



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3910

Introduced 2/22/2021, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.935 new

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 which 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.

LRB102 02781 KTG 12788 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  
13 been deidentified.

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

1 rhythms, and sleep, health, or exercise data that contain  
2 identifying information.

3 (c) "Business" means:

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

14 (A) Has annual gross revenues in excess of  
15 \$25,000,000, as adjusted in accordance with paragraph  
16 (5) of subsection (a) of Section 80.

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

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

24 (2) Any entity that controls or is controlled by a  
25 business, as defined in paragraph (1), and that shares  
26 common branding with the business. "Control" or

1 "controlled" means ownership of, or the power to vote,  
2 more than 50% of the outstanding shares of any class of  
3 voting security of a business; control in any manner over  
4 the election of a majority of the directors, or of  
5 individuals exercising similar functions; or the power to  
6 exercise a controlling influence over the management of a  
7 company. "Common branding" means a shared name,  
8 servicemark, or trademark.

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

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

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

1           (3) Debugging to identify and repair errors that  
2           impair existing intended functionality.

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

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

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

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

26          (e) "Collects", "collected", or "collection" means buying,

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

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

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

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

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

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

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

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

6           (i) "Designated methods for submitting requests" means a  
7 mailing address, email address, Internet web page, Internet  
8 web portal, toll-free telephone number, or other applicable  
9 contact information whereby consumers may submit a request or  
10 direction under this Act, and any new, consumer-friendly means  
11 of contacting a business, as approved by the Attorney General  
12 under Section 80.

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

16           (k) "Health insurance information" means a consumer's  
17 insurance policy number or subscriber identification number,  
18 any unique identifier used by a health insurer to identify the  
19 consumer, or any information in the consumer's application and  
20 claims history, including any appeals records, if the  
21 information is linked or reasonably linkable to a consumer or  
22 household, including via a device, by a business or service  
23 provider.

24           (l) "Homepage" means the introductory page of a website  
25 and any Internet web page where personal information is  
26 collected. In the case of an online service, such as a mobile

1 application, "homepage" means the application's platform page  
2 or download page, a link within the application, such as from  
3 the application configuration, "About", "Information", or  
4 settings page, and any other location that allows consumers to  
5 review the notice required by subsection (a) of Section 50,  
6 including, but not limited to, before downloading the  
7 application.

8 (m) "Infer" or "inference" means the derivation of  
9 information, data, assumptions, or conclusions from facts,  
10 evidence, or another source of information or data.

11 (n) "Person" means an individual, proprietorship, firm,  
12 partnership, joint venture, syndicate, business trust,  
13 company, corporation, limited liability company, association,  
14 committee, and any other organization or group of persons  
15 acting in concert.

16 (o)(1) "Personal information" means information that  
17 identifies, relates to, describes, is capable of being  
18 associated with, or could reasonably be linked, directly or  
19 indirectly, with a particular consumer or household. "Personal  
20 information" includes, but is not limited to, the following if  
21 it identifies, relates to, describes, is capable of being  
22 associated with, or could be reasonably linked, directly or  
23 indirectly, with a particular consumer or household:

24 (A) Identifiers such as a real name, alias, postal  
25 address, unique personal identifier, online identifier,  
26 Internet Protocol address, email address, account name,



1 social security number, driver's license number, passport  
2 number, or other similar identifiers.

3 (B) Any personal information that identifies, relates  
4 to, describes, or is capable of being associated with, a  
5 particular individual, including, but not limited to, his  
6 or her name, signature, social security number, physical  
7 characteristics or description, address, telephone number,  
8 passport number, driver's license or State identification  
9 card number, insurance policy number, education,  
10 employment, employment history, bank account number,  
11 credit card number, debit card number, or any other  
12 financial information, medical information, or health  
13 insurance information. "Personal information" does not  
14 include publicly available information that is lawfully  
15 made available to the general public from federal, State,  
16 or local government records.

17 (C) Characteristics of protected classifications under  
18 State or federal law.

19 (D) Commercial information, including records of  
20 personal property, products or services purchased,  
21 obtained, or considered, or other purchasing or consuming  
22 histories or tendencies.

