

1 AN ACT concerning civil law.

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

4 Section 10. Short title. This Act may be cited as the
5 Illinois Consumer Data Privacy Act.

6 Section 11. 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. As used in this definition, "control" or "controlled"
10 means: 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; control in any manner over the election of a majority
13 of the directors or of individuals exercising similar
14 functions; or the power to exercise a controlling influence
15 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 under subsection
18 (b) of Section 14 is being made by or rightfully on behalf of
19 the consumer who is entitled to exercise the rights with
20 respect to the personal data at issue.

21 "Biometric identifier" has the same meaning given to that
22 term in the Biometric Information Privacy Act.

23 "Biometric information" has the same meaning given to that

1 term in the Biometric Information Privacy Act.

2 "Child" has the meaning given in United States Code, Title
3 15, Section 6501.

4 "Collect" means to buy, rent, obtain, lease, access,
5 receive, or otherwise acquire personal data in any manner.

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

17 "Consumer" means a natural person who is an Illinois
18 resident acting only in an individual or household context.
19 Consumer does not include a natural person acting in a
20 commercial or employment context.

21 "Controller" means the natural or legal person who, alone
22 or jointly with others, determines the purposes and means of
23 the processing of personal data.

24 "Decisions that produce legal or similarly significant
25 effects concerning the consumer" means decisions made by the
26 controller that result in the provision or denial by the

1 controller of financial or lending services, housing,
2 insurance, education enrollment or opportunity, criminal
3 justice, employment opportunities, health care services, or
4 access to essential goods or services.

5 "Dark pattern" means a user interface designed or
6 manipulated with the substantial effect of subverting or
7 impairing user autonomy, decision-making, or choice.

8 "Deidentified data" means data that cannot reasonably be
9 used to infer information about or otherwise be linked to an
10 identified or identifiable natural person or a device linked
11 to an identified or identifiable natural person, provided that
12 the controller that possesses the data:

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

15 (2) publicly commits to process the data only in a
16 deidentified fashion and not attempt to reidentify the
17 data; and

18 (3) contractually obligates any recipients of the
19 information to comply with all provisions of this
20 definition.

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

25 "Genetic information" has the meaning ascribed to the term
26 under the Health Insurance Portability and Accountability Act

1 of 1996 as specified in 45 CFR 160.103.

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

4 "Known child" means a person under circumstances in which
5 a controller has actual knowledge of, or willfully disregards,
6 that the person is under 13 years of age.

7 "Personal data" means any information that is linked or
8 reasonably linkable to an identified or identifiable natural
9 person. "Personal data" does not include deidentified data,
10 pseudonymous data, or publicly available information. As used
11 in this definition, "publicly available information" means
12 information that (1) is lawfully made available from federal,
13 state, or local government records or (2) a controller has a
14 reasonable basis to believe has lawfully been made available
15 to the general public.

16 "Process" or "processing" means any operation or set of
17 operations that are performed on personal data or on sets of
18 personal data, whether or not by automated means, including,
19 but not limited to, the collection, use, storage, disclosure,
20 analysis, deletion, sharing, retention, organizing,
21 structuring, or modification of personal data.

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

24 "Profiling" means any form of automated processing of
25 personal data to evaluate, analyze, or predict personal
26 aspects related to an identified or identifiable natural

1 person's economic situation, health, personal preferences,
2 interests, reliability, behavior, location, or movements.
3 Profiling does not include automated processing used solely
4 for independent measurement.

5 "Pseudonymous data" means personal data that cannot be
6 attributed to a specific natural person without the use of
7 additional information, provided that the additional
8 information is kept separately and is subject to appropriate
9 technical and organizational measures to ensure that the
10 personal data are not attributed to an identified or
11 identifiable natural person.

12 "Sale", "sell", or "sold" means the exchange of personal
13 data for monetary or other valuable consideration by the
14 controller, processor, or an affiliate of the controller or
15 processor to a third party. "Sale" does not include the
16 following:

17 (1) the disclosure of personal data to a processor who
18 processes the personal data on behalf of the controller if
19 limited to the purposes of processing;

20 (2) the disclosure of personal data to a third party
21 for purposes of providing a product or service requested
22 by the consumer;

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

25 (4) the disclosure of information that the consumer
26 intentionally made available to the general public via a

1 channel of mass media and did not restrict to a specific
2 audience; or

3 (5) the disclosure or transfer of personal data to a
4 third party as an asset that is part of a completed or
5 proposed merger, acquisition, bankruptcy, or other
6 transaction in which the third party assumes control of
7 all or part of the controller's assets.

8 "Sensitive data" is a form of personal data. "Sensitive
9 data" means:

10 (1) personal data revealing racial or ethnic origin,
11 religious beliefs, mental or physical health condition or
12 diagnosis, sexual orientation, or citizenship or
13 immigration status;

14 (2) the processing of biometric identifiers or
15 information or genetic information for the purpose of
16 uniquely identifying an individual;

17 (3) the personal data of a known child;

18 (4) specific geolocation data;

19 (5) information that reveals the status of
20 identifiable natural person as a victim of a crime; or

21 (6) a government-issued identifier, including a social
22 security number, passport number, or a driver's license
23 number, that is not required by law to be displayed in
24 public.

