



Sen. Thomas Cullerton

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10200SB0731sam002

LRB102 17247 KTG 24999 a

1 AMENDMENT TO SENATE BILL 731

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 731 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Do  
5 Not Track Act.

6 Section 5. Findings. The General Assembly finds and  
7 declares that:

8 (1) The right to privacy is a personal and fundamental  
9 right protected by the United States Constitution. As  
10 such, all individuals have a right to privacy and a  
11 personal property interest in information pertaining to  
12 them and that information shall be adequately protected  
13 from unlawful invasions and takings. This State recognizes  
14 the importance of providing consumers with transparency  
15 about how their personal information is stored, used, and  
16 shared by businesses. This transparency is crucial for

1 Illinois citizens to protect themselves and their families  
2 from cyber-crimes and identity thieves.

3 (2) Businesses are now collecting, sharing, and  
4 selling personal information in ways not contemplated or  
5 properly covered by current law.

6 (a) Some websites install tracking tools that  
7 record when consumers visit web pages and send  
8 personal information collected to third party  
9 marketers and data brokers.

10 (b) Third-party data broker companies are buying,  
11 selling, and trading personal information obtained  
12 from mobile phones, financial institutions, social  
13 media sites, and other online and brick and mortar  
14 companies.

15 (c) Social media companies, credit agencies and  
16 retail stores have all had their internal security  
17 systems breached, resulting in consumers' personal  
18 information being stolen and sold on the black market.

19 (3) Illinois consumers must be better informed about  
20 what kinds of personal information are collected, how  
21 information is shared with third parties, and how  
22 businesses store consumers' personal information. With  
23 this specific information, consumers can knowledgeably  
24 choose to opt in, opt out, or choose among businesses that  
25 disclose information to third parties on the basis of how  
26 protective the business is of consumers' privacy in order

1 to properly protect their privacy, property, personal  
2 safety, and financial security.

3 Section 10. Definitions. As used in this Act:

4 "Affiliate" means a legal entity that controls, is  
5 controlled by, or is under common control with another legal  
6 entity.

7 "Business" means any sole proprietorship, partnership,  
8 limited liability company, corporation, association, or other  
9 legal entity that is organized or operated for the profit or  
10 financial benefit of its shareholders or other owners, that  
11 does business in the State of Illinois and meets one or more of  
12 the following thresholds:

13 (1) The business collects or discloses the personal  
14 information of 50,000 or more persons, Illinois  
15 households, or the combination thereof.

16 (2) The business derives 50% or more of its annual  
17 revenues from selling consumers' personal information.

18 "Business" does not include any third party that operates,  
19 hosts, or manages, but does not own, a website or online  
20 service on the owner's behalf or by processing information on  
21 behalf of the owners, or any State and local governments or  
22 municipal corporations.

23 "Categories of sources" means types of entities from which  
24 a business collects personal information about consumers,  
25 including, but not limited to, the consumer directly,

1 government entities from which public records are obtained,  
2 and consumer data resellers.

3 "Categories of third parties" means types of entities that  
4 do not collect personal information directly from consumers,  
5 including, but not limited to, advertising networks, internet  
6 service providers, data analytics providers, government  
7 entities, operating systems and platforms, social networks,  
8 and consumer data resellers.

9 "Consumer" means a natural person residing in this State.  
10 "Consumer" does not include a natural person acting in an  
11 employment context.

12 "Deidentified" means information that cannot reasonably  
13 identify, relate to, describe, be capable of being associated  
14 with, or be linked, directly or indirectly, to a particular  
15 consumer, provided that a business that uses deidentified  
16 information:

17 (1) Has implemented technical safeguards that prohibit  
18 reidentification of the consumer to whom the information  
19 may pertain.

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

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

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

25 "Designated request address" means an electronic mail  
26 address, online form, mailing address, or toll-free telephone

1 number that a consumer may use to request information, opt out  
2 of the sale or disclosure of personal information, or correct  
3 or delete personal information, as required to be provided  
4 under this Act.

5 "Disclose" means to disclose, release, transfer, share,  
6 disseminate, make available, or otherwise communicate orally,  
7 in writing, or by electronic or any other means a consumer's  
8 personal information to any affiliate or third party.

