



Rep. Ann Williams

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1 AMENDMENT TO SENATE BILL 1833

2 AMENDMENT NO. _____. Amend Senate Bill 1833 on page 1 by
3 replacing line 5 with the following:

4 "amended by changing Sections 5, 10, and 12 and adding Sections
5 45,"; and

6 on page 1, line 6, by changing "and 50" to "50, and 55"; and

7 on page 2, line 4, by changing "history." to "history,
8 including, but not limited to, consumer profiles that are based
9 upon the information. "Consumer marketing information" does
10 not include information related to a consumer's online browsing
11 history, online search history, or purchasing history held by a
12 data collector that has a direct relationship with the
13 consumer."; and

14 on page 2, line 7, by changing "is" to "is stored and"; and

1 on page 2, line 8, by changing "the device" to "an individual";
2 and

3 on page 2, line 9, by changing "located" to "located and the
4 information is likely to enable someone to determine an
5 individual's regular pattern of behavior"; and

6 on page 3, line 14, by changing "data" to "data generated from
7 measurements or technical analysis of human body
8 characteristics that could be used to identify an individual";
9 and

10 on page 3 by replacing lines 20 through 24 with the following:

11 "(I) Home address, telephone number, and email
12 address in combination with either:

13 (i) mother's maiden name when not part of an
14 individual's surname; or

15 (ii) month, day, and year of birth."; and

16 on page 5, line 2, by changing "information" to "information",
17 excluding geolocation information and consumer marketing
18 information"; and

19 on page 8, line 4, by changing "that" to "that owns or licenses
20 personal information and"; and

1 on page 8, line 9, by changing "A description of the" to "The
2 types of"; and

3 on page 8, line 20, by changing "2 days before" to "when"; and

4 on page 9, line 12, by changing "A description of the" to "The
5 types of"; and

6 on page 10 by replacing lines 10 through 18 with the following:

7 "(f) Upon receiving notification from a data collector of a
8 breach of personal information, the Attorney General may
9 publish the name of the data collector that suffered the
10 breach, the types of personal information compromised in the
11 breach, and the date range of the breach."; and

12 on page 10 by inserting immediately below line 19 the
13 following:

14 "(815 ILCS 530/12)

15 Sec. 12. Notice of breach; State agency.

16 (a) Any State agency that collects personal information,
17 excluding geolocation and consumer marketing information,
18 concerning an Illinois resident shall notify the resident at no
19 charge that there has been a breach of the security of the
20 system data or written material following discovery or
21 notification of the breach. The disclosure notification shall

1 be made in the most expedient time possible and without
2 unreasonable delay, consistent with any measures necessary to
3 determine the scope of the breach and restore the reasonable
4 integrity, security, and confidentiality of the data system.
5 The disclosure notification to an Illinois resident shall
6 include, but need not be limited to information as follows:

7 (1) With respect to personal information defined in
8 Section 5 in paragraph (1) of the definition of "personal
9 information":

10 (i) the toll-free numbers and addresses for
11 consumer reporting agencies;

12 (ii) the toll-free number, address, and website
13 address for the Federal Trade Commission; and

14 (iii) a statement that the individual can obtain
15 information from these sources about fraud alerts and
16 security freezes.

17 (2) With respect to personal information as defined in
18 Section 5 in paragraph (2) of the definition of "personal
19 information", notice may be provided in electronic or other
20 form directing the Illinois resident whose personal
21 information has been breached to promptly change his or her
22 user name or password and security question or answer, as
23 applicable, or to take other steps appropriate to protect
24 all online accounts for which the resident uses the same
25 user name or email address and password or security
26 question and answer.

1 The notification shall not, however, include information
2 concerning the number of Illinois residents affected by the
3 breach.

4 (a-5) The notification to an Illinois resident required by
5 subsection (a) of this Section may be delayed if an appropriate
6 law enforcement agency determines that notification will
7 interfere with a criminal investigation and provides the State
8 agency with a written request for the delay. However, the State
9 agency must notify the Illinois resident as soon as
10 notification will no longer interfere with the investigation.