25 "Specific geolocation data" means information derived from
26 technology, including, but not limited to, global positioning

1 system level latitude and longitude coordinates or other
2 mechanisms that can precisely and accurately identify the
3 specific location of a consumer or a device linked with a
4 consumer within a radius of 1,750 feet. Specific geolocation
5 data does not include the content of communications, the
6 contents of databases containing street address information
7 that are accessible to the public as authorized by law, or any
8 data generated by or connected to advanced utility metering
9 infrastructure systems or other equipment for use by a public
10 utility.

11 "Targeted advertising" means displaying advertisements to
12 a consumer or to a device linked to a consumer in which the
13 advertisement is selected based on personal data obtained or
14 inferred from the consumer's activities over time and across
15 nonaffiliated websites or online applications to predict the
16 consumer's preferences or interests. Targeted advertising does
17 not include:

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

20 (2) advertising based on the context of a consumer's
21 current search query or visit to a website or online
22 application;

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

25 (4) processing personal data solely for measuring or
26 reporting content and advertising performance, reach, or

1 frequency, including independent measurement.

2 (z) "Third party" means a natural or legal person, public
3 authority, agency, or body other than the consumer,
4 controller, processor, or an affiliate of the processor or the
5 controller.

6 (aa) "Trade secret" has the same meaning given to the term
7 in the Illinois Trade Secrets Act.

8 Section 12. Scope; exclusions.

9 (a)(1) Scope. This Act applies to legal entities that
10 conduct business in Illinois or produce products or services
11 that are targeted to Illinois residents, and that satisfy one
12 or more of the following thresholds:

13 (A) during a calendar year, collects or processes
14 personal data of 100,000 consumers or more, excluding
15 personal data controlled or processed solely for the
16 purpose of completing a payment transaction; or

17 (B) derives over 25% of gross revenue from the sale of
18 personal data and processes or collects personal data of
19 25,000 consumers or more.

20 (2) A controller or processor shall comply with the
21 Student Online Personal Protection Act, except that if the
22 provisions of that Act conflict with this Act, the Student
23 Online Personal Protection Act prevails.

24 (3) All legal entities shall comply with the Biometric
25 Information Privacy Act and the Genetic Information Privacy

1 Act.

2 (b) Exclusions. The provisions of this Act do not apply to
3 the following entities, activities, or types of information:

4 (1) the State, a political subdivision of the State,
5 units of local government, and school districts;

6 (2) a federally recognized Indian tribe;

7 (3) information that meets the definition of:

8 (A) protected health information, as defined by
9 and for purposes of the Health Insurance Portability
10 and Accountability Act of 1996, Public Law 104-191,
11 and related regulations;

12 (B) health records, that includes, but is not
13 limited to, any information, whether oral or recorded
14 in any form or medium, that relates to the past,
15 present, or future physical or mental health or
16 condition of a patient; the provision of health care
17 to a patient; or the past, present, or future payment
18 for the provision of health care to a patient;

19 (C) patient identifying information for purposes
20 of Code of Federal Regulations, Title 42, Part 2,
21 established pursuant to the United States Code, Title
22 42, Section 290dd-2;

23 (D) identifiable private information for purposes
24 of the federal policy for the protection of human
25 subjects, the Code of Federal Regulations, Title 45,
26 Part 46; identifiable private information that is

1 otherwise information collected as part of human
2 subjects research under the good clinical practice
3 guidelines issued by the International Council for
4 Harmonisation; the protection of human subjects under
5 the Code of Federal Regulations, Title 21, Parts 50
6 and 56; or personal data used or shared in research
7 conducted in accordance with one or more of the
8 requirements set forth in this paragraph;

9 (E) information and documents created for purposes
10 of the federal Health Care Quality Improvement Act of
11 1986, Public Law 99-660, and related regulations; or

12 (F) patient safety work product for purposes of
13 Code of Federal Regulations, Title 42, Part 3,
14 established under the United States Code, Title 42,
15 Sections 299b-21 to 299b-26;

16 (4) information that is derived from any of the health
17 care-related information listed in clause (3), but that
18 has been deidentified in accordance with the requirements
19 for deidentification set forth in the Code of Federal
20 Regulations, Title 45, Part 164;

21 (5) information originating from, and intermingled to
22 be indistinguishable with, any of the health care-related
23 information listed in clause (3) that is maintained by:

24 (A) a covered entity or business associate, as
25 defined by the Health Insurance Portability and
26 Accountability Act of 1996, Public Law 104-191, and

1 related regulations to the extent the entity is acting
2 as a covered entity or business associate under the
3 Privacy and Security rules issued by the United States
4 Department of Health and Human Services, Parts 160 and
5 164 of Title 45 of the Code of Federal Regulations;

6 (B) a health care provider, to include, but not be
7 limited to, any public or private facility that
8 provides, on an inpatient or outpatient basis,
9 preventive, diagnostic, therapeutic, convalescent,
10 rehabilitation, mental health, or intellectual
11 disability services, including general or special
12 hospitals, skilled nursing homes, extended care
13 facilities, intermediate care facilities and mental
14 health centers; or