23 (E) Biometric information.

24 (F) Internet or other electronic network activity  
25 information, including, but not limited to, browsing  
26 history, search history, and information regarding a

1 consumer's interaction with an Internet website,  
2 application, or advertisement.

3 (G) Geolocation data.

4 (H) Audio, electronic, visual, thermal, olfactory, or  
5 similar information.

6 (I) Professional or employment-related information.

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

11 (K) Inferences drawn from any of the information  
12 identified in this subsection to create a profile about a  
13 consumer reflecting the consumer's preferences,  
14 characteristics, psychological trends, predispositions,  
15 behavior, attitudes, intelligence, abilities, and  
16 aptitudes.

17 (2) "Personal information" does not include publicly  
18 available information. For purposes of this subsection,  
19 "publicly available" means information that is lawfully made  
20 available from federal, State, or local government records, if  
21 any conditions associated with such information. "Publicly  
22 available" does not mean biometric information collected by a  
23 business about a consumer without the consumer's knowledge.  
24 Information is not publicly available if that data is used for  
25 a purpose that is not compatible with the purpose for which the  
26 data is maintained and made available in the government

1 records or for which it is publicly maintained. "Publicly  
2 available" does not include consumer information that is  
3 deidentified or aggregate consumer information.

4 (p) "Probabilistic identifier" means the identification of  
5 a consumer or a device to a degree of certainty of more  
6 probable than not based on any categories of personal  
7 information included in, or similar to, the categories  
8 enumerated in the definition of personal information.

9 (q) "Processing" means any operation or set of operations  
10 that are performed on personal data or on sets of personal  
11 data, whether or not by automated means.

12 (r) "Pseudonymize" or "pseudonymization" means the  
13 processing of personal information in a manner that renders  
14 the personal information no longer attributable to a specific  
15 consumer without the use of additional information, provided  
16 that the additional information is kept separately and is  
17 subject to technical and organizational measures to ensure  
18 that the personal information is not attributed to an  
19 identified or identifiable consumer.

20 (s) "Research" means scientific, systematic study and  
21 observation, including basic research or applied research that  
22 is in the public interest and that adheres to all other  
23 applicable ethics and privacy laws or studies conducted in the  
24 public interest in the area of public health. Research with  
25 personal information that may have been collected from a  
26 consumer in the course of the consumer's interactions with a

1 business's service or device for other purposes:

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

4 (2) Shall be subsequently pseudonymized and  
5 deidentified, or deidentified and in the aggregate, such  
6 that the information cannot reasonably identify, relate  
7 to, describe, be capable of being associated with, or be  
8 linked, directly or indirectly, to a particular consumer.

9 (3) Shall be made subject to technical safeguards that  
10 prohibit reidentification of the consumer to whom the  
11 information may pertain.

12 (4) Shall be subject to business processes that  
13 specifically prohibit reidentification of the information.

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

16 (6) Shall be protected from any reidentification  
17 attempts.

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

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

22 (9) Shall be subjected by the business conducting the  
23 research to additional security controls that limit access  
24 to the research data to only those individuals in a  
25 business as are necessary to carry out the research  
26 purpose.

1           (t) (1) "Sell", "selling", "sale", or "sold" means selling,  
2           renting, releasing, disclosing, disseminating, making  
3           available, transferring, or otherwise communicating orally, in  
4           writing, or by electronic or other means, a consumer's  
5           personal information by the business to another business or a  
6           third party for monetary or other valuable consideration.

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

9           (A) A consumer uses or directs the business to  
10           intentionally disclose personal information or uses the  
11           business to intentionally interact with a third party,  
12           provided the third party does not also sell the personal  
13           information, unless that disclosure would be consistent  
14           with the provisions of this Act. An intentional  
15           interaction occurs when the consumer intends to interact  
16           with the third party, via one or more deliberate  
17           interactions. Hovering over, muting, pausing, or closing a  
18           given piece of content does not constitute a consumer's  
19           intent to interact with a third party.