9 "Disclose" does not include:

10 (1) Disclosure of personal information by a business  
11 to a third party or service provider under a written  
12 contract authorizing the third party or service provider  
13 to use the personal information to perform services on  
14 behalf of the business, including, but not limited to,  
15 maintaining or servicing accounts, disclosure of personal  
16 information by a business to a service provider,  
17 processing or fulfilling orders and transactions,  
18 verifying consumer information, processing payments,  
19 providing financing, or similar services, but only if: the  
20 contract prohibits the third party or service provider  
21 from using the personal information for any reason other  
22 than performing the specified service on behalf of the  
23 business and from disclosing any such personal information  
24 to additional third parties or service providers unless  
25 those additional third parties or service providers are  
26 allowed by the contract to further the specified services

1 and the additional third parties and service providers and  
2 subject to the same restrictions imposed by this  
3 subsection.

4 (2) Disclosure of personal information by a business  
5 to a third party based on a good faith belief that  
6 disclosure is required to comply with applicable law,  
7 regulation, legal process, or court order.

8 (3) Disclosure of personal information by a business  
9 to a third party that is reasonably necessary to address  
10 fraud, risk management, security, or technical issues; to  
11 protect the disclosing business' right or property; or to  
12 protect consumers or the public from illegal activities.

13 (4) Disclosure of personal information by a business  
14 to a third party in connection with the proposed or actual  
15 sale, merger, or bankruptcy of the business, to a third  
16 party.

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

22 (1) Identifiers such as a real name, alias, signature,  
23 postal address, telephone number, unique personal  
24 identifier, online identifier Internet Protocol address,  
25 email address, account name, social security number,  
26 driver's license number, state identification number,

1 passport number, physical characteristics or description,  
2 insurance policy number, employment, employment history,  
3 bank account number, credit card number, debit card  
4 number, financial information, medical information, health  
5 insurance information, or other similar identifiers.

6 (2) Characteristics of protected classifications under  
7 Illinois or federal law.

8 (3) 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 (4) Biometric information.

13 (5) 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 (6) Geolocation data.

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

21 (8) Professional or employment-related information.

22 (9) Educational information.

23 (10) Inferences drawn from any of the information  
24 identified in this Section to create a profile about a  
25 consumer reflecting the consumer's preferences,  
26 characteristics, psychological trends, preferences,

1 predispositions, behavior, attitudes, intelligence,  
2 abilities, and aptitudes.

3 "Personal information" does not include publicly available  
4 information which the business obtained directly from records  
5 lawfully made available from federal, state, or local  
6 government records. "Personal information" does not include  
7 consumer information that is deidentified or aggregate  
8 consumer information.

9 "Process" or "processes" means any collection, use,  
10 storage, disclosure, analysis, deletion, or modification of  
11 personal information.

12 "Request" means a consumer right set forth in this Act  
13 including one or more of the following: (i) for the disclosure  
14 of information regarding a consumer's personal information;  
15 (ii) the opt out of sale or disclosure of a consumer's personal  
16 information; (iii) the correction of inaccurate personal  
17 information; and (iv) the deletion of personal information.

18 "Sale" or "sell" means the selling, renting, or licensing  
19 of a consumer's personal information by a business to a third  
20 party in direct exchange for monetary consideration, whereby,  
21 as a result of such transaction, the third party may use the  
22 personal information for its own commercial purposes. "Sale"  
23 or "sell" does not include circumstances in which:

24 (1) A consumer uses or directs the business to  
25 intentionally disclose personal information or uses the  
26 business to intentionally interact with a third party or



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

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

14 (3) The business uses or shares with a service  
15 provider personal information of a consumer that is  
16 necessary to perform a business purpose or business  
17 purposes if the service provider does not further collect,  
18 sell, or use the personal information of the consumer  
19 except as necessary to perform the business purposes.

20 (4) The business transfers to a third party the  
21 personal information of a consumer as an asset that is  
22 part of a merger, acquisition, bankruptcy, or other  
23 transaction in which the third party or affiliate assumes  
24 control of all or part of the business, provided that  
25 information is used or shared consistently with this Act.  
26 If a third party or affiliate materially alters how it

1 uses or shares the personal information of a consumer in a  
2 manner that is materially inconsistent with the promises  
3 made at the time of collection, it shall provide prior  
4 notice of the new or changed practice to the consumer. The  
5 notice shall be sufficiently prominent and robust to  
6 ensure that existing consumers can easily exercise their  
7 choices consistent with Section 20 and Section 25. This  
8 subparagraph does not authorize a business to make  
9 material, retroactive privacy policy changes or make other  
10 changes in their privacy policy in a manner that would  
11 violate the Consumer Fraud and Deceptive Business  
12 Practices Act.

