



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5221

Introduced 2/10/2026, by Rep. Edgar González, Jr.

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7.5

Creates the Consumer Data Privacy Act. Sets forth provisions concerning agreements between personal data processors and controllers. Provides for consumer personal data rights, including the right to opt out of the processing of personal data concerning the consumer for purposes of targeted advertising, the sale of personal data, or profiling in furtherance of automated decisions that produce legal effects. Sets forth provisions concerning the responsibilities of controllers; requirements for small businesses; and data privacy and protection assessments. Provides for civil penalties. Preempts home rule. Amends the Freedom of Information Act to make a conforming change. Effective January 1, 2027.

LRB104 18403 SPS 31845 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Consumer Data Privacy Act.

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

7 "Affiliate" means a legal entity that controls, is
8 controlled by, or is under common control with another legal
9 entity. For purposes of this definition, "control" means: (i)
10 ownership of or the power to vote more than 50% of the
11 outstanding shares of any class of voting security of a
12 company; (ii) control in any manner over the election of a
13 majority of the directors or of individuals exercising similar
14 functions; or (iii) the power to exercise a controlling
15 influence over the management of a company.

16 "Authenticate" means to use reasonable means to determine
17 that a request to exercise any of the rights set forth in
18 paragraphs (2) through (8) of subsection (a) of Section 20 is
19 being made by or rightfully on behalf of the consumer who is
20 entitled to exercise the rights with respect to the personal
21 data at issue.

22 "Biometric data" means data generated by automatic
23 measurements of an individual's biological characteristics,

1 including a fingerprint, a voiceprint, eye retinas, irises, or
2 other unique biological patterns or characteristics that are
3 used to identify a specific individual. "Biometric data" does
4 not include:

5 (1) a digital or physical photograph;

6 (2) an audio or video recording; or

7 (3) any data generated from a digital or physical
8 photograph, or an audio or video recording, unless the
9 data is generated to identify a specific individual.

10 "Child" has the meaning set forth in 15 U.S.C. 6501.

11 "Consent" means any freely given, specific, informed, and
12 unambiguous indication of the consumer's wishes by which the
13 consumer signifies agreement to the processing of personal
14 data relating to the consumer. Acceptance of a general or
15 broad terms of use or similar document that contains
16 descriptions of personal data processing along with other,
17 unrelated information does not constitute consent. Hovering
18 over, muting, pausing, or closing a given piece of content
19 does not constitute consent. Consent is not valid when the
20 consumer's indication has been obtained by a dark pattern. A
21 consumer may revoke consent previously given, consistent with
22 this Act.

23 "Consumer" means a natural person who is a resident of
24 this State acting only in an individual or household context.

25 "Consumer" does not include a natural person acting in a
26 commercial or employment context.

1 "Controller" means the natural or legal person who, alone
2 or jointly with others, determines the purposes and means of
3 the processing of personal data.

4 "Decisions that produce legal effects concerning the
5 consumer" means decisions made by the controller that result
6 in the provision or denial by the controller of financial or
7 lending services, housing, insurance, education enrollment or
8 opportunity, criminal justice, employment opportunities,
9 health care services, or access to essential goods or
10 services.

11 "Dark pattern" means a user interface designed or
12 manipulated with the substantial effect of subverting or
13 impairing user autonomy, decision making, or choice.

14 "Deidentified data" means data that cannot reasonably be
15 used to infer information about or otherwise be linked to an
16 identified or identifiable natural person or a device linked
17 to an identified or identifiable natural person, provided that
18 the controller that possesses the data:

19 (1) takes reasonable measures to ensure that the data
20 cannot be associated with a natural person;

21 (2) publicly commits to process the data only in a
22 deidentified fashion and not attempt to reidentify the
23 data; and

24 (3) contractually obligates any recipients of the
25 information to comply with all provisions of this
26 definition.

1 "Delete" means to remove or destroy information so that it
2 is not maintained in human-or machine-readable form and cannot
3 be retrieved or used in the ordinary course of business.

4 "Genetic information" has the meaning set forth in the
5 Health Insurance Portability and Accountability Act of 1996,
6 as specified in 45 CFR 160.103.

7 "Governmental entity" means each office, board,
8 commission, agency, department, authority, institution,
9 university, body politic and corporate, administrative unit,
10 and corporate outgrowth of the executive, legislative, and
11 judicial branches of State government, whether created by the
12 Illinois Constitution, by or in accordance with statute, or by
13 executive order of the Governor.

14 "Identified or identifiable natural person" means a person
15 who can be readily identified, directly or indirectly.

16 "Known child" means a person under circumstances where a
17 controller has actual knowledge of, or willfully disregards,
18 that the person is under 13 years of age.

19 "Personal data" means any information that is linked or
20 reasonably linkable to an identified or identifiable natural
21 person. "Personal data" does not include deidentified data or
22 publicly available information. For purposes of this
23 definition, "publicly available information" means information
24 that: (i) is lawfully made available from federal, State, or
25 local government records or widely distributed media; or (ii)
26 a controller has a reasonable basis to believe has lawfully

1 been made available to the general public.

2 "Process" means any operation or set of operations that
3 are performed on personal data or on sets of personal data,
4 whether or not by automated means, including, but not limited
5 to, the collection, use, storage, disclosure, analysis,
6 deletion, or modification of personal data.

7 "Processor" means a natural or legal person who processes
8 personal data on behalf of a controller.

9 "Profiling" means any form of automated processing of
10 personal data to evaluate, analyze, or predict personal
11 aspects related to an identified or identifiable natural
12 person's economic situation, health, personal preferences,
13 interests, reliability, behavior, location, or movements.

14 "Pseudonymous data" means personal data that cannot be
15 attributed to a specific natural person without the use of
16 additional information, provided that the additional
17 information is kept separately and is subject to appropriate
18 technical and organizational measures to ensure that the
19 personal data are not attributed to an identified or
20 identifiable natural person.

21 "Sale" means the exchange of personal data for monetary or
22 other valuable consideration by the controller to a third
23 party. "Sale" does not include:

24 (1) the disclosure of personal data to a processor who
25 processes the personal data on behalf of the controller;

26 (2) the disclosure of personal data to a third party

1 for purposes of providing a product or service requested
2 by the consumer;

3 (3) the disclosure or transfer of personal data to an
4 affiliate of the controller;

5 (4) the disclosure of information that the consumer
6 intentionally made available to the general public by a
7 channel of mass media and did not restrict to a specific
8 audience;

9 (5) the disclosure or transfer of personal data to a
10 third party as an asset that is part of a completed or
11 proposed merger, acquisition, bankruptcy, or other
12 transaction in which the third party assumes control of
13 all or part of the controller's assets; or

14 (6) the exchange of personal data between the producer
15 of a good or service and authorized agents of the producer
16 who sell and service the goods and services, to enable the
17 cooperative provisioning of goods and services by both the
18 producer and the producer's agents.

19 "Sensitive data" means:

20 (1) personal data revealing racial or ethnic origin,
21 religious beliefs, mental or physical health condition or
22 diagnosis, sexual orientation, or citizenship or
23 immigration status;

24 (2) the processing of biometric data or genetic
25 information for the purpose of uniquely identifying an
26 individual;

1 (3) the personal data of a known child; or

2 (4) specific geolocation data.

3 "Specific geolocation data" means information derived from
4 technology, including, but not limited to, global positioning
5 system level latitude and longitude coordinates or other
6 mechanisms, that directly identifies the geographic
7 coordinates of a consumer or a device linked to a consumer with
8 an accuracy of more than 3 decimal degrees of latitude and
9 longitude or the equivalent in an alternative geographic
10 coordinate system, or a street address derived from the
11 coordinates. "Specific geolocation data" does not include the
12 content of communications, the contents of databases
13 containing street address information which are accessible to
14 the public as authorized by law, or any data generated by or
15 connected to advanced utility metering infrastructure systems
16 or other equipment for use by a public utility.

17 "Targeted advertising" means displaying advertisements to
18 a consumer where the advertisement is selected based on
19 personal data obtained or inferred from the consumer's
20 activities over time and across nonaffiliated websites or
21 online applications to predict the consumer's preferences or
22 interests. "Targeted advertising" does not include:

23 (1) advertising based on activities within a
24 controller's own websites or online applications;

25 (2) advertising based on the context of a consumer's
26 current search query or visit to a website or online

1 application;

2 (3) advertising to a consumer in response to the
3 consumer's request for information or feedback; or

4 (4) processing personal data solely for measuring or
5 reporting advertising performance, reach, or frequency.

6 "Third party" means a natural or legal person, public
7 authority, agency, or body other than the consumer,
8 controller, processor, or an affiliate of the processor or the
9 controller.