20           (B) The business uses or shares an identifier for a  
21           consumer who has opted out of the sale of the consumer's  
22           personal information for the purposes of alerting third  
23           parties that the consumer has opted out of the sale of the  
24           consumer's personal information.

25           (C) The business uses or shares with a service  
26           provider personal information of a consumer that is

1 necessary to perform a business purpose if both of the  
2 following conditions are met:

3 (i) The business has provided notice that  
4 information being used or shared in its terms and  
5 conditions consistent with Section 45.

6 (ii) The service provider does not further  
7 collect, sell, or use the personal information of the  
8 consumer except as necessary to perform the business  
9 purpose.

10 (D) The business transfers to a third party the  
11 personal information of a consumer as an asset that is  
12 part of a merger, acquisition, bankruptcy, or other  
13 transaction in which the third party assumes control of  
14 all or part of the business, provided that information is  
15 used or shared consistently with Sections 20 and 25. If a  
16 third party materially alters how it uses or shares the  
17 personal information of a consumer in a manner that is  
18 materially inconsistent with the promises made at the time  
19 of collection, it shall provide prior notice of the new or  
20 changed practice to the consumer. The notice shall be  
21 sufficiently prominent and robust to ensure that existing  
22 consumers can easily exercise their choices consistently  
23 with Section 30. This subparagraph does not authorize a  
24 business to make material, retroactive privacy policy  
25 changes or make other changes in their privacy policy in a  
26 manner that would violate the Uniform Deceptive Trade

1 Practices Act.

2 (u) "Service" or "services" means work, labor, and  
3 services, including services furnished in connection with the  
4 sale or repair of goods.

5 (v) "Service provider" means a sole proprietorship,  
6 partnership, limited liability company, corporation,  
7 association, or other legal entity that is organized or  
8 operated for the profit or financial benefit of its  
9 shareholders or other owners, that processes information on  
10 behalf of a business and to which the business discloses a  
11 consumer's personal information for a business purpose in  
12 accordance with a written contract, provided that the contract  
13 prohibits the entity receiving the information from retaining,  
14 using, or disclosing the personal information for any purpose  
15 other than for the specific purpose of performing the services  
16 specified in the contract for the business, or as otherwise  
17 permitted by this Act, including retaining, using, or  
18 disclosing the personal information for a commercial purpose  
19 other than providing the services specified in the contract  
20 with the business.

21 (w) "Third party" means a person who is not any of the  
22 following:

23 (1) The business that collects personal information  
24 from consumers under this Act.

25 (2) (A) A person to whom the business discloses a  
26 consumer's personal information for a business purpose in

1           accordance with a written contract, provided that the  
2           contract:

3                   (i) Prohibits the person receiving the personal  
4           information from:

5                           (I) Selling the personal information.

6                           (II) Retaining, using, or disclosing the  
7           personal information for any purpose other than  
8           for the specific purpose of performing the  
9           services specified in the contract, including  
10          retaining, using, or disclosing the personal  
11          information for a commercial purpose other than  
12          providing the services specified in the contract.

13                          (III) Retaining, using, or disclosing the  
14          information outside of the direct business  
15          relationship between the person and the business.

16                          (ii) Includes a certification made by the person  
17          receiving the personal information that the person  
18          understands the restrictions in subparagraph (A) and  
19          will comply with them.

20                          (B) A person covered by this paragraph who violates  
21          any of the restrictions set forth in this Act shall be  
22          liable for the violations. A business that discloses  
23          personal information to a person covered by this paragraph  
24          in compliance with this paragraph shall not be liable  
25          under this Act if the person receiving the personal  
26          information uses it in violation of the restrictions set



1           forth in this Act, provided that, at the time of  
2           disclosing the personal information, the business does not  
3           have actual knowledge, or reason to believe, that the  
4           person intends to commit such a violation.

5           (x) "Unique identifier" or "unique personal identifier"  
6           means a persistent identifier that can be used to recognize a  
7           consumer, a family, or a device that is linked to a consumer or  
8           family, over time and across different services, including,  
9           but not limited to, a device identifier; an Internet Protocol  
10          address; cookies, beacons, pixel tags, mobile ad identifiers,  
11          or similar technology; customer number, unique pseudonym, or  
12          user alias; telephone numbers, or other forms of persistent or  
13          probabilistic identifiers that can be used to identify a  
14          particular consumer or device. As used in this subsection,  
15          "family" means a custodial parent or guardian and any minor  
16          children over which the parent or guardian has custody.