13 (5) A business uses a consumer's personal information  
14 to sell targeted advertising space to a third party as  
15 long as the personal information is not sold by the  
16 business to the third party or affiliate.

17 (6) The disclosure or transfer of personal information  
18 to an affiliate of the business.

19 "Service provider" means the natural or legal person that  
20 processes personal information on behalf of the business.

21 "Third party" means a business that is: (1) not an  
22 affiliate of the business that has collected, disclosed, or  
23 sold personal information; or (2) an affiliate with the  
24 business that has collected, disclosed, or sold personal  
25 information and the affiliate relationship is not clear to the  
26 consumer.

1 Section 15. Right to transparency. Any business that  
2 processes personal information or deidentified information  
3 must, prior to processing, provide notice to the consumer of  
4 the following in the service agreement or somewhere readily  
5 accessible on the business' website or mobile application:

6 (1) All categories of personal information and  
7 deidentified information that the business processes about  
8 individual consumers;

9 (2) All categories of third parties and affiliates  
10 with whom the business may disclose or sell that personal  
11 information or deidentified information and the business  
12 purpose for the disclosure or sale;

13 (3) The process in which an individual consumer may:

14 (A) review the personal information collected by  
15 the business;

16 (B) request changes to inaccurate personal  
17 information;

18 (C) opt out of the disclosure or sale of personal  
19 information; and

20 (D) request deletion of personal information; and

21 (4) The process in which the business notifies  
22 consumers of material changes to the notice required to be  
23 made available under this Section.

24 Section 20. Right to know. Consumers may request the

1 following information of businesses:

2 (1) Copies of specific pieces of personal information  
3 about the consumer processed by the business.

4 (2) Categories of sources for the personal information  
5 processed.

6 (3) Name and contact information for each third party  
7 and affiliate to whom the personal information is  
8 disclosed or sold.

9 Section 25. Right to opt out, correct, and delete.  
10 Consumers have the following rights concerning their personal  
11 information:

12 (1) The right to request to opt out of the following:

13 (A) the disclosure of personal information from  
14 the business to third parties and affiliates;

15 (B) the sale of personal information from the  
16 business to third parties and affiliates; and

17 (C) the processing of personal information by the  
18 business, third parties, and affiliates.

19 (2) The right to request that a business correct  
20 inaccurate personal information about the consumer.

21 (3) The right to request that a business delete  
22 personal information about the consumer.

23 Section 30. Consumer requests and business responses.

24 (a) Businesses shall establish a process for collecting

1 consumer requests and reasonably authenticating consumers  
2 making the requests and reasonably authenticating any request  
3 to correct inaccurate personal information. The method by  
4 which a consumer may submit a request under Section 20 and  
5 Section 25 shall be done in a form and manner determined by the  
6 business in a way that is not overly burdensome on the  
7 consumer.

8 (b) A business shall post on its website, online service,  
9 and within any mobile application, a link to a designated  
10 request address web page maintained by the business for the  
11 purpose of collecting and processing consumer requests. The  
12 business shall also post a designated request street address  
13 for consumers to submit requests by mail.

14 (c) A parent or legal guardian of a consumer under the age  
15 of 13 may submit a request on behalf of that consumer.

16 (d) A business that receives a request from a consumer  
17 through a designated request address shall promptly take steps  
18 to disclose and deliver, free of charge to the consumer, the  
19 personal information required or confirmation of the  
20 consumer's opt out, correction or deletion request and  
21 business' compliance.

22 (1) The information may be delivered by mail or  
23 electronically, and if provided electronically, the  
24 information shall be in a portable and, to the extent  
25 technically feasible, in a readily usable format that  
26 allows the consumer to transmit this information to

1 another entity without hindrance.