15 (C) a program or a qualified service organization,
16 as defined by Code of Federal Regulations, Title 42,
17 Part 2, established pursuant to United States Code,
18 Title 42, Section 290dd-2;

19 (6) information that is:

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

1 1996, Public Law 104-191, and related regulations;

2 (B) included in a limited data set, as described
3 under the Code of Federal Regulations, Title 45, Part
4 164.514(e), to the extent that the information is
5 used, disclosed, and maintained in the manner
6 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 the United States Code, Title 15,
10 Section 78c(a)(26) or of a registered futures
11 association as designated under the United States
12 Code, Title 7, Section 21;

13 (D) originated from, or intermingled with,
14 information described in clause (9) and that a
15 residential mortgage originator or residential
16 mortgage servicer regulated under the Residential
17 Mortgage License Act of 1987 collects, processes,
18 uses, or maintains in the same manner as required
19 under the laws and regulations specified in clause
20 (9); or

21 (E) originated from, or intermingled with,
22 information described in clause (9) and that a nonbank
23 financial institution collects, processes, uses, or
24 maintains in the same manner as required under the
25 laws and regulations specified in clause (9);

26 (7) information used only for public health activities

1 and purposes, as described under the Code of Federal
2 Regulations, Title 45, Part 164.512;

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

25 (9) financial institutions, their affiliates, and
26 personal data subject to the federal Gramm-Leach-Bliley

1 Act, Public Law 106-102, and implementing regulations;

2 (10) personal data collected, processed, sold, or
3 disclosed pursuant to the federal Driver's Privacy
4 Protection Act of 1994, United States Code, Title 18,
5 Sections 2721 to 2725, if the collection, processing,
6 sale, or disclosure is in compliance with that law;

7 (11) personal data regulated by the federal Family
8 Educational Rights and Privacy Act, United States Code,
9 Title 20, Section 1232g, and implementing regulations;

10 (12) personal data collected, processed, sold, or
11 disclosed pursuant to the federal Farm Credit Act of 1971,
12 as amended, United States Code, Title 12, Sections 2001 to
13 2279cc, and implementing regulations, Code of Federal
14 Regulations, Title 12, Part 600, if the collection,
15 processing, sale, or disclosure is in compliance with that
16 law;

17 (13) data collected or maintained:

18 (A) in the course of an individual acting as a job
19 applicant to or an employee, owner, director, officer,
20 medical staff member, or contractor of a business if
21 the data is collected and used solely within the
22 context of the role;

23 (B) as the emergency contact information of an
24 individual under item (A) if used solely for emergency
25 contact purposes; or

26 (C) that is necessary for the business to retain

1 to administer benefits for another individual relating
2 to the individual under item (1) if used solely for the
3 purposes of administering those benefits;

4 (14) personal data collected, processed, sold, or
5 disclosed under the Illinois Insurance Code;

6 (15) data collected, processed, sold, or disclosed as
7 part of a payment-only credit, check, or cash transaction
8 where no data about consumers, as defined in Section 11,
9 are retained;

10 (16) a State or federally chartered bank or credit
11 union, or an affiliate or subsidiary that is principally
12 engaged in financial activities, as described in the
13 United States Code, Title 12, Section 1843(k);

14 (17) information that originates from, or is
15 intermingled so as to be indistinguishable from,
16 information described in clause (8) and that a person
17 collects, processes, uses, or maintains in the same manner
18 as is required under the laws and regulations specified in
19 clause (8);

20 (18) an insurance company and an insurance producer
21 that are regulated by the State under the Illinois
22 Insurance Code, a third-party administrator of
23 self-insurance, or an affiliate or subsidiary of any
24 entity identified in this clause that is principally
25 engaged in financial activities, as described in the
26 United States Code, Title 12, Section 1843(k), except that

1 this clause does not apply to a person that, alone or in
2 combination with another person, establishes and maintains
3 a self-insurance program that does not otherwise engage in
4 the business of entering into policies of insurance;

5 (19) a small business, as defined by the United States
6 Small Business Administration under the Code of Federal
7 Regulations, Title 13, Part 121, except that a small
8 business identified in this clause is subject to Section
9 17;

10 (20) a nonprofit organization that is established to
11 detect and prevent fraudulent acts in connection with
12 insurance; and

13 (21) an air carrier subject to the federal Airline
14 Deregulation Act, Public Law 95-504, only to the extent
15 that an air carrier collects personal data related to
16 prices, routes, or services and only to the extent that
17 the provisions of the Airline Deregulation Act preempt the
18 requirements of this Act.

19 Controllers that are in compliance with the Children's
20 Online Privacy Protection Act, United States Code, Title 15,
21 Sections 6501 to 6506, and implementing regulations, are
22 deemed compliant with any obligation to obtain parental
23 consent under this Act.

24 Section 13. Responsibility according to role.

25 (a) Controllers and processors are responsible for meeting

1 the respective obligations established under this Act.