10 "Trade secret" has the meaning set forth in subsection (d)
11 of Section 2 of the Illinois Trade Secrets Act.

12 Section 10. Scope; exclusions.

13 (a) This Act applies to legal entities that conduct
14 business in this State or produce products or services that
15 are targeted to residents of this State, and that satisfy one
16 or more of the following thresholds:

17 (1) during a calendar year, controls or processes
18 personal data of 100,000 consumers or more, excluding
19 personal data controlled or processed solely for the
20 purpose of completing a payment transaction; or

21 (2) derives over 25% of gross revenue from the sale of
22 personal data and processes or controls personal data of
23 25,000 consumers or more.

24 (b) This Act does not apply to the following entities,
25 activities, or types of information:

- 1 (1) a government entity;
- 2 (2) a federally recognized Indian tribe;
- 3 (3) information that meets the definition of:
- 4 (A) protected health information, as defined by
5 and for purposes of the Health Insurance Portability
6 and Accountability Act of 1996, as specified in 45 CFR
7 160.103;
- 8 (B) health information, as defined in 42 U.S.C.
9 1320d(4);
- 10 (C) patient identifying information for purposes
11 of 42 CFR Part 2, established pursuant to 42 U.S.C.
12 290dd-2;
- 13 (D) identifiable private information for purposes
14 of the federal policy for the protection of human
15 subjects, 45 CFR Part 46; identifiable private
16 information that is otherwise information collected as
17 part of human subjects research pursuant to the good
18 clinical practice guidelines issued by the
19 International Council for Harmonization; the
20 protection of human subjects under 21 CFR Parts 50 and
21 56; or personal data used or shared in research
22 conducted in accordance with one or more of the
23 requirements set forth in this paragraph;
- 24 (E) information and documents created for purposes
25 of the federal Health Care Quality Improvement Act of
26 1986, Public Law 99-660, and related regulations; or

1 (F) patient safety work product for purposes of 42
2 CFR Part 3, established pursuant to 42 U.S.C. 299b-21
3 to 299b-26;

4 (4) information that is derived from any of the health
5 care-related information listed in paragraph (3), but that
6 has been deidentified in accordance with the requirements
7 for deidentification set forth in 45 CFR Part 164;

8 (5) information originating from, and intermingled to
9 be indistinguishable with, any of the health care-related
10 information listed in paragraph (3) that is maintained by:

11 (A) a covered entity or business associate, as
12 defined by the Health Insurance Portability and
13 Accountability Act of 1996, Public Law 104-191, and
14 related regulations;

15 (B) a health care provider, as defined in 42
16 U.S.C. 1320d(3); or

17 (C) a program or a qualified service organization,
18 as defined by 42 CFR Part 2, established pursuant to 42
19 U.S.C. 290dd-2;

20 (6) information that is:

21 (A) maintained by an entity that meets the
22 definition of health care provider under 45 CFR
23 160.103, to the extent that the entity maintains the
24 information in the manner required of covered entities
25 with respect to protected health information for
26 purposes of the Health Insurance Portability and

1 Accountability Act of 1996, Public Law 104-191, and
2 related regulations;

3 (B) included in a limited data set, as described
4 under 45 CFR Part 164.514(e), to the extent that the
5 information is used, disclosed, and maintained in the
6 manner specified by that part;

7 (C) maintained by, or maintained to comply with
8 the rules or orders of, a self-regulatory organization
9 as defined by 15 U.S.C. 78c(a)(26);

10 (D) originated from, or intermingled with,
11 information described in paragraph (9) and that a
12 mortgage loan originator or lender, as those terms are
13 defined in the Residential Mortgage License Act of
14 1987, collects, processes, uses, or maintains in the
15 same manner as required under the laws and regulations
16 specified in paragraph (9); or

17 (E) originated from, or intermingled with,
18 information described in paragraph (9) and that a
19 nonbank financial institution, as defined in the
20 Illinois Banking Act, collects, processes, uses, or
21 maintains in the same manner as required under the
22 laws and regulations specified in paragraph (9);

23 (7) information used only for public health activities
24 and purposes, as described under 45 CFR Part 164.512;

25 (8) an activity involving the collection, maintenance,
26 disclosure, sale, communication, or use of any personal

1 data bearing on a consumer's credit worthiness, credit
2 standing, credit capacity, character, general reputation,
3 personal characteristics, or mode of living by a consumer
4 reporting agency, as defined in 15 U.S.C. 1681a(f), by a
5 furnisher of information, as set forth in 15 U.S.C.
6 1681s-2, who provides information for use in a consumer
7 report, as defined in 15 U.S.C. 1681a(d), and by a user of
8 a consumer report, as set forth in 15 U.S.C. 1681b, except
9 that information is only excluded under this paragraph to
10 the extent that the activity involving the collection,
11 maintenance, disclosure, sale, communication, or use of
12 the information by the agency, furnisher, or user is
13 subject to regulation under the federal Fair Credit
14 Reporting Act, 15 U.S.C. 1681 to 1681x, and the
15 information is not collected, maintained, used,
16 communicated, disclosed, or sold except as authorized by
17 the Fair Credit Reporting Act;

18 (9) personal data collected, processed, sold, or
19 disclosed pursuant to the federal Gramm-Leach-Bliley Act,
20 Public Law 106-102, and implementing regulations, if the
21 collection, processing, sale, or disclosure is in
22 compliance with that law;

23 (10) personal data collected, processed, sold, or
24 disclosed pursuant to the federal Driver's Privacy
25 Protection Act of 1994, 18 U.S.C. 2721 to 2725, if the
26 collection, processing, sale, or disclosure is in

1 compliance with that law;

2 (11) personal data regulated by the federal Family
3 Educational Rights and Privacy Act, 20 U.S.C. 1232g, and
4 implementing regulations;

5 (12) personal data collected, processed, sold, or
6 disclosed pursuant to the federal Farm Credit Act of 1971,
7 12 U.S.C. 2001 to 2279cc, and implementing regulations, 12
8 CFR Part 600, if the collection, processing, sale, or
9 disclosure is in compliance with that law;

10 (13) data collected or maintained:

11 (A) in the course of an individual acting as a job
12 applicant to or an employee, owner, director, officer,
13 medical staff member, or contractor of a business if
14 the data is collected and used solely within the
15 context of the role;

16 (B) as the emergency contact information of an
17 individual under subparagraph (A) if used solely for
18 emergency contact purposes; or

19 (C) that is necessary for the business to retain
20 to administer benefits for another individual relating
21 to the individual under subparagraph (A) if used
22 solely for the purposes of administering those
23 benefits;

24 (14) personal data collected, processed, sold, or
25 disclosed pursuant to the Use of Credit Information in
26 Personal Insurance Act;

1 (15) data collected, processed, sold, or disclosed as
2 part of a payment-only credit, check, or cash transaction
3 where no data about consumers is retained;

4 (16) a State or federally chartered bank or credit
5 union, or an affiliate or subsidiary that is principally
6 engaged in financial activities, as described in 12 U.S.C.
7 1843(k);

8 (17) information that originates from, or is
9 intermingled so as to be indistinguishable from,
10 information described in paragraph (8) and that a person
11 licensed under the Consumer Installment Loan Act,
12 processes, uses, or maintains in the same manner as is
13 required under the laws and regulations specified in
14 paragraph (8);

15 (18) an insurance company, an insurance producer, an
16 administrator, as those terms are defined in the Illinois
17 Insurance Code, or an affiliate or subsidiary of any
18 entity identified in this paragraph that is principally
19 engaged in financial activities, as described in 12 U.S.C.
20 1843(k), except that this paragraph does not apply to a
21 person that, alone or in combination with another person,
22 establishes and maintains a self-insurance program that
23 does not otherwise engage in the business of entering into
24 policies of insurance;

25 (19) a small business, as defined by the United States
26 Small Business Administration under 13 CFR Part 121,

1 except that a small business identified in this paragraph
2 is subject to Section 35;

3 (20) a nonprofit organization that is established to
4 detect and prevent fraudulent acts in connection with
5 insurance; and

6 (21) an air carrier subject to the federal Airline
7 Deregulation Act, Public Law 95-504, only to the extent
8 that an air carrier collects personal data related to
9 prices, routes, or services and only to the extent that
10 the provisions of the Airline Deregulation Act preempt the
11 requirements of this Act.

12 (c) Controllers that are in compliance with the Children's
13 Online Privacy Protection Act, 15 U.S.C. 6501 to 6506, and
14 implementing regulations, shall be deemed compliant with any
15 obligation to obtain parental consent under this Act.

16 Section 15. Responsibility according to role.

17 (a) Controllers and processors are responsible for meeting
18 the respective obligations established under this Act.