2 (2) A business that has received a request to opt out  
3 of the disclosure or sale of a consumer's personal  
4 information shall be prohibited from selling or disclosing  
5 that consumer's personal information after its receipt of  
6 the consumer's request, unless the consumer subsequently  
7 provides express authorization for the sale or disclosure  
8 of the consumer's personal information.

9 (3) A business that receives a request to delete the  
10 consumer's personal information, shall delete the  
11 consumer's personal information from its records and  
12 direct any third party or affiliate with whom the personal  
13 information was disclosed, to delete the consumer's  
14 personal information from their records.

15 (4) A business shall not be required to comply with a  
16 consumer's request to delete the consumer's personal  
17 information if it is necessary for the business to  
18 maintain the consumer's personal information in order to:

19 (i) Complete the transaction for which the  
20 personal information was collected, provide a good or  
21 service requested by the consumer, or reasonably  
22 anticipated within the context of a business' ongoing  
23 business relationship with the consumer, or otherwise  
24 perform a contract between the business and the  
25 consumer.

26 (ii) Detect security incidents, protect against

1           malicious, deceptive, fraudulent, or illegal activity;  
2           or prosecute those responsible for that activity.

3           (iii) Debug to identify and repair errors that  
4           impair existing intended functionality.

5           (iv) Exercise free speech, ensure the right of  
6           another consumer to exercise their right of free  
7           speech, or exercise another right provided for by law.

8           (v) Engage in public or peer-reviewed scientific,  
9           historical, or statistical research in the public  
10          interest that adheres to all other applicable ethics  
11          and privacy laws, when the business' deletion of the  
12          information is likely to render impossible or  
13          seriously impair the achievement of such research, if  
14          the consumer has provided informed consent.

15          (vi) To enable solely internal uses that are  
16          reasonably aligned with the expectations of the  
17          consumer based on the consumer's relationship with the  
18          business.

19          (vii) Comply with a legal obligation.

20          (viii) Otherwise use the consumer's personal  
21          information, internally, in a lawful manner that is  
22          compatible with the context in which the consumer  
23          provided the information.

24          (e) A business must provide a response to the consumer  
25          within 45 days of a request under Section 20 and Section 25.

26           (1) The business shall promptly take steps to verify

1 the request, but shall not extend the business' duty to  
2 disclose and deliver the information within 45 days of  
3 receipt of the consumer's request. The time period to  
4 provide the required information may be extended once by  
5 an additional 45 days when reasonably necessary, provided  
6 the consumer is provided notice of the extension within  
7 the first 45-day period.

8 (2) The disclosure shall cover at least the 12-month  
9 period preceding the business' receipt of the request. The  
10 business shall not require the consumer to create an  
11 account with the business in order to make a request.

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

22 (f) A business shall not be required to respond to a  
23 request made by or on behalf of the same consumer more than  
24 once in any 12-month period.

25 Section 35. Businesses, affiliates, and third parties.



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

7           (b) A business shall not reidentify any deidentified  
8 consumer information, unless the consumer subsequently  
9 provides express authorization for reidentification of  
10 deidentified information.

11           (c) A business shall not sell the personal information of  
12 any consumer for which the business has actual knowledge that  
13 the consumer is less than 16 years of age. A business that  
14 willfully disregards the consumer's age shall be deemed to  
15 have had actual knowledge of the consumer's age.

16           (d) A business shall not use a consumer's personal  
17 information for any purpose other than those disclosed in the  
18 notice at collection. If the business intends to use a  
19 consumer's personal information for a purpose that was not  
20 previously disclosed to the consumer in the notice at  
21 collection, the business shall directly notify the consumer of  
22 this new use and obtain explicit consent from the consumer to  
23 use it for this new purpose.

24           (e) A business shall not collect categories of personal  
25 information other than those disclosed in the notice at  
26 collection. If the business intends to collect additional

1 categories of personal information, the business shall provide  
2 a new notice at collection.

3 (f) If a business does not give the notice at collection to  
4 the consumer at or before the collection of their personal  
5 information, the business shall not collect personal  
6 information from the consumer.

7 (g) Affiliates and third parties shall not sell consumer  
8 personal information purchased from a business unless the  
9 consumer has received notice and is provided an opportunity to  
10 opt out of the resale of the consumer's personal information.

11 (h) Pricing incentives and prohibition of discrimination.

