a written request from a judicial officer to
22 protect the privacy of the officer's personal information,
23 that person, business, or association shall have 72 hours
24 to remove the personal information from the Internet.

25 (2) After a person, business, or association has
26 received a written request from a judicial officer, that

1 person, business, or association shall ensure that the
2 judicial officer's personal information is not made
3 available on any website or subsidiary website controlled
4 by that person, business, or association.

5 (3) After receiving a judicial officer's written
6 request, no person, business, or association shall
7 transfer the judicial officer's personal information to
8 any other person, business, or association through any
9 medium.

10 (c) Redress.

11 A judicial officer whose personal information is made
12 public as a result of a violation of this Act may bring an
13 action seeking injunctive or declaratory relief in any
14 court of competent jurisdiction. If the court grants
15 injunctive or declaratory relief, the person, business, or
16 association responsible for the violation shall be
17 required to pay the judicial officer's costs and
18 reasonable attorney's fees.

19 (Source: P.A. 97-847, eff. 9-22-12.)