2 (b) Processors are responsible under this Act for adhering
3 to the instructions of the controller and assisting the
4 controller to meet the controller's obligations under this
5 Act. Assistance under this subsection shall include the
6 following:

7 (1) taking into account the nature of the processing,
8 the processor shall assist the controller by appropriate
9 technical and organizational measures, insofar as this is
10 possible, for the fulfillment of the controller's
11 obligation to respond to consumer requests to exercise
12 their rights under Section 14; and

13 (2) taking into account the nature of processing and
14 the information available to the processor, the processor
15 shall assist the controller in meeting the controller's
16 obligations in relation to the security of processing the
17 personal data and in relation to the notification of a
18 breach of the security of the system under the Illinois
19 Personal Information Protection Act and provide
20 information to the controller necessary to enable the
21 controller to conduct and document any data privacy and
22 protection assessments required by Section 18.

23 (c) A contract between a controller and a processor shall
24 govern the processor's data processing procedures with respect
25 to processing performed on behalf of the controller. The
26 contract shall be binding on both parties and clearly set

1 forth instructions for processing data, the nature and purpose
2 of processing, the type of data subject to processing, the
3 duration of processing, and the rights and obligations of both
4 parties. The contract shall also require that the processor:

5 (1) ensure that each person processing the personal
6 data is subject to a duty of confidentiality with respect
7 to the data;

8 (2) engage a subcontractor only under a written
9 contract in accordance with this subsection (c) that
10 requires the subcontractor to meet the obligations of the
11 processor with respect to the personal data;

12 (3) at the choice of the controller, delete or return
13 all personal data to the controller as requested at the
14 end of the provision of services, unless retention of the
15 personal data is required by law;

16 (4) upon a reasonable request from the controller,
17 make available to the controller all information necessary
18 to demonstrate compliance with the obligations in this
19 Act; and

20 (5) allow for, and contribute to, reasonable
21 assessments and inspections by the controller or the
22 controller's designated assessor. Alternatively, the
23 processor may arrange for a qualified and independent
24 assessor to conduct, at least annually and at the
25 processor's expense, an assessment of the processor's
26 policies and technical and organizational measures in

1 support of the obligations under this Act. The assessor
2 must use an appropriate and accepted control standard or
3 framework and assessment procedure for assessments as
4 applicable and provide a report of an assessment to the
5 controller upon request.

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

13 (e) In no event shall any contract relieve a controller or
14 a processor from the liabilities imposed on a controller or
15 processor by virtue of the controller's or processor's roles
16 in the processing relationship under this Act. Notwithstanding
17 any other provision of this Act, if a processor processes data
18 under a binding contract that sets forth the processing
19 instructions and limits the actions the processor may take
20 with respect to the data it processes on behalf of the
21 controller, the processor is not liable for the controller's
22 actions that led to a violation of this Act.

23 (f) Determining whether a person is acting as a controller
24 or processor with respect to a specific processing of data is a
25 fact-based determination that depends upon the context in
26 which personal data are to be processed. A person that is not

1 limited in the person's processing of personal data pursuant
2 to a controller's instructions, or that fails to adhere to a
3 controller's instructions, is a controller and not a processor
4 with respect to a specific processing of data. A processor
5 that continues to adhere to a controller's instructions with
6 respect to a specific processing of personal data remains a
7 processor. If a processor begins, alone or jointly with
8 others, determining the purposes and means of the processing
9 of personal data, the processor is a controller with respect
10 to the processing.

11 Section 14. Consumer personal data rights.

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

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

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

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

24 (5) A consumer has the right to obtain personal data
25 concerning the consumer, which the consumer previously

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

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

12 (7) A consumer has a right to obtain general descriptions
13 of categories of third parties to which the controller has
14 disclosed the consumer's personal data, unless such a list of
15 specific third parties is readily available to the controller.

16 (b)(1) Exercising consumer rights. A consumer may exercise
17 the rights set forth in subsection (a) by submitting a
18 request, at any time, to a controller specifying which rights
19 the consumer wishes to exercise.

20 (2) In the case of processing personal data concerning a
21 known child, the parent or legal guardian of the known child
22 may exercise the rights under this Act on the child's behalf.

23 (3) In the case of processing personal data concerning a
24 consumer legally subject to guardianship under the Probate Act
25 of 1975, the guardian of the consumer may exercise the rights
26 under this Act on the consumer's behalf.

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

15 (c)(1) Universal opt-out mechanisms. A controller must
16 allow a consumer to opt out of any processing of the consumer's
17 personal data for the purposes of targeted advertising,
18 profiling in furtherance of automated decisions that produce
19 legal effects concerning the consumer or any sale of the
20 consumer's personal data through an opt-out preference signal
21 sent, with the consumer's consent, by a platform, technology,
22 or mechanism to the controller indicating the consumer's
23 intent to opt out of the processing, profiling, or sale. The
24 platform, technology, or mechanism must:

25 (A) not unfairly disadvantage another controller;

26 (B) not make use of a default setting but require the

1 consumer to make an affirmative, freely given, and
2 unambiguous choice to opt out of the processing of the
3 consumer's personal data;

4 (C) be consumer-friendly and easy to use by the
5 average consumer;

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

9 (E) enable the controller to accurately determine
10 whether the consumer is an Illinois resident and whether
11 the consumer has made a legitimate request to opt out of
12 any sale of the consumer's personal data profiling in
13 furtherance of automated decisions that produce legal
14 effects concerning the consumer, or targeted advertising.
15 For purposes of this paragraph, the use of an Internet
16 protocol address to estimate the consumer's location is
17 sufficient to determine the consumer's residence.