17          (y) "Verifiable consumer request" means a request that is  
18          made by a consumer, by a consumer on behalf of the consumer's  
19          minor child, or by a natural person or a person registered with  
20          the Secretary of State, authorized by the consumer to act on  
21          the consumer's behalf, and that the business can reasonably  
22          verify, in accordance with regulations adopted by the Attorney  
23          General under paragraph (7) of subsection (a) of Section 80 to  
24          be the consumer about whom the business has collected personal  
25          information. A business is not obligated to provide  
26          information to the consumer in accordance with Sections 20 and

1 25 if the business cannot verify, in accordance with this  
2 subsection and regulations adopted by the Attorney General  
3 under paragraph (7) of subsection (a) of Section 80, that the  
4 consumer making the request is the consumer about whom the  
5 business has collected information or is a person authorized  
6 by the consumer to act on such consumer's behalf.

7 Section 10. Personal information; business collection and  
8 disclosure.

9 (a) A consumer has the right to request that a business  
10 that collects the consumer's personal information disclose to  
11 that consumer the categories and specific pieces of personal  
12 information the business has collected.

13 (b) A business that collects a consumer's personal  
14 information shall, at or before the point of collection,  
15 inform the consumer as to the categories of personal  
16 information to be collected and the purposes for which the  
17 categories of personal information shall be used. A business  
18 shall not collect additional categories of personal  
19 information or use personal information collected for  
20 additional purposes without providing the consumer with notice  
21 consistent with this Section.

22 (c) A business shall provide the information specified in  
23 subsection (a) to a consumer only upon receipt of a verifiable  
24 consumer request.

25 (d) A business that receives a verifiable consumer request

1 from a consumer to access personal information shall promptly  
2 take steps to disclose and deliver, free of charge to the  
3 consumer, the personal information required by this Section.  
4 The information may be delivered by mail or electronically,  
5 and if provided electronically, the information shall be in a  
6 portable and, to the extent technically feasible, in a readily  
7 usable format that allows the consumer to transmit this  
8 information to another entity without hindrance. A business  
9 may provide personal information to a consumer at any time,  
10 but shall not be required to provide personal information to a  
11 consumer more than twice in a 12-month period.

12 (e) This Section does not require a business to retain any  
13 personal information collected for a single, one-time  
14 transaction, if such information is not sold or retained by  
15 the business or to reidentify or otherwise link information  
16 that is not maintained in a manner that would be considered  
17 personal information.

18 Section 15. Consumer request to delete personal  
19 information.

20 (a) A consumer has the right to request that a business  
21 delete any personal information about the consumer which the  
22 business has collected from the consumer.

23 (b) A business that collects personal information about  
24 consumers shall disclose, in accordance with Section 40, the  
25 consumer's rights to request the deletion of the consumer's

1 personal information.

2 (c) A business that receives a verifiable consumer request  
3 from a consumer to delete the consumer's personal information  
4 in accordance with subsection (a) shall delete the consumer's  
5 personal information from its records and direct any service  
6 providers to delete the consumer's personal information from  
7 their records.

8 (d) A business or a service provider shall not be required  
9 to comply with a consumer's request to delete the consumer's  
10 personal information if it is necessary for the business or  
11 service provider to maintain the consumer's personal  
12 information in order to:

13 (1) Complete the transaction for which the personal  
14 information was collected; provide a good or service  
15 requested by the consumer or reasonably anticipated within  
16 the context of a business's ongoing business relationship  
17 with the consumer; or otherwise perform a contract between  
18 the business and the consumer.

19 (2) Detect security incidents; protect against  
20 malicious, deceptive, fraudulent, or illegal activity; or  
21 prosecute those responsible for that activity.

22 (3) Debug to identify and repair errors that impair  
23 existing intended functionality.