12 (1) A business shall not discriminate against a  
13 consumer because the consumer exercised any of the  
14 consumer's rights in this Act, including, but not limited  
15 to:

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

17 (B) Charging different prices or rates for goods  
18 or services, including through the use of discounts or  
19 other benefits or imposing penalties.

20 (C) Providing a different level or quality of  
21 goods or services to the consumer, if the consumer  
22 exercises the consumer's rights under this Act.

23 (D) Suggesting that the consumer will receive a  
24 different price or rate for goods or services or a  
25 different level or quality of goods or services.

26 (2) Nothing shall prohibit a business from charging a

1 consumer a different price or rate, or from providing a  
2 different level or quality of goods or services to the  
3 consumer, if that difference is reasonably related to the  
4 value provided to the consumer by the consumer's data.

5 (3) A business may offer financial incentives,  
6 including payments to consumers as compensation, for the  
7 collection of personal information, the sale of personal  
8 information, or the deletion of personal information. A  
9 business may also offer a different price, rate, level, or  
10 quality of goods or services to the consumer if that price  
11 or difference is directly related to the value provided to  
12 the consumer by the consumer's data.

13 (A) A business that offers any financial  
14 incentives regarding consumer personal information or  
15 deidentified information, shall notify consumers of  
16 the financial incentives in the consumer service  
17 agreement, website, online service or mobile  
18 application.

19 (B) A business may enter a consumer into a  
20 financial incentive program only if the consumer gives  
21 the business prior opt-in consent which clearly  
22 describes the material terms of the financial  
23 incentive program, and which may be revoked by the  
24 consumer at any time.

25 (C) A business shall not use financial incentive  
26 practices that are unjust, unreasonable, or coercive.

1 (i) A business that discloses personal information to a  
2 service provider shall not be liable under this Act if the  
3 service provider receiving the personal information uses it in  
4 violation of the restrictions set forth in the Act, provided  
5 that, at the time of disclosing the personal information, the  
6 business does not have actual knowledge, or reason to believe,  
7 that the service provider intends to commit such a violation.  
8 A service provider shall likewise not be liable under this Act  
9 for the obligations of a business for which it provides  
10 services as set forth in this Act.

11 (j) The obligations imposed on businesses by this Act do  
12 not restrict a business' ability to:

13 (1) Comply with federal, state, or local laws, rules,  
14 regulations, or enforceable guidance.

15 (2) Comply with a civil, criminal, or regulatory  
16 inquiry, investigation, subpoena, or summons by federal,  
17 state, or local authorities.

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

22 (4) Exercise or defend legal claims.

23 (5) Prevent, detect, or respond to identity theft,  
24 fraud, or other malicious or illegal activity.

25 (6) Collect, use, retain, sell, or disclose consumer's  
26 personal information that is deidentified or in the

1 aggregate consumer information.

2 (k) Businesses, affiliates, and third parties shall take  
3 reasonable measures to protect customer's personal information  
4 from unauthorized use, disclosure, or access.

5 (1) In implementing security measures required by this  
6 subsection, a business, affiliate, and third party shall  
7 take into account each of the following factors:

8 (A) The nature and scope of the business;,  
9 affiliate's, or third party's activities;

10 (B) The sensitivity of the data processed;

11 (C) The size of the business, affiliate, or third  
12 party; and

13 (D) The technical feasibility of the security  
14 measures.

15 (2) A business, affiliate, or third party may employ  
16 any lawful measure that allows the business, affiliate, or  
17 third party to comply with the requirements of this  
18 subsection.

19 (1) Risk assessments.

20 (1) Businesses, affiliates, and third parties must  
21 conduct, to the extent not previously conducted, a risk  
22 assessment of each of their processing activities  
23 involving personal information and an additional risk  
24 assessment any time there is a change in processing that  
25 materially increases the risk to consumers. Such risk  
26 assessments must take into account the type of personal

1 data to be processed by the business, affiliate, or third  
2 party, including the extent to which the personal  
3 information is sensitive information or otherwise  
4 sensitive in nature, and the context in which the personal  
5 information is to be processed.