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

1 controller-specific privacy setting or participation in the
2 controller's program.

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

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

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

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

19 (4) A controller must comply with a request to exercise
20 the rights under this Section as soon as feasibly possible,
21 but no later than 45 days after the receipt of the request,
22 unless the controller extends the time.

23 (5) A controller must inform a consumer of any action
24 taken on a request under subsection (b) without undue delay
25 and in any event within 45 days after the receipt of the
26 request. That period may be extended once by 45 additional

1 days where reasonably necessary taking into account the
2 complexity and number of the requests. The controller must
3 inform the consumer of any extension within the original
4 45-day window, together with the reasons for the delay.

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

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

20 (8) A controller is not required to comply with a request
21 to exercise any of the rights under subsection (a), paragraphs
22 (2) to (5) and (8), if the controller is unable to authenticate
23 the request using commercially reasonable efforts. In such
24 cases, the controller may request the provision of additional
25 information reasonably necessary to authenticate the request.
26 A controller is not required to authenticate an opt-out

1 request, but a controller may deny an opt-out request if the
2 controller has a good faith, reasonable, and documented belief
3 that the request is fraudulent. If a controller denies an
4 opt-out request because the controller believes a request is
5 fraudulent, the controller must notify the person who made the
6 request that the request was denied because of the
7 controller's belief that the request was fraudulent and state
8 the controller's basis for that belief.

9 (9) In response to a consumer request under subsection
10 (b), a controller must not disclose the following information
11 about a consumer but must instead inform the consumer with
12 sufficient particularity that the controller has collected
13 that type of information:

14 (A) Social Security number;

15 (B) driver's license number or other government-issued
16 identification number;

17 (C) financial account number;

18 (D) health insurance account number or medical
19 identification number;

20 (E) account password, security questions, or answers;

21 or

22 (F) biometric identifiers or information.

23 (10) In response to a consumer request under subsection
24 (b), a controller is not required to reveal any trade secret.

25 (11) A controller that has obtained personal data about a
26 consumer from a source other than the consumer may comply with

1 a consumer's request to delete the consumer's personal data
2 pursuant to subsection (a), paragraph (4), by either:

3 (A) retaining a record of the deletion request,
4 retaining the minimum data necessary for the purpose of
5 ensuring the consumer's personal data remains deleted from
6 the business's records and not using the retained data for
7 any other purpose under the provisions of this Act; or

8 (B) opting the consumer out of the processing of
9 personal data for any purpose except for the purposes
10 exempted pursuant to the provisions of this Act.

11 (e)(1) Appeal process required. A controller must
12 establish an internal process in which a consumer may appeal a
13 refusal to take action on a request to exercise any of the
14 rights under subsection (a) within a reasonable period of time
15 after the consumer's receipt of the notice sent by the
16 controller under subsection (d), paragraph (6).

17 (2) The appeal process must be conspicuously available.
18 The process must include the ease of use provisions in
19 subsection (c)(1) applicable to submitting requests.

20 (3) Within 45 days after the receipt of an appeal, a
21 controller must inform the consumer of any action taken or not
22 taken in response to the appeal along with a written
23 explanation of the reasons in support thereof. That period may
24 be extended by 60 additional days if reasonably necessary,
25 taking into account the complexity and number of the requests
26 serving as the basis for the appeal. The controller must

1 inform the consumer of any extension within 45 days after the
2 receipt of the appeal together with the reasons for the delay.

3 (4) When informing a consumer of any action taken or not
4 taken in response to an appeal pursuant to paragraph (3), the
5 controller must provide a written explanation of the reasons
6 for the controller's decision and clearly and prominently
7 provide the consumer with information about how to file a
8 complaint with the Attorney General. The controller must
9 maintain records of all appeals and the controller's responses
10 for at least 24 months and shall, upon written request by the
11 Attorney General as part of an investigation, compile and
12 provide a copy of the records to the Attorney General.

13 Section 15. Processing deidentified data or pseudonymous
14 data.

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

18 (1) reidentify deidentified data;

19 (2) maintain data in identifiable form, or collect,
20 obtain, retain, or access any data or technology, to be
21 capable of associating an authenticated consumer request
22 with personal data; or

23 (3) comply with an authenticated consumer request to
24 access, correct, delete, or port personal data under
25 Section 14, subsection (a), if all of the following are

1 true:

2 (A) the controller is not reasonably capable of
3 associating the request with the personal data, or it
4 would be unreasonably burdensome for the controller to
5 associate the request with the personal data;

6 (B) the controller does not use the personal data
7 to recognize or respond to the specific consumer who
8 is the subject of the personal data or associate the
9 personal data with other personal data about the same
10 specific consumer; and

11 (C) the controller does not sell the personal data
12 to any third party or otherwise voluntarily disclose
13 the personal data to any third party other than a
14 processor, except as otherwise permitted in this
15 Section.

16 (b) The rights contained in paragraphs (2) to (5) and (8)
17 of subsection (a) of Section 14 do not apply to pseudonymous
18 data in cases in which the controller is able to demonstrate
19 any information necessary to identify the consumer is kept
20 separately and is subject to effective technical and
21 organizational controls that prevent the controller from
22 accessing the information.