24 (4) Exercise free speech, ensure the right of another  
25 consumer to exercise his or her right of free speech, or  
26 exercise another right provided for by law.

1 (5) Comply with the Citizen Privacy Protection Act.

2 (6) Engage in public or peer-reviewed scientific,  
3 historical, or statistical research in the public interest  
4 that adheres to all other applicable ethics and privacy  
5 laws, when the businesses' deletion of the information is  
6 likely to render impossible or seriously impair the  
7 achievement of such research, if the consumer has provided  
8 informed consent.

9 (7) Enable solely internal uses that are reasonably  
10 aligned with the expectations of the consumer based on the  
11 consumer's relationship with the business.

12 (8) Comply with a legal obligation.

13 (9) Otherwise use the consumer's personal information,  
14 internally, in a lawful manner that is compatible with the  
15 context in which the consumer provided the information.

16 Section 20. Consumer request to disclose categories of  
17 information collected.

18 (a) A consumer has the right to request that a business  
19 that collects personal information about the consumer disclose  
20 to the consumer the following:

21 (1) The categories of personal information it has  
22 collected about that consumer.

23 (2) The categories of sources from which the personal  
24 information is collected.

25 (3) The business or commercial purpose for collecting

1 or selling personal information.

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

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

6 (b) A business that collects personal information about a  
7 consumer shall disclose to the consumer, in accordance with  
8 paragraph (3) of subsection (a) of Section 40, the information  
9 specified in subsection (a) upon receipt of a verifiable  
10 consumer request from the consumer.

11 (c) A business that collects personal information about  
12 consumers shall disclose, in accordance with subparagraph (B)  
13 of paragraph (5) of subsection (a) of Section 40:

14 (1) The categories of personal information it has  
15 collected about that consumer.

16 (2) The categories of sources from which the personal  
17 information is collected.

18 (3) The business or commercial purpose for collecting  
19 or selling personal information.

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

22 (5) The specific pieces of personal information the  
23 business has collected about that consumer.

24 (d) This Section does not require a business to do the  
25 following:

26 (1) Retain any personal information about a consumer

1 collected for a single one-time transaction if, in the  
2 ordinary course of business, that information about the  
3 consumer is not retained.

4 (2) Reidentify or otherwise link any data that, in the  
5 ordinary course of business, is not maintained in a manner  
6 that would be considered personal information.

7 Section 25. Consumer request to disclose categories of  
8 information sold.

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

13 (1) The categories of personal information that the  
14 business collected about the consumer.

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

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

23 (b) A business that sells personal information about a  
24 consumer, or that discloses a consumer's personal information  
25 for a business purpose, shall disclose, in accordance with

1 paragraph (4) of subsection (a) of Section 40, the information  
2 specified in subsection (a) to the consumer upon receipt of a  
3 verifiable consumer request from the consumer.

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

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

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

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

21 Section 30. Right to opt out.

22 (a) A consumer has the right, at any time, to direct a  
23 business that sells personal information about the consumer to  
24 third parties not to sell the consumer's personal information.  
25 This right may be referred to as the right to opt out.



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

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

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

1 Section 35. Prohibited practices.

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

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

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

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

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

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

19 (b)(1) A business may offer financial incentives,  
20 including payments to consumers as compensation, for the  
21 collection of personal information, the sale of personal  
22 information, or the deletion of personal information. A  
23 business may also offer a different price, rate, level, or  
24 quality of goods or services to the consumer if that price or  
25 difference is directly related to the value provided to the

1 consumer by the consumer's data.

