

1 AMENDMENT TO SENATE BILL 404

2 AMENDMENT NO. _____. Amend Senate Bill 404, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Children's Privacy Protection and Parental Empowerment Act.

7 Section 5. Definitions. As used in this Act:

8 "Child" means a person under the age of 16. "Child" does
9 not include a minor emancipated by operation of law.

10 "Parent" means a parent, step-parent, or legal guardian.

11 "Personal information" means any of the following:

12 (1) A person's name.

13 (2) A person's address.

14 (3) A person's telephone number.

15 (4) A person's driver's license number or State of
16 Illinois identification card as assigned by the Illinois
17 Secretary of State or by a similar agency of another
18 state.

19 (5) A person's social security number.

20 (6) Any other information that can be used to
21 locate or contact a specific individual.

22 "Personal information" does not include any of the

1 following:

2 (1) Public records as defined by Section 2 of the
3 Freedom of Information Act.

4 (2) Court records.

5 (3) Information found in publicly-available
6 sources, including newspapers, magazines, and telephone
7 directories.

8 (4) Any other information that is not known to
9 concern a child.

10 Section 10. Prohibited act. The sale or purchase of
11 personal information concerning an individual known to be a
12 child without parental consent is prohibited.

13 Section 15. Information brokers.

14 (a) For the purpose of this Act, the consent of a parent
15 to the sale or purchase of information concerning a child is
16 presumed unless the parent withdraws consent under this
17 Section.

18 A person who brokers or facilitates the sale of personal
19 information concerning children must, upon written request
20 from a parent that specifically identifies the child, provide
21 to the parent within 20 days of the written request
22 procedures that the parent must follow in order to withdraw
23 consent to use personal information relating to that child.
24 The person who brokers or facilitates the sale of personal
25 information must discontinue disclosing a child's personal
26 information within 20 days after the parent has completed the
27 procedures to withdraw consent to use personal information
28 relating to that child.

29 (b) This Section does not apply to any of the following:

30 (1) Any federal, state, or local government agency
31 or any law enforcement agency.

32 (2) The National Center for Missing and Exploited

1 Children.

2 (3) Any educational institution, consortium,
3 organization, or professional association, including but
4 not limited to, public community colleges, public
5 universities, post-secondary educational institutions as
6 defined in the Private College Act, and private business
7 and vocational schools as defined in the Private Business
8 and Vocational Schools Act.

9 (4) Any not-for-profit entity that is exempt from
10 the payment of federal taxes under Section 501(c)(3) of
11 the Internal Revenue Code of 1986.

12 Section 20. Application of the Consumer Fraud and
13 Deceptive Business Practices Act. A violation of any
14 provision of this Act is a violation of the Consumer Fraud
15 and Deceptive Business Practices Act. This Act, however,
16 shall not be considered or construed to provide any private
17 right of action.

18 Section 80. The School Code is amended by adding Section
19 1A-9 as follows:

20 (105 ILCS 5/1A-9 new)

21 Sec. 1A-9. Duty of the Board to disseminate information
22 concerning the Children's Privacy Protection and Parental
23 Empowerment Act. The Board shall (i) prepare and disseminate
24 to the local educational agencies and the regional offices of
25 education materials advising parents of their rights under
26 the Children's Privacy Protection and Parental Empowerment
27 Act and (ii) add notice to its website advising parents of
28 their rights under the Children's Privacy Protection and
29 Parental Empowerment Act."