23 (c) A controller that transfers, sells, or otherwise
24 discloses pseudonymous data or deidentified data must exercise
25 reasonable oversight to monitor compliance with any
26 contractual commitments to which the pseudonymous data or

1 deidentified data are subject, and must take appropriate steps
2 to address any breaches of contractual commitments.

3 (d) A processor or third party must not attempt to
4 identify the subjects of deidentified or pseudonymous data
5 without the express authority of the controller that caused
6 the data to be deidentified or pseudonymized.

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

10 Section 16. Responsibilities of controllers.

11 (a)(1) Transparency obligations. Controllers must provide
12 consumers with a reasonably accessible, clear, and meaningful
13 privacy notice that includes:

14 (A) the categories of personal data processed by the
15 controller;

16 (B) the purposes for which the categories of personal
17 data are processed;

18 (C) an explanation of the rights contained in Section
19 14 and how and where consumers may exercise those rights,
20 including how a consumer may appeal a controller's action
21 with regard to the consumer's request;

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

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

1 (F) the controller's contact information, including an
2 active email address or other online mechanism that the
3 consumer may use to contact the controller;

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

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

7 (2) If a controller sells personal data to third parties,
8 processes personal data for targeted advertising, or engages
9 in profiling in furtherance of decisions that produce legal
10 effects concerning a consumer or similarly significant effects
11 concerning a consumer, the controller must disclose the
12 processing in the privacy notice and provide access to a clear
13 and conspicuous method outside the privacy notice for a
14 consumer to opt out of the sale, processing, or profiling in
15 furtherance of decisions that produce legal effects concerning
16 a consumer or similarly significant effects concerning a
17 consumer. This method may include but is not limited to an
18 Internet hyperlink clearly labeled "Your Opt-Out Rights" or
19 "Your Privacy Rights" that directly effectuates the opt-out
20 request or takes consumers to a web page where the consumer can
21 make the opt-out request.

22 (3) The privacy notice must be made available to the
23 public in each language in which the controller provides a
24 product or service that is subject to the privacy notice or
25 carries out activities related to the product or service.

26 (4) The controller must provide the privacy notice in a

1 manner that is reasonably accessible to and usable by
2 individuals with disabilities.

3 (5) Whenever a controller makes a material change to the
4 controller's privacy notice or practices, the controller must
5 notify consumers affected by the material change with respect
6 to any prospectively collected personal data and provide a
7 reasonable opportunity for consumers to withdraw consent to
8 any further materially different collection, processing, or
9 transfer of previously collected personal data under the
10 changed policy. The controller shall take all reasonable
11 electronic measures to provide notification regarding material
12 changes to affected consumers, taking into account available
13 technology and the nature of the relationship.

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

18 (7) The privacy notice must be posted online through a
19 conspicuous hyperlink using the word "privacy" on the
20 controller's website home page or on a mobile application's
21 app store page or download page. A controller that maintains
22 an application on a mobile or other device shall also include a
23 hyperlink to the privacy notice in the application's settings
24 menu or in a similarly conspicuous and accessible location. A
25 controller that does not operate a website shall make the
26 privacy notice conspicuously available to consumers through a

1 medium regularly used by the controller to interact with
2 consumers, including, but not limited to, mail.

3 (b) (1) Use of data. A controller shall:

4 (A) limit the collection of personal data to what is
5 adequate, relevant, and reasonably necessary in relation
6 to the purposes for which the data are processed, which
7 must be disclosed to the consumer;

8 (B) not collect, process, or share sensitive data
9 concerning a consumer except when such collection,
10 processing, or transfer is strictly necessary to provide
11 or maintain a specific product or service requested by the
12 consumer to whom the sensitive data pertains. For purposes
13 of this Act, the collection and processing of specific
14 geolocation data or personal data to provide
15 transportation services by private entities regulated
16 under the Transportation Network Providers Act, is
17 strictly necessary to the extent that the private entity
18 uses the geolocation data or personal data for the sole
19 purpose of providing a service requested by the individual
20 or the use is otherwise consistent with that individual's
21 reasonable expectations considering the context in which
22 the individual provided the geolocation information to the
23 private entity. For purposes of this Act, the collection,
24 processing, and sharing of biometric identifiers and
25 information must be done in accordance with the
26 requirements of the Biometric Information Privacy Act. For

1 purposes of this Act, the collection, processing, and
2 sharing of genetic information must be done in accordance
3 with the Genetic Information Privacy Act. For purposes of
4 this Act, the collection, processing, and sharing of
5 students' covered information must be done in accordance
6 with the Student Online Personal Protection Act; and

7 (C) not sell sensitive data.

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

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

21 (4) Except as otherwise provided in this Act, a controller
22 may not process sensitive data concerning a consumer without
23 obtaining the consumer's consent, or, in the case of the
24 processing of personal data concerning a known child, without
25 obtaining consent from the child's parent or lawful guardian,
26 in accordance with the requirement of the Children's Online

1 Privacy Protection Act, United States Code, Title 15, Sections
2 6501 to 6506, and its implementing regulations. A controller
3 must follow the requirements of the Biometric Information
4 Privacy Act and the Genetic Information Privacy Act for
5 information covered by those Acts.