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

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

11 (4) A business shall not use financial incentive practices  
12 that are unjust, unreasonable, coercive, or usurious in  
13 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  
2 the request is a verifiable consumer request, but this  
3 shall not extend the business's duty to disclose and  
4 deliver the information within 45 days of receipt of the  
5 consumer's request. The time period to provide the  
6 required information may be extended once by an additional  
7 45 days when reasonably necessary, provided the consumer  
8 is provided notice of the extension within the first  
9 45-day period. The disclosure shall cover the 12-month  
10 period preceding the business's receipt of the verifiable  
11 consumer request and shall be made in writing and  
12 delivered through the consumer's account with the  
13 business, if the consumer maintains an account with the  
14 business, or by mail or electronically at the consumer's  
15 option if the consumer does not maintain an account with  
16 the business, in a readily usable format that allows the  
17 consumer to transmit this information from one entity to  
18 another entity without hindrance. The business shall not  
19 require the consumer to create an account with the  
20 business in order to make a 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,  
23 a list of the categories of personal information it  
24 has collected about consumers in the preceding 12  
25 months by reference to the enumerated category or  
26 categories in subsection (c) that most closely

1 describe the personal 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  
25 35, and the requirements under this Section, and how to  
26 direct consumers to exercise their rights under Sections

1           20, 25, 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  
18               enables a consumer, or a person authorized by the  
19               consumer, to opt out of the sale of the consumer's  
20               personal information. A business shall not require a  
21               consumer to create an account in order to direct the  
22               business not to sell the consumer's 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



1 page 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 regulations  
13 adopted by the Attorney General.

14 Section 50. Compliance with other laws or regulations.

15 (a) The obligations imposed on businesses by this Act  
16 shall 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,  
23 or 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. This paragraph shall not permit a  
13 business from storing, including on a device, personal  
14 information about a consumer when the consumer is in  
15 Illinois and then collecting that personal information  
16 when the consumer and stored personal information is  
17 outside of Illinois.

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

25           (c) (1) This Act shall not apply to any of the following:

26               (A) Medical information protected from disclosure

1 under State confidentiality laws on patient health  
2 information or protected health information that is  
3 collected by a covered entity or business associate  
4 governed by the privacy, security, and breach notification  
5 rules issued by the United States Department of Health and  
6 Human Services, Parts 160 and 164 of Title 45 of the Code  
7 of Federal Regulations, established in accordance with the  
8 Health Insurance Portability and Accountability Act of  
9 1996 (Public Law 104-191) and the Health Information  
10 Technology for Economic and Clinical Health Act (Public  
11 Law 111-5).

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

24 (C) Information collected as part of a clinical trial  
25 subject to the Federal Policy for the Protection of Human  
26 Subjects, also known as the Common Rule, in accordance

1 with good clinical practice guidelines issued by the  
2 International Council for Harmonisation of Technical  
3 Requirements for Pharmaceuticals for Human Use or in  
4 accordance with human subject protection requirements of  
5 the United States Food and Drug Administration.

6 (2) As used in this Section:

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

20 "Provider of health care" means any physician, hospital  
21 facility, facility licensed under the Nursing Home Care Act,  
22 long-term care facility as defined in Section 1-113 of the  
23 Nursing Home Care Act, or other person that is licensed or  
24 otherwise authorized to deliver health care services.

25 "Business associate", "covered entity", and "protected  
26 health information" have the meanings ascribed to those terms

1 in Section 160.103 of Title 45 of the Code of Federal  
2 Regulations.

3 (d) This Act shall not apply to the sale of personal  
4 information to or from a consumer reporting agency if that  
5 information is to be reported in, or used to generate, a  
6 consumer report as defined in subsection (d) of Section 1681a  
7 of Title 15 of the United States Code, and use of that  
8 information is limited by the federal Fair Credit Reporting  
9 Act (15 U.S.C. 1681 et seq.).

10 (e) This Act shall not apply to personal information  
11 collected, processed, sold, or disclosed in accordance with  
12 the federal Gramm-Leach-Bliley Act, Public Law 106-102, and  
13 implementing regulations, or the Illinois Banking Act. This  
14 subsection shall not apply to Section 55.

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

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

22 (1) A time period for a business to respond to any  
23 verified consumer request may be extended by up to 90  
24 additional days where necessary, taking into account the  
25 complexity and number of the requests. The business shall  
26 inform the consumer of any such extension within 45 days

1 of receipt of the request, together with the reasons for  
2 the delay.

3 (2) If the business does not take action on the  
4 request of the consumer, the business shall inform the  
5 consumer, without delay and at the latest within the time  
6 period permitted of response by this Section, of the  
7 reasons for not taking action and any rights the consumer  
8 may have to appeal the decision to the business.

