

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 Sections 10 and 20 as follows:

6 (740 ILCS 14/10)

7 Sec. 10. Definitions. In this Act:

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

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

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

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

22 "Electronic signature" means an electronic sound, symbol,
23 or process attached to or logically associated with a record
24 and executed or adopted by a person with the intent to sign the
25 record.

26 "Private entity" means any individual, partnership,

1 corporation, limited liability company, association, or other
2 group, however organized. A private entity does not include a
3 State or local government agency. A private entity does not
4 include any court of Illinois, a clerk of the court, or a judge
5 or justice thereof.

6 "Written release" means informed written consent,
7 electronic signature, or, in the context of employment, a
8 release executed by an employee as a condition of employment.

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

10 (740 ILCS 14/20)

11 Sec. 20. Right of action.

12 (a) Any person aggrieved by a violation of this Act shall
13 have a right of action in a State circuit court or as a
14 supplemental claim in federal district court against an
15 offending party. A prevailing party may recover for each
16 violation:

17 (1) against a private entity that negligently violates
18 a provision of this Act, liquidated damages of \$1,000 or
19 actual damages, whichever is greater;

20 (2) against a private entity that intentionally or
21 recklessly violates a provision of this Act, liquidated
22 damages of \$5,000 or actual damages, whichever is greater;

23 (3) reasonable attorneys' fees and costs, including
24 expert witness fees and other litigation expenses; and

25 (4) other relief, including an injunction, as the

1 State or federal court may deem appropriate.

2 (b) For purposes of subsection (b) of Section 15, a
3 private entity that, in more than one instance, collects,
4 captures, purchases, receives through trade, or otherwise
5 obtains the same biometric identifier or biometric information
6 from the same person using the same method of collection in
7 violation of subsection (b) of Section 15 has committed a
8 single violation of subsection (b) of Section 15 for which the
9 aggrieved person is entitled to, at most, one recovery under
10 this Section.

11 (c) For purposes of subsection (d) of Section 15, a
12 private entity that, in more than one instance, discloses,
13 rediscloses, or otherwise disseminates the same biometric
14 identifier or biometric information from the same person to
15 the same recipient using the same method of collection in
16 violation of subsection (d) of Section 15 has committed a
17 single violation of subsection (d) of Section 15 for which the
18 aggrieved person is entitled to, at most, one recovery under
19 this Section regardless of the number of times the private
20 entity disclosed, redisclosed, or otherwise disseminated the
21 same biometric identifier or biometric information of the same
22 person to the same recipient.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.