19 (b) Processors are responsible under this Act for adhering
20 to the instructions of the controller and assisting the
21 controller to meet the controller's obligations under this
22 Act. Assistance under this paragraph shall include:

23 (1) taking into account the nature of the processing,
24 the processor shall assist the controller by appropriate
25 technical and organizational measures, insofar as this is

1 possible, for the fulfillment of the controller's
2 obligation to respond to consumer requests to exercise
3 their rights pursuant to Section 20; and

4 (2) taking into account the nature of processing and
5 the information available to the processor, the processor
6 shall assist the controller in meeting the controller's
7 obligations in relation to the security of processing the
8 personal data and in relation to the notification of a
9 breach of the security of the system pursuant to the
10 Personal Information Protection Act, and shall provide
11 information to the controller necessary to enable the
12 controller to conduct and document any data privacy and
13 protection assessments required by Section 40.

14 (c) A contract between a controller and a processor shall
15 control the processor's data processing procedures with
16 respect to processing performed on behalf of the controller.
17 The contract shall be binding and clearly set forth
18 instructions for processing data, the nature and purpose of
19 processing, the type of data subject to processing, the
20 duration of processing, and the rights and obligations of both
21 parties. The contract shall also require that the processor:

22 (1) ensure that each person processing the personal
23 data is subject to a duty of confidentiality with respect
24 to the data; and

25 (2) engage a subcontractor only: (i) after providing
26 the controller with an opportunity to object, and (ii)

1 pursuant to a written contract in accordance with
2 subsection (e) that requires the subcontractor to meet the
3 obligations of the processor with respect to the personal
4 data.

5 (d) Taking into account the context of processing, the
6 controller and the processor shall implement appropriate
7 technical and organizational measures to ensure a level of
8 security appropriate to the risk and establish a clear
9 allocation of the responsibilities between the controller and
10 the processor to implement the technical and organizational
11 measures.

12 (e) Processing by a processor shall be controlled by a
13 contract between the controller and the processor that is
14 binding on both parties and that sets out the processing
15 instructions to which the processor is bound, including the
16 nature and purpose of the processing, the type of personal
17 data subject to the processing, the duration of the
18 processing, and the obligations and rights of both parties.
19 The contract shall include the requirements imposed by this
20 subsection, subsections (c) and (d), and the following
21 requirements:

22 (1) At the discretion of the controller, the processor
23 shall delete or return all personal data to the controller
24 as requested at the end of the provision of services,
25 unless retention of the personal data is required by law.

26 (2) Upon a reasonable request from the controller, the

1 processor shall make available to the controller all
2 information necessary to demonstrate compliance with the
3 obligations in this Act.

4 (3) The processor shall allow for, and contribute to,
5 reasonable assessments and inspections by the controller
6 or the controller's designated assessor. Alternatively,
7 the processor may arrange for a qualified and independent
8 assessor to conduct, at least annually and at the
9 processor's expense, an assessment of the processor's
10 policies and technical and organizational measures in
11 support of the obligations under this Act. The assessor
12 must use an appropriate and accepted control standard or
13 framework and assessment procedure for assessments as
14 applicable, and shall provide a report of an assessment to
15 the controller upon request.

16 (f) No contract shall relieve a controller or a processor
17 from the liabilities imposed on a controller or processor by
18 virtue of the controller's or processor's roles in the
19 processing relationship under this Act.

20 (g) Determining whether a person is acting as a controller
21 or processor with respect to a specific processing of data is a
22 fact-based determination that depends upon the context in
23 which personal data are to be processed. A person that is not
24 limited in the person's processing of personal data pursuant
25 to a controller's instructions, or that fails to adhere to a
26 controller's instructions, is a controller and not a processor

1 with respect to a specific processing of data. A processor
2 that continues to adhere to a controller's instructions with
3 respect to a specific processing of personal data remains a
4 processor. If a processor begins, alone or jointly with
5 others, determining the purposes and means of the processing
6 of personal data, the processor is a controller with respect
7 to the processing.

8 Section 20. Consumer personal data rights.

9 (a) Consumer rights provided.

10 (1) Except as provided in this Act, a controller must
11 comply with a request to exercise the consumer rights
12 provided in this subsection.

13 (2) A consumer has the right to confirm whether or not
14 a controller is processing personal data concerning the
15 consumer and access the categories of personal data the
16 controller is processing.

17 (3) A consumer has the right to correct inaccurate
18 personal data concerning the consumer, taking into account
19 the nature of the personal data and the purposes of the
20 processing of the personal data.

21 (4) A consumer has the right to delete personal data
22 concerning the consumer.

23 (5) A consumer has the right to obtain personal data
24 concerning the consumer, which the consumer previously
25 provided to the controller, in a portable and, to the

1 extent technically feasible, readily usable format that
2 allows the consumer to transmit the data to another
3 controller without hindrance, where the processing is
4 carried out by automated means.

5 (6) A consumer has the right to opt out of the
6 processing of personal data concerning the consumer for
7 purposes of targeted advertising, the sale of personal
8 data, or profiling in furtherance of automated decisions
9 that produce legal effects concerning a consumer or
10 similarly significant effects concerning a consumer.

11 (7) If a consumer's personal data is profiled in
12 furtherance of decisions that produce legal effects
13 concerning a consumer or similarly significant effects
14 concerning a consumer, the consumer has the right to
15 question the result of the profiling, to be informed of
16 the reason that the profiling resulted in the decision,
17 and, if feasible, to be informed of what actions the
18 consumer might have taken to secure a different decision
19 and the actions that the consumer might take to secure a
20 different decision in the future. The consumer has the
21 right to review the consumer's personal data used in the
22 profiling. If the decision is determined to have been
23 based upon inaccurate personal data, taking into account
24 the nature of the personal data and the purposes of the
25 processing of the personal data, the consumer has the
26 right to have the data corrected and the profiling

1 decision reevaluated based upon the corrected data.

2 (8) A consumer has a right to obtain a list of the
3 specific third parties to which the controller has
4 disclosed the consumer's personal data. If the controller
5 does not maintain the information in a format specific to
6 the consumer, a list of specific third parties to whom the
7 controller has disclosed any consumers' personal data may
8 be provided instead.

9 (b) Exercising consumer rights.

10 (1) A consumer may exercise the rights set forth in
11 this Section by submitting a request, at any time, to a
12 controller specifying which rights the consumer wishes to
13 exercise.

14 (2) In the case of processing personal data concerning
15 a known child, the parent or legal guardian of the known
16 child may exercise the rights of this Act on the child's
17 behalf.

18 (3) In the case of processing personal data concerning
19 a consumer legally subject to guardianship or
20 conservatorship under the Uniform Adult Guardianship and
21 Protective Proceedings Jurisdiction Act, the guardian or
22 the conservator of the consumer may exercise the rights of
23 this Act on the consumer's behalf.

24 (4) A consumer may designate another person as the
25 consumer's authorized agent to exercise the consumer's
26 right to opt out of the processing of the consumer's

1 personal data for purposes of targeted advertising and
2 sale under paragraph (6) of subsection (a) on the
3 consumer's behalf. A consumer may designate an authorized
4 agent by way of, among other things, a technology,
5 including, but not limited to, an Internet link or a
6 browser setting, browser extension, or global device
7 setting, indicating the consumer's intent to opt out of
8 the processing. A controller shall comply with an opt-out
9 request received from an authorized agent if the
10 controller is able to verify, with commercially reasonable
11 effort, the identity of the consumer and the authorized
12 agent's authority to act on the consumer's behalf.

13 (c) Universal opt-out mechanisms.

14 (1) A controller must allow a consumer to opt out of
15 any processing of the consumer's personal data for the
16 purposes of targeted advertising, or any sale of the
17 consumer's personal data through an opt-out preference
18 signal sent, with the consumer's consent, by a platform,
19 technology, or mechanism to the controller indicating the
20 consumer's intent to opt out of the processing or sale.
21 The platform, technology, or mechanism must:

22 (A) not unfairly disadvantage another controller;

23 (B) not make use of a default setting, but require
24 the consumer to make an affirmative, freely given, and
25 unambiguous choice to opt out of the processing of the
26 consumer's personal data;

1 (C) be consumer-friendly and easy to use by the
2 average consumer;

3 (D) be as consistent as possible with any other
4 similar platform, technology, or mechanism required by
5 any federal or State law or regulation; and

6 (E) enable the controller to accurately determine
7 whether the consumer is a resident of this State and
8 whether the consumer has made a legitimate request to
9 opt out of any sale of the consumer's personal data or
10 targeted advertising. For purposes of this
11 subparagraph, the use of an Internet protocol address
12 to estimate the consumer's location is sufficient to
13 determine the consumer's residence.