11 (b) For purposes of this Section, notice to residents may
12 be provided by one of the following methods:

13 (1) written notice;

14 (2) electronic notice, if the notice provided is
15 consistent with the provisions regarding electronic
16 records and signatures for notices legally required to be
17 in writing as set forth in Section 7001 of Title 15 of the
18 United States Code; or

19 (3) substitute notice, if the State agency
20 demonstrates that the cost of providing notice would exceed
21 \$250,000 or that the affected class of subject persons to
22 be notified exceeds 500,000, or the State agency does not
23 have sufficient contact information. Substitute notice
24 shall consist of all of the following: (i) email notice if
25 the State agency has an email address for the subject
26 persons; (ii) conspicuous posting of the notice on the

1 State agency's web site page if the State agency maintains
2 one; and (iii) notification to major statewide media.

3 (c) Notwithstanding subsection (b), a State agency that
4 maintains its own notification procedures as part of an
5 information security policy for the treatment of personal
6 information and is otherwise consistent with the timing
7 requirements of this Act shall be deemed in compliance with the
8 notification requirements of this Section if the State agency
9 notifies subject persons in accordance with its policies in the
10 event of a breach of the security of the system data or written
11 material.

12 (d) If a State agency is required to notify more than 1,000
13 persons of a breach of security pursuant to this Section, the
14 State agency shall also notify, without unreasonable delay, all
15 consumer reporting agencies that compile and maintain files on
16 consumers on a nationwide basis, as defined by 15 U.S.C.
17 Section 1681a(p), of the timing, distribution, and content of
18 the notices. Nothing in this subsection (d) shall be construed
19 to require the State agency to provide to the consumer
20 reporting agency the names or other personal identifying
21 information of breach notice recipients.

22 (e) Notice to Attorney General.

23 (1) Any State agency that suffers a single breach of
24 the security of the data concerning the personal
25 information of more than 250 Illinois residents shall
26 provide notice to the Attorney General of the breach,

1 including:

2 (A) The types of personal information compromised
3 in the breach.

4 (B) The number of Illinois residents affected by
5 such incident at the time of notification.

6 (C) Any steps the State agency has taken or plans
7 to take relating to notification of the breach to
8 consumers.

9 (D) The date and timeframe of the breach, if known
10 at the time notification is provided.

11 Such notification must be made within 30 business days
12 of the State agency's discovery of the security breach or
13 when the State agency provides any notice to consumers
14 required by this Section, whichever is sooner, unless the
15 State agency has good cause for reasonable delay to
16 determine the scope of the breach and restore the
17 integrity, security, and confidentiality of the data
18 system, or when law enforcement requests in writing to
19 withhold disclosure of some or all of the information
20 required in the notification under this Section. If the
21 date or timeframe of the breach is unknown at the time the
22 notice is sent to the Attorney General, the State agency
23 shall send the Attorney General the date or timeframe of
24 the breach as soon as possible.

25 (Source: P.A. 97-483, eff. 1-1-12.)"; and

1 on page 11 by deleting lines 17 through 22; and

2 on page 11, line 23, by changing "(e)" to "(d)"; and

3 on page 13, line 23, by replacing "online service" with ", in
4 the case of an operator of an online service, make the policy
5 available in accordance with paragraph (5) of subsection (a) of
6 this Section"; and

7 on page 15 by inserting immediately below line 10 the
8 following:

9 "(815 ILCS 530/55 new)

10 Sec. 55. Entities subject to the federal Health Insurance
11 Portability and Accountability Act of 1996. Any covered entity
12 or business associate that is subject to and in compliance with
13 the privacy and security standards for the protection of
14 electronic health information established pursuant to the
15 federal Health Insurance Portability and Accountability Act of
16 1996 and the Health Information Technology for Economic and
17 Clinical Health Act shall be deemed to be in compliance with
18 the provisions of this Act, provided that any covered entity or
19 business associate required to provide notification of a breach
20 to the Secretary of Health and Human Services pursuant to the
21 Health Information Technology for Economic and Clinical Health
22 Act also provides such notification to the Attorney General

1 within 5 business days of notifying the Secretary.".