



Sen. Michael E. Hastings

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1 AMENDMENT TO SENATE BILL 707

2 AMENDMENT NO. _____. Amend Senate Bill 707, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Personal Information Protection Act is
6 amended by changing Section 12 as follows:

7 (815 ILCS 530/12)

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

9 (a) Any State agency that collects personal information
10 concerning an Illinois resident shall notify the resident at no
11 charge that there has been a breach of the security of the
12 system data or written material following discovery or
13 notification of the breach. The disclosure notification shall
14 be made in the most expedient time possible and without
15 unreasonable delay, consistent with any measures necessary to
16 determine the scope of the breach and restore the reasonable

1 integrity, security, and confidentiality of the data system.
2 The disclosure notification to an Illinois resident shall
3 include, but need not be limited to information as follows:

4 (1) With respect to personal information defined in
5 Section 5 in paragraph (1) of the definition of "personal
6 information":

7 (i) the toll-free numbers and addresses for
8 consumer reporting agencies;

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

11 (iii) a statement that the individual can obtain
12 information from these sources about fraud alerts and
13 security freezes.

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

24 The notification shall not, however, include information
25 concerning the number of Illinois residents affected by the
26 breach.

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

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

10 (1) written notice;

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

16 (3) substitute notice, if the State agency
17 demonstrates that the cost of providing notice would exceed
18 \$250,000 or that the affected class of subject persons to
19 be notified exceeds 500,000, or the State agency does not
20 have sufficient contact information. Substitute notice
21 shall consist of all of the following: (i) email notice if
22 the State agency has an email address for the subject
23 persons; (ii) conspicuous posting of the notice on the
24 State agency's web site page if the State agency maintains
25 one; and (iii) notification to major statewide media.

26 (c) Notwithstanding subsection (b), a State agency that

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

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

19 (e) Notice to Attorney General. Any State agency that
20 suffers a single breach of the security of the data concerning
21 the personal information of more than 250 Illinois residents
22 shall provide notice to the Attorney General of the breach,
23 including:

24 (A) The types of personal information compromised in
25 the breach.

26 (B) The number of Illinois residents affected by such

1 incident at the time of notification.

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

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

6 Such notification must be made within 45 days of the State
7 agency's discovery of the security breach or when the State
8 agency provides any notice to consumers required by this
9 Section, whichever is sooner, unless the State agency has good
10 cause for reasonable delay to determine the scope of the breach
11 and restore the integrity, security, and confidentiality of the
12 data system, or when law enforcement requests in writing to
13 withhold disclosure of some or all of the information required
14 in the notification under this Section. If the date or
15 timeframe of the breach is unknown at the time the notice is
16 sent to the Attorney General, the State agency shall send the
17 Attorney General the date or timeframe of the breach as soon as
18 possible.

19 (f) In addition to the report required by Section 25 of
20 this Act, if the State agency that suffers a breach determines
21 the identity of the actor who perpetrated the breach, then the
22 State agency shall report this information, within 5 days after
23 the determination, to the Subcommittee on Cybersecurity of the
24 Senate Telecommunications and Information Technology Committee
25 and to the House Cybersecurity, Data Analytics, & IT
26 (Information Technology) Committee, provided that such report

1 would not jeopardize the security of Illinois residents or
2 compromise a security investigation.

3 (g) A State agency directly responsible to the Governor
4 that has been subject to or has reason to believe it has been
5 subject to a single breach of the security of the data
6 concerning the personal information of more than 250 Illinois
7 residents or an instance of aggravated computer tampering, as
8 defined in Section 17-53 of the Criminal Code of 2012, shall
9 notify the Office of the Chief Information Security Officer of
10 the Illinois Department of Innovation and Technology and the
11 Attorney General regarding the breach or instance of aggravated
12 computer tampering. The notification shall be made without
13 delay, but no later than 72 hours following the discovery of
14 the incident.

15 Upon receiving notification of such incident, the Chief
16 Information Security Officer shall without delay take
17 necessary and reasonable actions to:

18 (i) assess the incident to determine the potential
19 impact on the overall confidentiality, security, and
20 availability of State of Illinois data and information
21 systems;

22 (ii) ensure the security incident is contained to
23 minimize additional impact and risk to the State;

24 (iii) identify the root cause of the incident;

25 (iv) provide recommendations to the impacted State
26 agency to assist with eradicating the threat and removing

1 and mitigating any vulnerabilities to reduce the risk of
2 further compromise; and

3 (v) assist the impacted State agency in any necessary
4 recovery efforts to ensure effective return to a state of
5 normal operations.

6 The Department of Innovation and Technology may agree to
7 submit the reports required in subsections (e) and (f) of this
8 Section and in Section 25 in lieu of the impacted agency.

9 (h) Upon receiving notification from a State agency of a
10 breach of personal information or from the Department of
11 Innovation and Technology in lieu of the impacted agency, the
12 Attorney General may publish the name of the State agency that
13 suffered the breach, the types of personal information
14 compromised in the breach, and the date range of the breach.

15 (Source: P.A. 99-503, eff. 1-1-17.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.".