14 (2) If a consumer's opt-out request is exercised
15 through the platform, technology, or mechanism required
16 under paragraph (1), and the request conflicts with the
17 consumer's existing controller-specific privacy setting or
18 voluntary participation in a controller's bona fide
19 loyalty, rewards, premium features, discounts, or club
20 card program, the controller must comply with the
21 consumer's opt-out preference signal but may also notify
22 the consumer of the conflict and provide the consumer a
23 choice to confirm the controller-specific privacy setting
24 or participation in the controller's program.

25 (3) The platform, technology, or mechanism required
26 under paragraph (1) is subject to the requirements of

1 subsection (d).

2 (4) A controller that recognizes opt-out preference
3 signals that have been approved by other State laws or
4 regulations is in compliance with this subsection.

5 (d) Controller response to consumer requests.

6 (1) Except as provided in this Act, a controller must
7 comply with a request to exercise the rights pursuant to
8 subsection (a).

9 (2) A controller must provide one or more secure and
10 reliable means for consumers to submit a request to
11 exercise the consumer's rights under this section. The
12 means made available must take into account the ways in
13 which consumers interact with the controller and the need
14 for secure and reliable communication of the requests.

15 (3) A controller may not require a consumer to create
16 a new account in order to exercise a right, but a
17 controller may require a consumer to use an existing
18 account to exercise the consumer's rights under this
19 section.

20 (4) A controller must comply with a request to
21 exercise the right in paragraph (6) of subsection (a) of
22 Section 20, as soon as feasibly possible, but no later
23 than 45 days of receipt of the request.

24 (5) A controller must inform a consumer of any action
25 taken on a request under subsection (a) without undue
26 delay and in any event within 45 days of receipt of the

1 request. That period may be extended once by 45 additional
2 days where reasonably necessary, taking into account the
3 complexity and number of the requests. The controller must
4 inform the consumer of any extension within 45 days of
5 receipt of the request, together with the reasons for the
6 delay.

7 (6) If a controller does not take action on a
8 consumer's request, the controller must inform the
9 consumer without undue delay and at the latest within 45
10 days of receipt of the request of the reasons for not
11 taking action and instructions for how to appeal the
12 decision with the controller as described in subsection
13 (e).

14 (7) Information provided under this Section must be
15 provided by the controller free of charge up to twice
16 annually to the consumer. Where requests from a consumer
17 are manifestly unfounded or excessive, in particular
18 because of the repetitive character of the requests, the
19 controller may either charge a reasonable fee to cover the
20 administrative costs of complying with the request, or
21 refuse to act on the request. The controller bears the
22 burden of demonstrating the manifestly unfounded or
23 excessive character of the request.

24 (8) A controller is not required to comply with a
25 request to exercise any of the rights under paragraphs (2)
26 through (5) and (8) of subsection (a), if the controller

1 is unable to authenticate the request using commercially
2 reasonable efforts. In such cases, the controller may
3 request the provision of additional information reasonably
4 necessary to authenticate the request. A controller is not
5 required to authenticate an opt-out request, but a
6 controller may deny an opt-out request if the controller
7 has a good faith, reasonable, and documented belief that
8 the request is fraudulent. If a controller denies an
9 opt-out request because the controller believes a request
10 is fraudulent, the controller must notify the person who
11 made the request that the request was denied due to the
12 controller's belief that the request was fraudulent and
13 state the controller's basis for that belief.

14 (9) In response to a consumer request under subsection
15 (a), a controller must not disclose the following
16 information about a consumer, but must instead inform the
17 consumer with sufficient particularity that the controller
18 has collected that type of information:

19 (A) Social Security number;

20 (B) driver's license number or other
21 government-issued identification number;

22 (C) financial account number;

23 (D) health insurance account number or medical
24 identification number;

25 (E) account password, security questions, or
26 answers; or

1 (F) biometric data.

2 (10) In response to a consumer request under
3 subsection (a), a controller is not required to reveal any
4 trade secret.

5 (11) A controller that has obtained personal data
6 about a consumer from a source other than the consumer may
7 comply with a consumer's request to delete the consumer's
8 personal data pursuant to paragraph (4) of subsection (a),
9 by either:

10 (A) retaining a record of the deletion request,
11 retaining the minimum data necessary for the purpose
12 of ensuring the consumer's personal data remains
13 deleted from the business's records, and not using the
14 retained data for any other purpose pursuant to the
15 provisions of this Act; or

16 (B) opting the consumer out of the processing of
17 personal data for any purpose except for the purposes
18 exempted pursuant to the provisions of this Act.

19 (e) Appeal process required.

20 (1) A controller must establish an internal process
21 whereby a consumer may appeal a refusal to take action on a
22 request to exercise any of the rights under subsection (a)
23 within a reasonable period of time after the consumer's
24 receipt of the notice sent by the controller under
25 paragraph (6) of subsection (d).

26 (2) The appeal process must be conspicuously

1 available. The process must include the ease of use
2 provisions in subsection (c) applicable to submitting
3 requests.

4 (3) Within 45 days of receipt of an appeal, a
5 controller must inform the consumer of any action taken or
6 not taken in response to the appeal, along with a written
7 explanation of the reasons in support thereof. That period
8 may be extended by 60 additional days where reasonably
9 necessary, taking into account the complexity and number
10 of the requests serving as the basis for the appeal. The
11 controller must inform the consumer of any extension
12 within 45 days of receipt of the appeal, together with the
13 reasons for the delay.

14 (4) When informing a consumer of any action taken or
15 not taken in response to an appeal under subsection (c),
16 the controller must provide a written explanation of the
17 reasons for the controller's decision and clearly and
18 prominently provide the consumer with information about
19 how to file a complaint with the Office of the Attorney
20 General. The controller must maintain records of all
21 appeals and the controller's responses for at least 24
22 months and shall, upon written request by the Attorney
23 General as part of an investigation, compile and provide a
24 copy of the records to the Attorney General.

25 Section 25. Processing deidentified data or pseudonymous

1 data.

2 (a) This Act does not require a controller or processor to
3 do any of the following solely for purposes of complying with
4 this Act:

5 (1) reidentify deidentified data;

6 (2) maintain data in identifiable form, or collect,
7 obtain, retain, or access any data or technology, in order
8 to be capable of associating an authenticated consumer
9 request with personal data; or

10 (3) comply with an authenticated consumer request to
11 access, correct, delete, or port personal data pursuant to
12 subsection (a) of Section 20, if all of the following are
13 true:

14 (A) the controller is not reasonably capable of
15 associating the request with the personal data, or it
16 would be unreasonably burdensome for the controller to
17 associate the request with the personal data;

18 (B) the controller does not use the personal data
19 to recognize or respond to the specific consumer who
20 is the subject of the personal data, or associate the
21 personal data with other personal data about the same
22 specific consumer; and

23 (C) the controller does not sell the personal data
24 to any third party or otherwise voluntarily disclose
25 the personal data to any third party other than a
26 processor, except as otherwise permitted in this

1 Section.

2 (b) The rights contained in paragraphs (2) through (5) and
3 (8) of subsection (a) of Section 20 do not apply to
4 pseudonymous data in cases where the controller is able to
5 demonstrate any information necessary to identify the consumer
6 is kept separately and is subject to effective technical and
7 organizational controls that prevent the controller from
8 accessing the information.

9 (c) A controller that uses pseudonymous data or
10 deidentified data must exercise reasonable oversight to
11 monitor compliance with any contractual commitments to which
12 the pseudonymous data or deidentified data are subject, and
13 must take appropriate steps to address any breaches of
14 contractual commitments.

15 (d) A processor or third party must not attempt to
16 identify the subjects of deidentified or pseudonymous data
17 without the express authority of the controller that caused
18 the data to be deidentified or pseudonymized.

19 (e) A controller, processor, or third party must not
20 attempt to identify the subjects of data that has been
21 collected with only pseudonymous identifiers.

22 Section 30. Responsibilities of controllers.

23 (a) Transparency obligations.

24 (1) Controllers must provide consumers with a
25 reasonably accessible, clear, and meaningful privacy

1 notice that includes:

2 (A) the categories of personal data processed by
3 the controller;

4 (B) the purposes for which the categories of
5 personal data are processed;

6 (C) an explanation of the rights contained in
7 Section 20 and how and where consumers may exercise
8 those rights, including how a consumer may appeal a
9 controller's action with regard to the consumer's
10 request;

11 (D) the categories of personal data that the
12 controller sells to or shares with third parties, if
13 any;

14 (E) the categories of third parties, if any, with
15 whom the controller sells or shares personal data;

16 (F) the controller's contact information,
17 including an active email address or other online
18 mechanism that the consumer may use to contact the
19 controller;

20 (G) a description of the controller's retention
21 policies for personal data; and

22 (H) the date the privacy notice was last updated.

