



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2082

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

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Keep Internet Devices Safe Act. Includes a statement of legislative intent and defines terms. Provides that a private entity may turn on or enable, cause to be turned on or enabled, or otherwise use a digital device's microphone to listen for or collect information, including spoken words or other audible or inaudible sounds, if the private entity makes specified disclosures in its customer agreement or other incorporated addendum. Provides that a private entity that collects, stores, or transmits any information collected through a digital device's microphone concerning an Illinois resident shall implement and maintain reasonable security measures to protect that information from unauthorized access, acquisition, destruction, use, modification, and disclosure. Adds provisions governing waiver, applicability, and exceptions. Provides that a violation of the Keep Internet Devices Safe Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

LRB102 12551 JLS 17889 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. Findings; intent. The General Assembly finds  
7 the following:

8 (1) An increasing number of everyday household  
9 devices, such as smartphones, televisions, cars, toys, and  
10 home appliances, are being enhanced by speech recognition  
11 and other technologies that use microphones to listen for  
12 environmental triggers. As a result, private companies are  
13 gaining unprecedented and near constant access to Illinois  
14 citizens and their families' private lives, including what  
15 they do in their homes and their daily habits.

16 (2) While there are tremendous benefits from these  
17 technologies, the collection of personal information from  
18 Internet-connected devices pose serious privacy and  
19 physical safety risks to Illinois citizens and children.  
20 Children's toys now have microphones that can record and  
21 collect personal information from conversations within  
22 earshot of the device.

23 (3) The increasing prevalence of these technologies in

1 everyday devices enables companies to collect, store,  
2 analyze, and share increasing amounts of personal data,  
3 often without Illinois families ever knowing. Illinois  
4 citizens have a right to their personal data, and the  
5 public welfare, security, and safety will be served by  
6 requiring companies to be transparent about their data  
7 collection and sharing practices.

8 (4) It is the public policy of the State of Illinois to  
9 ensure that Illinois citizens be aware of and have control  
10 over whether a private entity records, collects, stores,  
11 or discloses their personal information and to ensure that  
12 their personal information is maintained in a secure  
13 manner.

14 Section 10. Definitions. In this Act:

15 "Digital device" means a smartphone, tablet, television,  
16 computer, car, toy, home appliance, or any other device that  
17 may be used for personal, family, or household purposes that  
18 contains a microphone.

19 "Microphone" means an instrument capable of listening for,  
20 collecting, recording, analyzing, transmitting, interpreting,  
21 or otherwise using spoken words or other audible or inaudible  
22 sounds.

23 "Private entity" means any partnership, corporation,  
24 limited liability company, association, organization or other  
25 group, regardless of organizational structure, or any agent

1       thereof. "Private entity" does not include a State or local  
2       governmental agency.

3       "Person" means a resident of this State who purchases or  
4       leases a digital device for personal or household use.

5       Section 15. Collection, use, storage, or disclosure of  
6       information from a digital device's microphone.

7       (a) No private entity may turn on or enable, cause to be  
8       turned on or enabled, or otherwise use a digital device's  
9       microphone to listen for or collect information, including  
10      spoken words or other audible or inaudible sounds, unless the  
11      private entity, in its customer agreement or other  
12      incorporated addendum, states the following:

13             (1) that the digital device's microphone may be turned  
14             on, enabled, or used;

15             (2) the commands or actions that may turn on or enable  
16             the microphone;

17             (3) whether the microphone is listening for an audible  
18             or inaudible sound, or both; and

19             (4) the general purpose for which the information may  
20             be collected, used, stored, or disclosed.

21      (b) A manufacturer of a digital device that does not turn  
22      on or enable, cause to be turned on or enabled, or otherwise  
23      use a digital device's microphone to listen for or collect  
24      information is not subject to this Section.

1           Section 20. Security measures. A private entity that  
2 collects, stores, or transmits any information collected  
3 through a digital device's microphone concerning an Illinois  
4 resident shall implement and maintain reasonable security  
5 measures to protect that information from unauthorized access,  
6 acquisition, destruction, use, modification, and disclosure.

7           Section 25. Violation. A violation of this Act constitutes  
8 an unlawful practice under the Consumer Fraud and Deceptive  
9 Business Practices Act.

10          Section 30. General provisions.

11           (a) Any waiver of the provisions of this Act is void and  
12 unenforceable.

13           (b) Any agreement created or modified after the effective  
14 date of this Act that does not comply with this Act is void and  
15 unenforceable.