6 (5) A controller shall provide an effective mechanism for
7 a consumer, or, in the case of the processing of personal data
8 concerning a known child, the child's parent or lawful
9 guardian, to withdraw previously given consent under this
10 subsection. The mechanism provided shall be at least as easy
11 as the mechanism by which the consent was previously given.
12 Upon revocation of consent, a controller shall cease to
13 process the applicable data as soon as practicable, but no
14 later than 15 days after the receipt of the request.

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

20 (7) A controller may not retain personal data that is no
21 longer relevant and reasonably necessary in relation to the
22 purposes for which the data were collected and processed,
23 unless retention of the data is otherwise required by law or
24 permitted under Section 19 and in accordance with the
25 Biometric Information Privacy Act.

26 (c)(1) Nondiscrimination. A controller shall not process

1 personal data on the basis of a consumer's or a class of
2 consumers' actual or perceived race, color, ethnicity,
3 religion, national origin, sex, gender, gender identity,
4 sexual orientation, familial status, lawful source of income,
5 or disability in a manner that unlawfully discriminates
6 against the consumer or class of consumers.

7 (2) A controller may not discriminate against a consumer
8 for exercising any of the rights contained in this Act,
9 including denying goods or services to the consumer, charging
10 different prices or rates for goods or services, and providing
11 a different level of quality of goods and services to the
12 consumer. This subsection does not: (i) require a controller
13 to provide a good or service that requires the consumer's
14 personal data that the controller does not collect or
15 maintain; or (ii) prohibit a controller from offering a
16 different price, rate, level, quality, or selection of goods
17 or services to a consumer, including offering goods or
18 services for no fee, if the offering is in connection with a
19 consumer's voluntary participation in a bona fide loyalty,
20 rewards, premium features, discounts, or club card program if
21 that difference is reasonably related to the value provided to
22 the business by the consumer's data.

23 (d) Waiver of rights unenforceable. Any provision of a
24 contract or agreement of any kind that purports to waive or
25 limit in any way a consumer's rights under this Act is contrary
26 to public policy and is void and unenforceable.

1 Section 17. Requirements for small businesses.

2 (a) A small business, as defined by the United States
3 Small Business Administration under the Code of Federal
4 Regulations, Title 13, Part 121, that conducts business in
5 Illinois or produces products or services that are targeted to
6 Illinois residents must not sell a consumer's sensitive data.

7 (b) Penalties and enforcement procedures under Section 20
8 apply to a small business that violates this Section.

9 Section 18. Data privacy policies; data privacy and
10 protection assessments.

11 (a) A controller must document and maintain a description
12 of the policies and procedures the controller has adopted to
13 comply with this Act. The description must include, where
14 applicable:

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

20 (2) a description of the controller's data privacy
21 policies and procedures that reflect the requirements in
22 Section 16, and any policies and procedures designed to:

23 (i) reflect the requirements of this Act in the
24 design of the controller's systems;

1 (ii) identify and provide personal data to a
2 consumer as required by this Act;

3 (iii) establish, implement, and maintain
4 reasonable administrative, technical, and physical
5 data security practices to protect the
6 confidentiality, integrity, and accessibility of
7 personal data, including the maintenance of an
8 inventory of the data that must be managed to exercise
9 the responsibilities under this item;

10 (iv) limit the collection of personal data to what
11 is adequate, relevant, and reasonably necessary in
12 relation to the purposes for which the data are
13 processed;

14 (v) prevent the retention of personal data that is
15 no longer relevant and reasonably necessary in
16 relation to the purposes for which the data were
17 collected and processed, unless retention of the data
18 is otherwise required by law or permitted under
19 Section 19 and in accordance with the Biometric
20 Information Privacy Act; and

21 (vi) identify and remediate violations of this
22 Act.

23 (b) A controller must conduct and document a data privacy
24 and protection assessment for each of the following processing
25 activities involving personal data:

26 (1) the processing of personal data for purposes of

1 targeted advertising;

2 (2) the sale of personal data;

3 (3) the processing of sensitive data;

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

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

9 (i) unfair or deceptive treatment of, or disparate
10 impact on, consumers;

11 (ii) financial, physical, or reputational injury
12 to consumers;

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

17 (iv) other substantial injury to consumers.

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

23 (d) A data privacy and protection assessment must identify
24 and weigh the benefits that may flow directly and indirectly
25 from the processing to the controller, consumer, other
26 stakeholders, and the public against the potential risks to

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

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

12 (f) As part of a subpoena, the Attorney General or State's
13 Attorneys may request, in writing, that a controller disclose
14 any data privacy and protection assessment that is relevant to
15 an investigation conducted by the Attorney General or State's
16 Attorneys. The controller must make a data privacy and
17 protection assessment available to the Attorney General or
18 State's Attorneys upon a request made under this subsection.
19 The Attorney General or State's Attorneys may evaluate the
20 data privacy and protection assessments for compliance with
21 this Act. Data privacy and protection assessments are
22 nonpublic data that is required by State or federal law that
23 is: (1) not about an individual; (2) not accessible by the
24 general public; and (3) accessible by the subject of the data.
25 The disclosure of a data privacy and protection assessment
26 under a request from the Attorney General or State's Attorneys

1 under this subsection does not constitute a waiver of the
2 attorney-client privilege or work product protection with
3 respect to the assessment and any information contained in the
4 assessment.