23 (2) If a controller sells personal data to third
24 parties, processes personal data for targeted advertising,
25 or engages in profiling in furtherance of decisions that
26 produce legal effects concerning a consumer or similarly

1 significant effects concerning a consumer, the controller
2 must disclose the processing in the privacy notice and
3 provide access to a clear and conspicuous method outside
4 the privacy notice for a consumer to opt out of the sale,
5 processing, or profiling in furtherance of decisions that
6 produce legal effects concerning a consumer or similarly
7 significant effects concerning a consumer. This method may
8 include, but is not limited to, an Internet hyperlink
9 clearly labeled "Your Opt-Out Rights" or "Your Privacy
10 Rights" that directly effectuates the opt-out request or
11 takes consumers to a web page where the consumer can make
12 the opt-out request.

13 (3) The privacy notice must be made available to the
14 public in each language in which the controller provides a
15 product or service that is subject to the privacy notice
16 or carries out activities related to the product or
17 service.

18 (4) The controller must provide the privacy notice in
19 a manner that is reasonably accessible to and usable by
20 individuals with disabilities.

21 (5) Whenever a controller makes a material change to
22 the controller's privacy notice or practices, the
23 controller must notify consumers affected by the material
24 change with respect to any prospectively collected
25 personal data and provide a reasonable opportunity for
26 consumers to withdraw consent to any further materially

1 different collection, processing, or transfer of
2 previously collected personal data under the changed
3 policy. The controller shall take all reasonable
4 electronic measures to provide notification regarding
5 material changes to affected consumers, taking into
6 account available technology and the nature of the
7 relationship.

8 (6) A controller is not required to provide a separate
9 Illinois-specific privacy notice or Section of a privacy
10 notice if the controller's general privacy notice contains
11 all the information required by this section.

12 (7) The privacy notice must be posted online through a
13 conspicuous hyperlink using the word "privacy" on the
14 controller's website home page or on a mobile
15 application's app store page or download page. A
16 controller that maintains an application on a mobile or
17 other device shall also include a hyperlink to the privacy
18 notice in the application's settings menu or in a
19 similarly conspicuous and accessible location. A
20 controller that does not operate a website shall make the
21 privacy notice conspicuously available to consumers
22 through a medium regularly used by the controller to
23 interact with consumers, including, but not limited to,
24 mail.

25 (b) Use of data.

26 (1) A controller must limit the collection of personal

1 data to what is adequate, relevant, and reasonably
2 necessary in relation to the purposes for which the data
3 are processed, which must be disclosed to the consumer.

4 (2) Except as provided in this Act, a controller may
5 not process personal data for purposes that are not
6 reasonably necessary to, or compatible with, the purposes
7 for which the personal data are processed, as disclosed to
8 the consumer, unless the controller obtains the consumer's
9 consent.

10 (3) A controller shall establish, implement, and
11 maintain reasonable administrative, technical, and
12 physical data security practices to protect the
13 confidentiality, integrity, and accessibility of personal
14 data, including the maintenance of an inventory of the
15 data that must be managed to exercise these
16 responsibilities. The data security practices shall be
17 appropriate to the volume and nature of the personal data
18 at issue.

19 (4) Except as otherwise provided in this Act, a
20 controller may not process sensitive data concerning a
21 consumer without obtaining the consumer's consent, or, in
22 the case of the processing of personal data concerning a
23 known child, without obtaining consent from the child's
24 parent or lawful guardian, in accordance with the
25 requirement of the Children's Online Privacy Protection
26 Act, 15 U.S.C. 6501 to 6506, and its implementing

1 regulations, rules, and exemptions.

2 (5) A controller shall provide an effective mechanism
3 for a consumer, or, in the case of the processing of
4 personal data concerning a known child, the child's parent
5 or lawful guardian, to revoke previously given consent
6 under this subsection. The mechanism provided shall be at
7 least as easy as the mechanism by which the consent was
8 previously given. Upon revocation of consent, a controller
9 shall cease to process the applicable data as soon as
10 practicable, but not later than 15 days after the receipt
11 of the request.

12 (6) A controller may not process the personal data of
13 a consumer for purposes of targeted advertising, or sell
14 the consumer's personal data, without the consumer's
15 consent, under circumstances where the controller knows
16 that the consumer is between the ages of 13 and 16.

17 (7) A controller may not retain personal data that is
18 no longer relevant and reasonably necessary in relation to
19 the purposes for which the data were collected and
20 processed, unless retention of the data is otherwise
21 required by law or permitted under Section 45.

22 (c) Nondiscrimination.

23 (1) A controller shall not process personal data on
24 the basis of a consumer's or a class of consumers' actual
25 or perceived race, color, ethnicity, religion, national
26 origin, sex, gender, gender identity, sexual orientation,

1 familial status, lawful source of income, or disability in
2 a manner that unlawfully discriminates against the
3 consumer or class of consumers with respect to the
4 offering or provision of: housing, employment, credit, or
5 education; or the goods, services, facilities, privileges,
6 advantages, or accommodations of any place of public
7 accommodation.

8 (2) A controller may not discriminate against a
9 consumer for exercising any of the rights contained in
10 this Act, including denying goods or services to the
11 consumer, charging different prices or rates for goods or
12 services, and providing a different level of quality of
13 goods and services to the consumer. This subsection does
14 not:

15 (A) require a controller to provide a good or
16 service that requires the consumer's personal data
17 that the controller does not collect or maintain; or

18 (B) prohibit a controller from offering a
19 different price, rate, level, quality, or selection of
20 goods or services to a consumer, including offering
21 goods or services for no fee, if the offering is in
22 connection with a consumer's voluntary participation
23 in a bona fide loyalty, rewards, premium features,
24 discounts, or club card program.

25 (d) Any provision of a contract or agreement of any kind
26 that purports to waive or limit in any way a consumer's rights

1 under this Act is contrary to public policy and is void and
2 unenforceable.

3 Section 35. Requirements for small businesses.

4 (a) A small business, as defined by the United States
5 Small Business Administration under 13 CFR Part 121, that
6 conducts business in this State or produces products or
7 services that are targeted to residents of this State, must
8 not sell a consumer's sensitive data without the consumer's
9 prior consent.

10 (b) Penalties and Attorney General enforcement procedures
11 under Section 50 apply to a small business that violates this
12 Section.

13 Section 40. Data privacy policies; data privacy and
14 protection assessments.

15 (a) A controller must document and maintain a description
16 of the policies and procedures the controller has adopted to
17 comply with this Act. The description must include, where
18 applicable:

19 (1) the name and contact information for the
20 controller's chief privacy officer or other individual
21 with primary responsibility for directing the policies and
22 procedures implemented to comply with the provisions of
23 this Act; and

24 (2) a description of the controller's data privacy

1 policies and procedures which reflect the requirements in
2 Section 35, and any policies and procedures designed to:

3 (A) reflect the requirements of this Act in the
4 design of the controller's systems;

5 (B) identify and provide personal data to a
6 consumer as required by this Act;

7 (C) establish, implement, and maintain reasonable
8 administrative, technical, and physical data security
9 practices to protect the confidentiality, integrity,
10 and accessibility of personal data, including the
11 maintenance of an inventory of the data that must be
12 managed to exercise the responsibilities under this
13 subparagraph;

14 (D) limit the collection of personal data to what
15 is adequate, relevant, and reasonably necessary in
16 relation to the purposes for which the data are
17 processed;

18 (E) prevent the retention of personal data that is
19 no longer relevant and reasonably necessary in
20 relation to the purposes for which the data were
21 collected and processed, unless retention of the data
22 is otherwise required by law or permitted under
23 Section 45; and

24 (F) identify and remediate violations of this Act.

25 (b) A controller must conduct and document a data privacy
26 and protection assessment for each of the following processing

1 activities involving personal data:

2 (1) the processing of personal data for purposes of
3 targeted advertising;

4 (2) the sale of personal data;

5 (3) the processing of sensitive data;

6 (4) any processing activities involving personal data
7 that present a heightened risk of harm to consumers; and

8 (5) the processing of personal data for purposes of
9 profiling, where the profiling presents a reasonably
10 foreseeable risk of:

11 (A) unfair or deceptive treatment of, or disparate
12 impact on, consumers;

13 (B) financial, physical, or reputational injury to
14 consumers;

15 (C) a physical or other intrusion upon the
16 solitude or seclusion, or the private affairs or
17 concerns, of consumers, where the intrusion would be
18 offensive to a reasonable person; or

19 (D) other substantial injury to consumers.