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

19 (h) A business that discloses personal information to a  
20 service provider shall not be liable under this Act if the  
21 service provider receiving the personal information uses it in  
22 violation of the restrictions set forth in this Act, provided  
23 that, at the time of disclosing the personal information, the  
24 business does not have actual knowledge, or reason to believe,  
25 that the service provider intends to commit such a violation.  
26 A service provider shall likewise not be liable under this Act

1 for the obligations of a business for which it provides  
2 services as set forth in this Act.

3 (i) This Act shall not be construed to require a business  
4 to reidentify or otherwise link information that is not  
5 maintained in a manner that would be considered personal  
6 information.

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

10 Section 55. Civil actions.

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

20 (A) Recovery of damages in an amount not less than  
21 \$100 and not greater than \$750 per consumer per incident  
22 or actual damages, whichever is greater.

23 (B) Injunctive or declaratory relief.

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

25 (2) In assessing the amount of statutory damages, the



1 court shall consider any one or more of the relevant  
2 circumstances presented by any of the parties to the case,  
3 including, but not limited to, the nature and seriousness of  
4 the misconduct, the number of violations, the persistence of  
5 the misconduct, the length of time over which the misconduct  
6 occurred, the willfulness of the defendant's misconduct, and  
7 the defendant's assets, liabilities, and net worth.

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

1 the express written statement, as well as any other violation  
2 of the title that postdates the written statement.

3 (c) The cause of action established by this Section shall  
4 apply only to violations as defined in subsection (a) and  
5 shall not be based on violations of any other Section of this  
6 Act. Nothing in this Act shall be interpreted to serve as the  
7 basis for a private right of action under any other law. This  
8 shall not be construed to relieve any party from any duties or  
9 obligations imposed under other law or the United States or  
10 Illinois Constitution.

11 Section 60. Attorney General enforcement.

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

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

1 of the State of Illinois by the Attorney General.

2 (c) Any civil penalty assessed for a violation of this  
3 Act, and the proceeds of any settlement of an action brought  
4 under subsection (b), shall be deposited into the Consumer  
5 Privacy Fund, created under Section 65, with the intent to  
6 fully offset any costs incurred by the State courts and the  
7 Attorney General in connection with this Act.

8 Section 65. Consumer Privacy Fund.

9 (a) The Consumer Privacy Fund is created as a special fund  
10 in the State treasury. The Fund shall consist of any moneys  
11 deposited into the Fund as provided in subsection (c) of  
12 Section 60 and any moneys appropriated to the Attorney General  
13 for the purposes of this Section from the General Revenue  
14 Fund.

15 (b) Moneys in the Consumer Privacy Fund shall be used,  
16 subject to appropriation, to offset any costs incurred by the  
17 State courts in connection with actions brought to enforce  
18 this Act and any costs incurred by the Attorney General in  
19 carrying out the Attorney General's duties under this Act and  
20 for no other purpose. All interest earned on moneys in the Fund  
21 shall be deposited into the Fund.

22 Section 70. Conflict of laws. The provisions of this Act  
23 are not limited to information collected electronically or  
24 over the Internet, but apply to the collection and sale of all

1 personal information collected by a business from consumers.  
2 Wherever possible, law relating to consumers' personal  
3 information should be construed to harmonize with the  
4 provisions of this Act, but in the event of a conflict between  
5 other laws and the provisions of this Act, the provisions of  
6 the law that afford the greatest privacy protection for  
7 consumers shall control.

8 Section 80. Attorney General; rules.

9 (a) On or before July 1, 2022, the Attorney General shall  
10 solicit broad public participation and adopt rules to further  
11 the purposes of this Act, including, but not limited to, the  
12 following areas:

13 (1) Updating as needed additional categories of  
14 personal information to those enumerated in subsection (c)  
15 of Section 40 and subsection (o) of Section 5 in order to  
16 address changes in technology, data collection practices,  
17 obstacles to implementation, and privacy concerns.

