



Sen. Terry Link

**Filed: 5/26/2016**

09900HB6074sam001

LRB099 16221 HEP 49209 a

1 AMENDMENT TO HOUSE BILL 6074

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6074 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Biometric Information Privacy Act is  
5 amended by changing Sections 5 and 10 as follows:

6 (740 ILCS 14/5)

7 Sec. 5. Legislative findings; intent. The General Assembly  
8 finds all of the following:

9 (a) The use of biometrics is growing in the business and  
10 security screening sectors and appears to promise streamlined  
11 financial transactions and security screenings.

12 (b) Major national corporations have selected the City of  
13 Chicago and other locations in this State as pilot testing  
14 sites for new applications of biometric-facilitated financial  
15 transactions, including finger-scan technologies at grocery  
16 stores, gas stations, and school cafeterias.

1 (c) Biometrics are unlike other unique identifiers that are  
2 used to access finances or other sensitive information. For  
3 example, social security numbers, when compromised, can be  
4 changed. Biometrics, however, are biologically unique to the  
5 individual; therefore, once compromised, the individual has no  
6 recourse, is at heightened risk for identity theft, and is  
7 likely to withdraw from biometric-facilitated transactions.

8 (d) An overwhelming majority of members of the public are  
9 weary of the use of biometrics when such information is tied to  
10 finances and other personal information.

11 (e) Despite limited State law regulating the collection,  
12 use, safeguarding, and storage of biometrics, many members of  
13 the public are deterred from partaking in biometric  
14 identifier-facilitated transactions.

15 (f) The full ramifications of biometric technology are not  
16 fully known.

17 (g) The public welfare, security, and safety will be served  
18 by regulating the collection, use, safeguarding, handling,  
19 storage, retention, and destruction of biometric identifiers  
20 and information.

21 (h) The changes made to Section 10 by this amendatory Act  
22 of the 99th General Assembly are declarative of existing law.

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

24 (740 ILCS 14/10)

25 Sec. 10. Definitions. In this Act:

1 "Biometric identifier" means a retina or iris scan,  
2 fingerprint, voiceprint, or scan of hand or face geometry.  
3 Biometric identifiers do not include writing samples, written  
4 signatures, physical or digital photographs, human biological  
5 samples used for valid scientific testing or screening,  
6 demographic data, tattoo descriptions, or physical  
7 descriptions such as height, weight, hair color, or eye color.  
8 Biometric identifiers do not include donated organs, tissues,  
9 or parts as defined in the Illinois Anatomical Gift Act or  
10 blood or serum stored on behalf of recipients or potential  
11 recipients of living or cadaveric transplants and obtained or  
12 stored by a federally designated organ procurement agency.  
13 Biometric identifiers do not include biological materials  
14 regulated under the Genetic Information Privacy Act. Biometric  
15 identifiers do not include information captured from a patient  
16 in a health care setting or information collected, used, or  
17 stored for health care treatment, payment, or operations under  
18 the federal Health Insurance Portability and Accountability  
19 Act of 1996. Biometric identifiers do not include an X-ray,  
20 roentgen process, computed tomography, MRI, PET scan,  
21 mammography, or other image or film of the human anatomy used  
22 to diagnose, prognose, or treat an illness or other medical  
23 condition or to further validate scientific testing or  
24 screening.

25 "Biometric information" means any information, regardless  
26 of how it is captured, converted, stored, or shared, based on

1 an individual's biometric identifier used to identify an  
2 individual.

3 "Biometric information" and "biometric identifier" do  
4 ~~Biometric information does~~ not include information derived  
5 from items or procedures excluded under the definition of  
6 biometric identifiers.

7 "Confidential and sensitive information" means personal  
8 information that can be used to uniquely identify an individual  
9 or an individual's account or property. Examples of  
10 confidential and sensitive information include, but are not  
11 limited to, a genetic marker, genetic testing information, a  
12 unique identifier number to locate an account or property, an  
13 account number, a PIN number, a pass code, a driver's license  
14 number, or a social security number.

15 "Private entity" means any individual, partnership,  
16 corporation, limited liability company, association, or other  
17 group, however organized. A private entity does not include a  
18 State or local government agency. A private entity does not  
19 include any court of Illinois, a clerk of the court, or a judge  
20 or justice thereof.

21 "Scan" means data resulting from an in-person process  
22 whereby a part of the body is traversed by a detector or an  
23 electronic beam.

24 "Written release" means informed written consent or, in the  
25 context of employment, a release executed by an employee as a  
26 condition of employment.

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