20 (c) A data privacy and protection assessment must take
21 into account the type of personal data to be processed by the
22 controller, including the extent to which the personal data
23 are sensitive data, and the context in which the personal data
24 are to be processed.

25 (d) A data privacy and protection assessment must identify
26 and weigh the benefits that may flow directly and indirectly

1 from the processing to the controller, consumer, other
2 stakeholders, and the public against the potential risks to
3 the rights of the consumer associated with the processing, as
4 mitigated by safeguards that can be employed by the controller
5 to reduce the potential risks. The use of deidentified data
6 and the reasonable expectations of consumers, as well as the
7 context of the processing and the relationship between the
8 controller and the consumer whose personal data will be
9 processed, must be factored into this assessment by the
10 controller.

11 (e) A data privacy and protection assessment must include
12 the description of policies and procedures required by
13 subsection (a).

14 (f) As part of a civil investigative demand, the Attorney
15 General may request, in writing, that a controller disclose
16 any data privacy and protection assessment that is relevant to
17 an investigation conducted by the Attorney General. The
18 controller must make a data privacy and protection assessment
19 available to the Attorney General upon a request made under
20 this subsection. The Attorney General may evaluate the data
21 privacy and protection assessments for compliance with this
22 Act. Data privacy and protection assessments are classified as
23 nonpublic data, exempt from disclosure under the Illinois
24 Freedom of Information Act. The disclosure of a data privacy
25 and protection assessment pursuant to a request from the
26 Attorney General under this paragraph does not constitute a

1 waiver of the attorney-client privilege or work product
2 protection with respect to the assessment and any information
3 contained in the assessment.

4 (g) Data privacy and protection assessments or risk
5 assessments conducted by a controller for the purpose of
6 compliance with other laws or regulations may qualify under
7 this Section if the assessments have a similar scope and
8 effect.

9 (h) A single data protection assessment may address
10 multiple sets of comparable processing operations that include
11 similar activities.

12 Section 45. Limitations and applicability.

13 (a) The obligations imposed on controllers or processors
14 under this Act do not restrict a controller's or a processor's
15 ability to:

16 (1) comply with federal, State, or local laws, rules,
17 or regulations, including, but not limited to, data
18 retention requirements in State or federal law
19 notwithstanding a consumer's request to delete personal
20 data;

21 (2) comply with a civil, criminal, or regulatory
22 inquiry, investigation, subpoena, or summons by federal,
23 State, local, or other governmental authorities;

24 (3) cooperate with law enforcement agencies concerning
25 conduct or activity that the controller or processor

1 reasonably and in good faith believes may violate federal,
2 State, or local laws, rules, or regulations;

3 (4) investigate, establish, exercise, prepare for, or
4 defend legal claims;

5 (5) provide a product or service specifically
6 requested by a consumer; perform a contract to which the
7 consumer is a party, including fulfilling the terms of a
8 written warranty; or take steps at the request of the
9 consumer prior to entering into a contract;

10 (6) take immediate steps to protect an interest that
11 is essential for the life or physical safety of the
12 consumer or of another natural person, and where the
13 processing cannot be manifestly based on another legal
14 basis;

15 (7) prevent, detect, protect against, or respond to
16 security incidents, identity theft, fraud, harassment,
17 malicious or deceptive activities, or any illegal
18 activity; preserve the integrity or security of systems;
19 or investigate, report, or prosecute those responsible for
20 the action;

21 (8) assist another controller, processor, or third
22 party with any of the obligations under this subsection;

23 (9) engage in public or peer-reviewed scientific,
24 historical, or statistical research in the public interest
25 that adheres to all other applicable ethics and privacy
26 laws and is approved, monitored, and controlled by an

1 institutional review board, human subjects research ethics
2 review board, or a similar independent oversight entity
3 that has determined:

4 (A) the research is likely to provide substantial
5 benefits that do not exclusively accrue to the
6 controller;

7 (B) the expected benefits of the research outweigh
8 the privacy risks; and

9 (C) the controller has implemented reasonable
10 safeguards to mitigate privacy risks associated with
11 research, including any risks associated with
12 reidentification; or

13 (10) process personal data for the benefit of the
14 public in the areas of public health, community health, or
15 population health, but only to the extent that the
16 processing is:

17 (A) subject to suitable and specific measures to
18 safeguard the rights of the consumer whose personal
19 data is being processed; and

20 (B) under the responsibility of a professional
21 individual who is subject to confidentiality
22 obligations under federal, State, or local law.

23 (b) The obligations imposed on controllers or processors
24 under this Act do not restrict a controller's or processor's
25 ability to collect, use, or retain data to:

26 (1) effectuate a product recall or identify and repair

1 technical errors that impair existing or intended
2 functionality;

3 (2) perform internal operations that are reasonably
4 aligned with the expectations of the consumer based on the
5 consumer's existing relationship with the controller, or
6 are otherwise compatible with processing in furtherance of
7 the provision of a product or service specifically
8 requested by a consumer or the performance of a contract
9 to which the consumer is a party; or

10 (3) conduct internal research to develop, improve, or
11 repair products, services, or technology.

12 (c) The obligations imposed on controllers or processors
13 under this Act do not apply where compliance by the controller
14 or processor with this Act would violate an evidentiary
15 privilege under State law and do not prevent a controller or
16 processor from providing personal data concerning a consumer
17 to a person covered by an evidentiary privilege under State
18 law as part of a privileged communication.

19 (d) A controller or processor that discloses personal data
20 to a third-party controller or processor in compliance with
21 the requirements of this Act is not in violation of this Act if
22 the recipient processes the personal data in violation of this
23 Act, provided that at the time of disclosing the personal
24 data, the disclosing controller or processor did not have
25 actual knowledge that the recipient intended to commit a
26 violation. A third-party controller or processor receiving

1 personal data from a controller or processor in compliance
2 with the requirements of this Act is not in violation of this
3 Act for the obligations of the controller or processor from
4 which the third-party controller or processor receives the
5 personal data.

6 (e) Obligations imposed on controllers and processors
7 under this Act shall not:

8 (1) adversely affect the rights or freedoms of any
9 persons, including exercising the right of free speech
10 under the First Amendment of the United States
11 Constitution; or

12 (2) apply to the processing of personal data by a
13 natural person in the course of a purely personal or
14 household activity.

15 (f) Personal data that are processed by a controller
16 pursuant to this Section may be processed solely to the extent
17 that the processing is:

18 (1) necessary, reasonable, and proportionate to the
19 purposes listed in this Section;

20 (2) adequate, relevant, and limited to what is
21 necessary in relation to the specific purpose or purposes
22 listed in this section; and

23 (3) insofar as possible, taking into account the
24 nature and purpose of processing the personal data,
25 subjected to reasonable administrative, technical, and
26 physical measures to protect the confidentiality,

1 integrity, and accessibility of the personal data, and to
2 reduce reasonably foreseeable risks of harm to consumers.

3 (g) If a controller processes personal data under an
4 exemption in this Section, the controller bears the burden of
5 demonstrating that the processing qualifies for the exemption
6 and complies with the requirements in subsection (f).

7 (h) Processing personal data solely for the purposes
8 expressly identified in paragraphs (1) through (7) of
9 subsection (a), does not, by itself, make an entity a
10 controller with respect to the processing.

11 Section 50. Attorney General enforcement.

12 (a) If a controller or processor violates this Act, the
13 Attorney General, prior to filing an enforcement action under
14 subsection (b), must provide the controller or processor with
15 a warning letter identifying the specific provisions of this
16 Act the Attorney General alleges have been or are being
17 violated. If, after 30 days of issuance of the warning letter,
18 the Attorney General believes the controller or processor has
19 failed to cure any alleged violation, the Attorney General may
20 bring an enforcement action under subsection (b).

21 (b) The Attorney General may bring a civil action against
22 a controller or processor to enforce a provision of this Act.
23 If the State prevails in an action to enforce this Act, the
24 State may, in addition to penalties provided by subsection (c)
25 or other remedies provided by law, be allowed an amount

1 determined by the court to be the reasonable value of all or
2 part of the State's litigation expenses incurred.

3 (c) Any controller or processor that violates this Act is
4 subject to an injunction and liable for a civil penalty of not
5 more than \$7,500 for each violation.

6 (d) Nothing in this Act establishes a private right of
7 action for a violation of this Act or any other law.

8 Section 55. Home rule. The regulation of the processing of
9 personal data by controllers or processors is an exclusive
10 power and function of the State. A home rule unit may not
11 regulate the processing of personal data by controllers or
12 processors. This Section is a denial and limitation of home
13 rule powers and functions under subsection (h) of Section 6 of
14 Article VII of the Illinois Constitution.

