



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1607

Introduced 2/26/2021, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

740 ILCS 14/10  
740 ILCS 14/35 new  
740 ILCS 14/40 new

Amends the Biometric Information Privacy Act. Defines "security purpose". Changes the definition of "written release" to include electronic consent and electronic release. Provides that the Attorney General and State's Attorneys have the sole authority to enforce the Act. Provides that an action may be brought to enforce the Act only if a violation of the Act causes actual harm. Provides that an employer is exempt under the Act if the employer collects, captures, obtains, or otherwise uses biometric identifiers and biometric information for: (1) keeping record of an employee's work hours; (2) a security purpose; (3) facility access; or (4) use by the human resource department or human resource employees of the employer. Provides that an employer is exempt under the Act if the employer retains the biometric identifier or information no longer than is reasonably necessary to satisfy a security purpose.

LRB102 15852 LNS 21221 b

1 AN ACT concerning civil law.

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

4 Section 5. The Biometric Information Privacy Act is  
5 amended by changing Section 10 and by adding Sections 35 and 40  
6 as follows:

7 (740 ILCS 14/10)

8 Sec. 10. Definitions. In this Act:

9 "Biometric identifier" means a retina or iris scan,  
10 fingerprint, voiceprint, or scan of hand or face geometry.  
11 Biometric identifiers do not include writing samples, written  
12 signatures, photographs, human biological samples used for  
13 valid scientific testing or screening, demographic data,  
14 tattoo descriptions, or physical descriptions such as height,  
15 weight, hair color, or eye color. Biometric identifiers do not  
16 include donated organs, tissues, or parts as defined in the  
17 Illinois Anatomical Gift Act or blood or serum stored on  
18 behalf of recipients or potential recipients of living or  
19 cadaveric transplants and obtained or stored by a federally  
20 designated organ procurement agency. Biometric identifiers do  
21 not include biological materials regulated under the Genetic  
22 Information Privacy Act. Biometric identifiers do not include  
23 information captured from a patient in a health care setting

1 or information collected, used, or stored for health care  
2 treatment, payment, or operations under the federal Health  
3 Insurance Portability and Accountability Act of 1996.  
4 Biometric identifiers do not include an X-ray, roentgen  
5 process, computed tomography, MRI, PET scan, mammography, or  
6 other image or film of the human anatomy used to diagnose,  
7 prognose, or treat an illness or other medical condition or to  
8 further validate scientific testing or screening.

9 "Biometric information" means any information, regardless  
10 of how it is captured, converted, stored, or shared, based on  
11 an individual's biometric identifier used to identify an  
12 individual. Biometric information does not include information  
13 derived from items or procedures excluded under the definition  
14 of biometric identifiers.

15 "Confidential and sensitive information" means personal  
16 information that can be used to uniquely identify an  
17 individual or an individual's account or property. Examples of  
18 confidential and sensitive information include, but are not  
19 limited to, a genetic marker, genetic testing information, a  
20 unique identifier number to locate an account or property, an  
21 account number, a PIN number, a pass code, a driver's license  
22 number, or a social security number.

23 "Private entity" means any individual, partnership,  
24 corporation, limited liability company, association, or other  
25 group, however organized. A private entity does not include a  
26 State or local government agency. A private entity does not

1 include any court of Illinois, a clerk of the court, or a judge  
2 or justice thereof.

3 "Security purpose" means for the purpose of preventing  
4 shoplifting, fraud, or any other misappropriation or theft of  
5 a thing of value, including tangible and intangible goods and  
6 services, and other purposes in furtherance of protecting the  
7 security or integrity of software, accounts, applications,  
8 online services, property, or any person, including, but not  
9 limited to, protecting property from trespass, controlling  
10 access to property, and protecting any person from stalking,  
11 violence, or harassment.

12 "Written release" means informed written or electronic  
13 consent or, in the context of employment, a written or  
14 electronic release executed by an employee as a condition of  
15 employment.

16 (Source: P.A. 95-994, eff. 10-3-08.)

17 (740 ILCS 14/35 new)

18 Sec. 35. Violation of Act. The Attorney General and  
19 State's Attorneys have the sole authority to enforce this Act.  
20 An action may be brought to enforce this Act only if a  
21 violation of this Act causes actual harm.

22 (740 ILCS 14/40 new)

23 Sec. 40. Exemptions.

24 (a) An employer is exempt under this Act if the employer

1 collects, captures, obtains, or otherwise uses biometric  
2 identifiers and biometric information for:

3 (1) keeping record of an employee's work hours;

4 (2) a security purpose;

5 (3) facility access, including, but not limited to,  
6 the restriction of access to certain locations; or

7 (4) use by the human resource department or human  
8 resource employees of the employer.

9 (b) Notwithstanding subsection (a) of Section 15, an  
10 employer is exempt under this Act if the employer retains the  
11 biometric identifier or information no longer than is  
12 reasonably necessary to satisfy a security purpose.