



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2081

Introduced 2/26/2021, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

New Act

Creates the Keep the Internet Devices Safe Act. Provides that a "digital device" is an Internet-connected device that contains a microphone. Provides that no private entity may turn on or enable a digital device's microphone unless the registered owner or person (instead of user of the device) configuring the device is provided certain notices in a consumer agreement (instead of a written policy). Provides that a manufacturer of a digital device that does not cause to be turned on or otherwise use a digital device's microphone is not subject to the restrictions on the use of a digital device's microphone. Provides that the exclusive authority to enforce the Act is vested in the Attorney General.

LRB102 11762 JLS 17097 b

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 Keep
5 Internet Devices Safe Act.

6 Section 5. Definitions. In this Act:

7 "Digital device" means an Internet-connected device that
8 contains a microphone, such as a smartphone, tablet,
9 television, computer, car, toy, or home appliance.

10 "Microphone" means an instrument capable of detecting
11 sound waves.

12 "Private entity" means any partnership, corporation,
13 liability company, association, organization or other group,
14 regardless of organizational structure, or any agent thereof.

15 "Private entity" does not include a state or local government
16 agency.

17 Section 10. Use of a digital device's microphone.

18 (a) No private entity may turn on or enable a digital
19 device's microphone unless the registered account holder or
20 another user that is setting up or configuring the device
21 first agrees to the following information in a consumer
22 agreement or privacy notice notifying the registered account

1 holder:

2 (1) that the microphone in the digital device will be
3 turned on or enabled;

4 (2) what command or action will turn on or enable the
5 microphone;

6 (3) the categories of sounds the microphone will be
7 listening for, recording, or disclosing; and

8 (4) the categories of third parties to which the
9 sounds may be disclosed.

10 (b) The manufacturer of a digital device that does not
11 cause to be turned on or otherwise use a digital device's
12 microphone is not subject to this Section.

13 Section 15. Security measures. A private entity that
14 records and transmits any personally identifiable information
15 collected through the digital device's microphone concerning a
16 registered account holder shall implement and maintain
17 reasonable security measures to protect such personally
18 identifiable information from unauthorized access,
19 acquisition, destruction, use, modification, and disclosure.

20 Section 20. Enforcement. The Attorney General shall have
21 exclusive authority to enforce this Act. Nothing in this Act
22 shall be construed to modify, limit, or supersede the
23 operation of any privacy or security provision in any other
24 Illinois law or prevent a party from otherwise seeking relief

1 under the Code of Civil Procedure.

2 Section 25. Waiver void. Any waiver of the provisions of
3 this Act is void and unenforceable.