15 Section 90. The Freedom of Information Act is amended by
16 changing Section 7.5 as follows:

17 (5 ILCS 140/7.5)

18 (Text of Section before amendment by P.A. 104-441 and
19 104-457)

20 Sec. 7.5. Statutory exemptions. To the extent provided for
21 by the statutes referenced below, the following shall be
22 exempt from inspection and copying:

23 (a) All information determined to be confidential

1 under Section 4002 of the Technology Advancement and
2 Development Act.

3 (b) Library circulation and order records identifying
4 library users with specific materials under the Library
5 Records Confidentiality Act.

6 (c) Applications, related documents, and medical
7 records received by the Experimental Organ Transplantation
8 Procedures Board and any and all documents or other
9 records prepared by the Experimental Organ Transplantation
10 Procedures Board or its staff relating to applications it
11 has received.

12 (d) Information and records held by the Department of
13 Public Health and its authorized representatives relating
14 to known or suspected cases of sexually transmitted
15 infection or any information the disclosure of which is
16 restricted under the Illinois Sexually Transmitted
17 Infection Control Act.

18 (e) Information the disclosure of which is exempted
19 under Section 30 of the Radon Industry Licensing Act.

20 (f) Firm performance evaluations under Section 55 of
21 the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (g) Information the disclosure of which is restricted
24 and exempted under Section 50 of the Illinois Prepaid
25 Tuition Act.

26 (h) Information the disclosure of which is exempted

1 under the State Officials and Employees Ethics Act, and
2 records of any lawfully created State or local inspector
3 general's office that would be exempt if created or
4 obtained by an Executive Inspector General's office under
5 that Act.

6 (i) Information contained in a local emergency energy
7 plan submitted to a municipality in accordance with a
8 local emergency energy plan ordinance that is adopted
9 under Section 11-21.5-5 of the Illinois Municipal Code.

10 (j) Information and data concerning the distribution
11 of surcharge moneys collected and remitted by carriers
12 under the Emergency Telephone System Act.

13 (k) Law enforcement officer identification information
14 or driver identification information compiled by a law
15 enforcement agency or the Department of Transportation
16 under Section 11-212 of the Illinois Vehicle Code.

17 (l) Records and information provided to a residential
18 health care facility resident sexual assault and death
19 review team or the Executive Council under the Abuse
20 Prevention Review Team Act.

21 (m) Information provided to the predatory lending
22 database created pursuant to Article 3 of the Residential
23 Real Property Disclosure Act, except to the extent
24 authorized under that Article.

25 (n) Defense budgets and petitions for certification of
26 compensation and expenses for court appointed trial

1 counsel as provided under Sections 10 and 15 of the
2 Capital Crimes Litigation Act (repealed). This subsection
3 (n) shall apply until the conclusion of the trial of the
4 case, even if the prosecution chooses not to pursue the
5 death penalty prior to trial or sentencing.

6 (o) Information that is prohibited from being
7 disclosed under Section 4 of the Illinois Health and
8 Hazardous Substances Registry Act.

9 (p) Security portions of system safety program plans,
10 investigation reports, surveys, schedules, lists, data, or
11 information compiled, collected, or prepared by or for the
12 Department of Transportation under Sections 2705-300 and
13 2705-616 of the Department of Transportation Law of the
14 Civil Administrative Code of Illinois, the Regional
15 Transportation Authority under Section 2.11 of the
16 Regional Transportation Authority Act, or the St. Clair
17 County Transit District under the Bi-State Transit Safety
18 Act (repealed).

19 (q) Information prohibited from being disclosed by the
20 Personnel Record Review Act.

21 (r) Information prohibited from being disclosed by the
22 Illinois School Student Records Act.

23 (s) Information the disclosure of which is restricted
24 under Section 5-108 of the Public Utilities Act.

25 (t) (Blank).

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
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6 or received a concealed carry license under the Firearm
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8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

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14 Card Review Board that are exempted from disclosure under
15 Section 10 of the Firearm Owners Identification Card Act.

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18 19.1 of the Toll Highway Act.

19 (x) Information which is exempted from disclosure
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21 8-11-21 of the Illinois Municipal Code.

22 (y) Confidential information under the Adult
23 Protective Services Act and its predecessor enabling
24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of
2 an eligible adult maintained in the Registry established
3 under Section 7.5 of the Adult Protective Services Act.

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5 review team or the Illinois Fatality Review Team Advisory
6 Council under Section 15 of the Adult Protective Services
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8 (aa) Information which is exempted from disclosure
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10 (bb) Information which is or was prohibited from
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12 (cc) Recordings made under the Law Enforcement
13 Officer-Worn Body Camera Act, except to the extent
14 authorized under that Act.

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18 (ee) Information that is exempted from disclosure
19 under Section 30.1 of the Pharmacy Practice Act.

20 (ff) Information that is exempted from disclosure
21 under the Revised Uniform Unclaimed Property Act.

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24 Code.

25 (hh) Records that are exempt from disclosure under
26 Section 1A-16.7 of the Election Code.

1 (ii) Information which is exempted from disclosure
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5 submitted to the Department of Labor by registering day
6 and temporary labor service agencies but are exempt from
7 disclosure under subsection (a-1) of Section 45 of the Day
8 and Temporary Labor Services Act.

9 (kk) Information prohibited from disclosure under the
10 Seizure and Forfeiture Reporting Act.

11 (ll) Information the disclosure of which is restricted
12 and exempted under Section 5-30.8 of the Illinois Public
13 Aid Code.

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15 Section 4.2 of the Crime Victims Compensation Act.

16 (nn) Information that is exempt from disclosure under
17 Section 70 of the Higher Education Student Assistance Act.

18 (oo) Communications, notes, records, and reports
19 arising out of a peer support counseling session
20 prohibited from disclosure under the First Responders
21 Suicide Prevention Act.

22 (pp) Names and all identifying information relating to
23 an employee of an emergency services provider or law
24 enforcement agency under the First Responders Suicide
25 Prevention Act.

26 (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected
2 under the Reproductive Health Act.

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4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of
6 Human Rights pursuant to Section 2-108 of the Illinois
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8 (tt) Recordings made under the Children's Advocacy
9 Center Act, except to the extent authorized under that
10 Act.

11 (uu) Information that is exempt from disclosure under
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under
14 subsections (f) and (j) of Section 5-36 of the Illinois
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

21 (yy) Information prohibited from being disclosed under
22 the Illinois Educational Labor Relations Act.

23 (zz) Information prohibited from being disclosed under
24 the Illinois Public Labor Relations Act.

25 (aaa) Information prohibited from being disclosed
26 under Section 1-167 of the Illinois Pension Code.

1 (bbb) Information that is prohibited from disclosure
2 by the Illinois Police Training Act and the Illinois State
3 Police Act.

4 (ccc) Records exempt from disclosure under Section
5 2605-304 of the Illinois State Police Law of the Civil
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed
8 under Section 35 of the Address Confidentiality for
9 Victims of Domestic Violence, Sexual Assault, Human
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed
12 under subsection (b) of Section 75 of the Domestic
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera
15 Act and all automated license plate reader (ALPR)
16 information used and collected by the Illinois State
17 Police. "ALPR information" means information gathered by
18 an ALPR or created from the analysis of data generated by
19 an ALPR. This subsection (fff) is inoperative on and after
20 July 1, 2028.

21 (ggg) Information prohibited from disclosure under
22 paragraph (3) of subsection (a) of Section 14 of the Nurse
23 Agency Licensing Act.

24 (hhh) Information submitted to the Illinois State
25 Police in an affidavit or application for an assault
26 weapon endorsement, assault weapon attachment endorsement,

1 .50 caliber rifle endorsement, or .50 caliber cartridge
2 endorsement under the Firearm Owners Identification Card
3 Act.

4 (iii) Data exempt from disclosure under Section 50 of
5 the School Safety Drill Act.

6 (jjj) Information exempt from disclosure under Section
7 30 of the Insurance Data Security Law.

8 (kkk) Confidential business information prohibited
9 from disclosure under Section 45 of the Paint Stewardship
10 Act.

11 (lll) Data exempt from disclosure under Section
12 2-3.196 of the School Code.

13 (mmm) Information prohibited from being disclosed
14 under subsection (e) of Section 1-129 of the Illinois
15 Power Agency Act.

16 (nnn) Materials received by the Department of Commerce
17 and Economic Opportunity that are confidential under the
18 Music and Musicians Tax Credit and Jobs Act.

19 (ooo) Data or information provided pursuant to Section
20 20 of the Statewide Recycling Needs and Assessment Act.

21 (ppp) Information that is exempt from disclosure under
22 Section 28-11 of the Lawful Health Care Activity Act.

23 (qqq) Information that is exempt from disclosure under
24 Section 7-101 of the Illinois Human Rights Act.