6 (2) Risk assessments conducted under subsection (a)  
7 must identify and weigh the benefits that may flow  
8 directly and indirectly from the processing to the  
9 business, consumer, other stakeholders, and the public,  
10 against the potential risks to the rights of the consumer  
11 associated with such processing, as mitigated by  
12 safeguards that can be employed by the business to reduce  
13 such risks. The use of deidentified data and the  
14 reasonable expectations of consumers, as well as the  
15 context of the processing and the relationship between the  
16 business, affiliate, or third party and the consumer whose  
17 personal data will be processed, must factor into this  
18 assessment by the business, affiliate, or third party.

19 (3) If the risk assessment conducted under subsection  
20 (a) of this Section determines that the potential risks of  
21 privacy harm to consumers are substantial and outweigh the  
22 interests of the business, consumer, other stakeholders,  
23 and the public in processing the personal information of  
24 the consumer, the business may only engage in such  
25 processing with the consent of the consumer or if another  
26 exemption under this Act applies. To the extent the

1 business seeks consumer consent for processing, such  
2 consent shall be as easy to withdraw as to give.

3 (4) Processing for a business purpose shall be  
4 presumed to be permissible unless: (i) it involves the  
5 processing of sensitive data; and (ii) the risk of  
6 processing cannot be reduced through the use of  
7 appropriate administrative and technical safeguards.

8 (5) The business, affiliate, and third party must make  
9 the risk assessment available to the Office of the  
10 Attorney General upon request. Risk assessments are  
11 confidential and exempt from public inspection and copying  
12 under the Freedom of Information Act.

13 Section 40. Enforcement.

14 (a) Private right of action.

15 (1) Any consumer whose unencrypted or unredacted  
16 personal information is subject to an unauthorized access  
17 and exfiltration, theft, or disclosure as a result of the  
18 business' violation of the duty to implement and maintain  
19 reasonable security procedures and practices appropriate  
20 to the nature of the information to protect the personal  
21 information may institute a civil action for any of the  
22 following:

23 (A) To recover damages in an amount not less than  
24 \$100 and not greater than \$750 per customer per  
25 incident or actual damages, whichever is greater.

1 (B) Injunctive or declaratory relief.

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

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

12 (3) Nothing in this Act shall be interpreted to serve  
13 as the basis for a private right of action under any other  
14 law. This shall not be construed to relieve any party from  
15 any duties or obligations imposed under other law or the  
16 United States or Illinois Constitution.

17 (b) Attorney General enforcement. A violation of this Act  
18 constitutes an unlawful practice under the Consumer Fraud and  
19 Deceptive Business Practices Act. The Attorney General has  
20 authority to enforce this Act as a violation of the Consumer  
21 Fraud and Deceptive Business Practices Act, subject to the  
22 remedies available to the Attorney General under the Consumer  
23 Fraud and Deceptive Business Practices Act.

24 Section 45. Applicability.

25 (a) This Act does not apply to personal information



1 collected, processed, sold, or disclosed under:

2 (1) The Gramm-Leach-Bliley Act, and the rules  
3 promulgated under that Act.

4 (2) The Health Insurance Portability and  
5 Accountability Act of 1996, and the rules promulgated  
6 under that Act.

7 (3) The Fair Credit Reporting Act, and the rules  
8 promulgated under that Act.

9 (b) Nothing in this Act restricts a business' ability to  
10 collect or disclose a consumer's personal information if a  
11 consumer's conduct takes place wholly outside of Illinois. For  
12 purposes of this Act, conduct takes place wholly outside of  
13 Illinois if the business collected that information while the  
14 consumer was outside of Illinois, no part of the sale of the  
15 consumer's personal information occurred in Illinois, and no  
16 personal information collected while the consumer was in  
17 Illinois is disclosed.

18 Section 50. Waivers; contracts. Any waiver of the  
19 provisions of this Act is void and unenforceable.

20 Section 55. Home rule preemption. Except as otherwise  
21 provided in this Act, the regulation of the activities  
22 described in this Act are the exclusive powers and functions  
23 of the State. Except as otherwise provided in this Act, a unit  
24 of local government, including a home rule unit, may not

1 regulate the activities described in this Act. This Section is  
2 a denial and limitation of home rule powers and functions  
3 under subsection (h) of Section 6 of Article VII of the  
4 Illinois Constitution.

5 Section 97. Severability. The provisions of this Act are  
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 99. Effective date. This Act takes effect January  
8 1, 2022."