18 (2) Updating as needed the definition of unique  
19 identifiers to address changes in technology, data  
20 collection, obstacles to implementation, and privacy  
21 concerns, and additional categories to the definition of  
22 designated methods for submitting requests to facilitate a  
23 consumer's ability to obtain information from a business  
24 in accordance with Section 40.

25 (3) Establishing any exceptions necessary to comply

1 with State or federal law, including, but not limited to,  
2 those relating to trade secrets and intellectual property  
3 rights, within one year of the effective date of this Act  
4 and as needed thereafter.

5 (4) Establishing rules and procedures for the  
6 following:

7 (A) To facilitate and govern the submission of a  
8 request by a consumer to opt out of the sale of  
9 personal information under Section 30.

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

12 (C) For the development and use of a recognizable  
13 and uniform opt-out logo or button by all businesses  
14 to promote consumer awareness of the opportunity to  
15 opt out of the sale of personal information.

16 (5) Adjusting the monetary threshold in subparagraph  
17 (A) of paragraph (1) of subsection (c) of Section 5 in  
18 January of every odd-numbered year to reflect any increase  
19 in the Consumer Price Index.

20 (6) Establishing rules, procedures, and any exceptions  
21 necessary to ensure that the notices and information that  
22 businesses are required to provide in accordance with this  
23 Act are provided in a manner that may be easily understood  
24 by the average consumer, are accessible to consumers with  
25 disabilities, and are available in the language primarily  
26 used to interact with the consumer, including establishing

1 rules and guidelines regarding financial incentive  
2 offerings, within one year after the effective date of  
3 this Act and as needed thereafter.

4 (7) Establishing rules and procedures to further the  
5 purposes of Sections 20 and 25 and to facilitate a  
6 consumer's or the consumer's authorized agent's ability to  
7 obtain information in accordance with Section 40, with the  
8 goal of minimizing the administrative burden on consumers,  
9 taking into account available technology, security  
10 concerns, and the burden on the business, to govern a  
11 business's determination that a request for information  
12 received by a consumer is a verifiable consumer request,  
13 including treating a request submitted through a  
14 password-protected account maintained by the consumer with  
15 the business while the consumer is logged into the account  
16 as a verifiable consumer request and providing a mechanism  
17 for a consumer who does not maintain an account with the  
18 business to request information through the business's  
19 authentication of the consumer's identity, within one year  
20 after the effective date of this Act and as needed  
21 thereafter.

22 (b) The Attorney General may adopt additional regulations  
23 as necessary to further the purposes of this Act.

24 (c) The Attorney General shall not bring an enforcement  
25 action under this Act until 6 months after the publication of  
26 the final rules adopted in accordance with this Section or

1 July 1, 2022, whichever is sooner.

2 Section 85. Component parts of a single transaction. If a  
3 series of steps or transactions were component parts of a  
4 single transaction intended from the beginning to be taken  
5 with the intention of avoiding the reach of this Act,  
6 including the disclosure of information by a business to a  
7 third party in order to avoid the definition of sell, a court  
8 shall disregard the intermediate steps or transactions for  
9 purposes of effectuating the purposes of this Act.

10 Section 90. Nonwaiver of Act. Any provision of a contract  
11 or agreement of any kind that purports to waive or limit in any  
12 way a consumer's rights under this Act, including, but not  
13 limited to, any right to a remedy or means of enforcement,  
14 shall be deemed contrary to public policy and shall be void and  
15 unenforceable. This Section shall not prevent a consumer from  
16 declining to request information from a business, declining to  
17 opt out of a business's sale of the consumer's personal  
18 information, or authorizing a business to sell the consumer's  
19 personal information after previously opting out.

20 Section 95. Construction. This Act shall be liberally  
21 construed to effectuate its purposes.

22 Section 100. Application. This Act is intended to

1 supplement federal and State law, if permissible, but shall  
2 not apply if such application is preempted by, or in conflict  
3 with, federal law or the United States or Illinois  
4 Constitution.

5 Section 105. The State Finance Act is amended by adding  
6 Section 5.935 as follows:

7 (30 ILCS 105/5.935 new)

8 Sec. 5.935. The Consumer Privacy Fund.