25 (rrr) Information prohibited from being disclosed
26 under Section 4-2 of the Uniform Money Transmission

1 Modernization Act.

2 (sss) Information exempt from disclosure under Section
3 40 of the Student-Athlete Endorsement Rights Act.

4 (ttt) Audio recordings made under Section 30 of the
5 Illinois State Police Act, except to the extent authorized
6 under that Section.

7 (uuu) Information prohibited from being disclosed
8 under Section 30-5 of the Digital Assets Regulation Act.

9 (vvv) Information prohibited or exempt from being
10 disclosed under the Consumer Data Privacy Act.

11 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
12 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
13 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
14 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
15 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
16 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
17 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
18 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; revised
19 9-10-25.)

20 (Text of Section after amendment by P.A. 104-457 but
21 before 104-441)

22 Sec. 7.5. Statutory exemptions. To the extent provided for
23 by the statutes referenced below, the following shall be
24 exempt from inspection and copying:

25 (a) All information determined to be confidential

1 under Section 4002 of the Technology Advancement and
2 Development Act.

3 (b) Library circulation and order records identifying
4 library users with specific materials under the Library
5 Records Confidentiality Act.

6 (c) Applications, related documents, and medical
7 records received by the Experimental Organ Transplantation
8 Procedures Board and any and all documents or other
9 records prepared by the Experimental Organ Transplantation
10 Procedures Board or its staff relating to applications it
11 has received.

12 (d) Information and records held by the Department of
13 Public Health and its authorized representatives relating
14 to known or suspected cases of sexually transmitted
15 infection or any information the disclosure of which is
16 restricted under the Illinois Sexually Transmitted
17 Infection Control Act.

18 (e) Information the disclosure of which is exempted
19 under Section 30 of the Radon Industry Licensing Act.

20 (f) Firm performance evaluations under Section 55 of
21 the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (g) Information the disclosure of which is restricted
24 and exempted under Section 50 of the Illinois Prepaid
25 Tuition Act.

26 (h) Information the disclosure of which is exempted

1 under the State Officials and Employees Ethics Act, and
2 records of any lawfully created State or local inspector
3 general's office that would be exempt if created or
4 obtained by an Executive Inspector General's office under
5 that Act.

6 (i) Information contained in a local emergency energy
7 plan submitted to a municipality in accordance with a
8 local emergency energy plan ordinance that is adopted
9 under Section 11-21.5-5 of the Illinois Municipal Code.

10 (j) Information and data concerning the distribution
11 of surcharge moneys collected and remitted by carriers
12 under the Emergency Telephone System Act.

13 (k) Law enforcement officer identification information
14 or driver identification information compiled by a law
15 enforcement agency or the Department of Transportation
16 under Section 11-212 of the Illinois Vehicle Code.

17 (l) Records and information provided to a residential
18 health care facility resident sexual assault and death
19 review team or the Executive Council under the Abuse
20 Prevention Review Team Act.

21 (m) Information provided to the predatory lending
22 database created pursuant to Article 3 of the Residential
23 Real Property Disclosure Act, except to the extent
24 authorized under that Article.

25 (n) Defense budgets and petitions for certification of
26 compensation and expenses for court appointed trial

1 counsel as provided under Sections 10 and 15 of the
2 Capital Crimes Litigation Act (repealed). This subsection
3 (n) shall apply until the conclusion of the trial of the
4 case, even if the prosecution chooses not to pursue the
5 death penalty prior to trial or sentencing.

6 (o) Information that is prohibited from being
7 disclosed under Section 4 of the Illinois Health and
8 Hazardous Substances Registry Act.

9 (p) Security portions of system safety program plans,
10 investigation reports, surveys, schedules, lists, data, or
11 information compiled, collected, or prepared by or for the
12 Department of Transportation under Sections 2705-300 and
13 2705-616 of the Department of Transportation Law of the
14 Civil Administrative Code of Illinois, the Northern
15 Illinois Transit Authority under Section 2.11 of the
16 Northern Illinois Transit Authority Act, or the St. Clair
17 County Transit District under the Bi-State Transit Safety
18 Act (repealed).

19 (q) Information prohibited from being disclosed by the
20 Personnel Record Review Act.

21 (r) Information prohibited from being disclosed by the
22 Illinois School Student Records Act.

23 (s) Information the disclosure of which is restricted
24 under Section 5-108 of the Public Utilities Act.

25 (t) (Blank).

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
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8 Firearm Concealed Carry Act; and databases under the
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24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
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11 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
12 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
13 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
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17 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
18 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-457, eff.
19 6-1-26; revised 1-7-26.)

20 (Text of Section after amendment by P.A. 104-441)

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5 (i) Information contained in a local emergency energy
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20 (m) Information provided to the predatory lending
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24 (n) Defense budgets and petitions for certification of
25 compensation and expenses for court appointed trial
26 counsel as provided under Sections 10 and 15 of the

1 Capital Crimes Litigation Act (repealed). This subsection
2 (n) shall apply until the conclusion of the trial of the
3 case, even if the prosecution chooses not to pursue the
4 death penalty prior to trial or sentencing.

5 (o) Information that is prohibited from being
6 disclosed under Section 4 of the Illinois Health and
7 Hazardous Substances Registry Act.

8 (p) Security portions of system safety program plans,
9 investigation reports, surveys, schedules, lists, data, or
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11 Department of Transportation under Sections 2705-300 and
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12 (v-5) Records of the Firearm Owner's Identification
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25 against any caregiver of a verified and substantiated
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4 review team or the Illinois Fatality Review Team Advisory
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6 (ddd) Information prohibited from being disclosed
7 under Section 35 of the Address Confidentiality for
8 Victims of Domestic Violence, Sexual Assault, Human
9 Trafficking, or Stalking Act.

10 (eee) Information prohibited from being disclosed
11 under subsection (b) of Section 75 of the Domestic
12 Violence Fatality Review Act.

13 (fff) Images from cameras under the Expressway Camera
14 Act and all automated license plate reader (ALPR)
15 information used and collected by the Illinois State
16 Police. "ALPR information" means information gathered by
17 an ALPR or created from the analysis of data generated by
18 an ALPR. This subsection (fff) is inoperative on and after
19 July 1, 2028.

20 (ggg) Information prohibited from disclosure under
21 paragraph (3) of subsection (a) of Section 14 of the Nurse
22 Agency Licensing Act.

23 (hhh) Information submitted to the Illinois State
24 Police in an affidavit or application for an assault
25 weapon endorsement, assault weapon attachment endorsement,
26 .50 caliber rifle endorsement, or .50 caliber cartridge

1 endorsement under the Firearm Owners Identification Card
2 Act.

3 (iii) Data exempt from disclosure under Section 50 of
4 the School Safety Drill Act.

5 (jjj) Information exempt from disclosure under Section
6 30 of the Insurance Data Security Law.

7 (kkk) Confidential business information prohibited
8 from disclosure under Section 45 of the Paint Stewardship
9 Act.

10 (lll) Data exempt from disclosure under Section
11 2-3.196 of the School Code.

12 (mmm) Information prohibited from being disclosed
13 under subsection (e) of Section 1-129 of the Illinois
14 Power Agency Act.

15 (nnn) Materials received by the Department of Commerce
16 and Economic Opportunity that are confidential under the
17 Music and Musicians Tax Credit and Jobs Act.

18 (ooo) Data or information provided pursuant to Section
19 20 of the Statewide Recycling Needs and Assessment Act.

20 (ppp) Information that is exempt from disclosure under
21 Section 28-11 of the Lawful Health Care Activity Act.

22 (qqq) Information that is exempt from disclosure under
23 Section 7-101 of the Illinois Human Rights Act.

24 (rrr) Information prohibited from being disclosed
25 under Section 4-2 of the Uniform Money Transmission
26 Modernization Act.

1 (sss) Information exempt from disclosure under Section
2 40 of the Student-Athlete Endorsement Rights Act.

3 (ttt) Audio recordings made under Section 30 of the
4 Illinois State Police Act, except to the extent authorized
5 under that Section.

6 (uuu) Information prohibited from being disclosed
7 under Section 30-5 of the Digital Assets Regulation Act.

8 (vvv) ~~(uuu)~~ Information exempt from disclosure under
9 Section 70 of the End-of-Life Options for Terminally Ill
10 Patients Act.

11 (www) Information prohibited or exempt from being
12 disclosed under the Consumer Data Privacy Act.

13 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
14 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
15 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
16 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
17 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
18 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
19 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
20 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff.
21 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 97. Severability. The provisions of this Act are
5 severable under Section 1.31 of the Statute on Statutes.

6 Section 99. Effective date. This Act takes effect January
7 1, 2027.