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

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

13 Section 19. Limitations and applicability.

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

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

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

25 (3) cooperate with law enforcement agencies concerning

1 conduct or activity that the controller or processor
2 reasonably and in good faith believes may violate federal,
3 State, or local laws, rules, or regulations;

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

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

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

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

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

24 (9) engage in public or peer-reviewed scientific,
25 historical, or statistical research in the public interest
26 that adheres to all other applicable ethics and privacy

1 laws and is approved, monitored, and governed by an
2 institutional review board, human subjects research ethics
3 review board, or a similar independent oversight entity
4 that has determined:

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

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

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

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

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

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

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

1 (1) effectuate a product recall or identify and repair
2 technical errors that impair existing or intended
3 functionality;

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

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

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

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

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

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

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

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

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

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

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

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

1 physical measures to protect the confidentiality,
2 integrity, and accessibility of the personal data, and to
3 reduce reasonably foreseeable risks of harm to consumers.

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

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

12 Section 20. Enforcement.

13 (a) If a controller or processor violates this Act, the
14 Attorney General or the State's Attorney of any county in this
15 State, before filing an enforcement action under subsection
16 (b), must provide the controller or processor with a warning
17 letter identifying the specific provisions of this Act the
18 Attorney General or State's Attorney alleges have been or are
19 being violated. If, after 30 days of issuance of the warning
20 letter, the Attorney General or State's Attorney believes the
21 controller or processor has failed to cure any alleged
22 violation, the Attorney General or State's Attorney may bring
23 an enforcement action under subsection (b). This subsection
24 becomes inoperative January 1, 2029.

25 (b) The Attorney General or the State's Attorney of any

1 county in this State may bring an action in the name of the
2 People of this State against any person to restrain and
3 prevent any pattern or practice in violation of this Act.

4 (c) A violation of this Act constitutes an unlawful
5 practice under the Consumer Fraud and Deceptive Business
6 Practices Act. All remedies, penalties, and authority granted
7 to the Attorney General or the State's Attorney by the
8 Consumer Fraud and Deceptive Business Practices Act are
9 available to the Attorney General or the State's Attorney for
10 the enforcement of this Act.

11 (d) Any civil penalties collected from the enforcement of
12 this Act shall be deposited into the Attorney General Court
13 Ordered and Voluntary Compliance Payment Projects Fund if the
14 Attorney General commenced the action or distributed to the
15 county in which the State's Attorney commenced the action and
16 deposited into a special fund in the county treasury and
17 appropriated to the State's Attorney for use in accordance
18 with law.

19 (e) Nothing in this Act shall be construed to establish a
20 private right of action associated with violations of this
21 Act.

22 (f) Nothing in this Act shall be construed to preempt the
23 enforcement provisions in the Biometric Information Privacy
24 Act or the Genetic Information Privacy Act.

25 Section 95. Home rule. A unit of local government,

1 including a home rule unit, may not regulate consumer data
2 privacy. This Section is a denial and limitation of home rule
3 powers and functions under subsection (g) of Section 6 of
4 Article VII of the Illinois Constitution.

5 Section 97. Severability. If any provision of this Act or
6 its application to any person or circumstance is held invalid,
7 the invalidity of that provision or application does not
8 affect other provisions or applications of this Act that can
9 be given effect without the invalid provision or application.

10 Section 900. The Freedom of Information Act is amended by
11 changing Section 7.5 as follows:

12 (5 ILCS 140/7.5)

13 (Text of Section before amendment by P.A. 104-441 and
14 104-457)

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

18 (a) All information determined to be confidential
19 under Section 4002 of the Technology Advancement and
20 Development Act.

21 (b) Library circulation and order records identifying
22 library users with specific materials under the Library
23 Records Confidentiality Act.

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other
4 records prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

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

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

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

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

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by carriers
7 under the Emergency Telephone System Act.

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

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death
14 review team or the Executive Council under the Abuse
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending
17 database created pursuant to Article 3 of the Residential
18 Real Property Disclosure Act, except to the extent
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial
22 counsel as provided under Sections 10 and 15 of the
23 Capital Crimes Litigation Act (repealed). This subsection
24 (n) shall apply until the conclusion of the trial of the
25 case, even if the prosecution chooses not to pursue the
26 death penalty prior to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Department of Transportation under Sections 2705-300 and
8 2705-616 of the Department of Transportation Law of the
9 Civil Administrative Code of Illinois, the Regional
10 Transportation Authority under Section 2.11 of the
11 Regional Transportation Authority Act, or the St. Clair
12 County Transit District under the Bi-State Transit Safety
13 Act (repealed).

14 (q) Information prohibited from being disclosed by the
15 Personnel Record Review Act.

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

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

20 (t) (Blank).

21 (u) Records and information provided to an independent
22 team of experts under the Developmental Disability and
23 Mental Health Safety Act (also known as Brian's Law).

24 (v) Names and information of people who have applied
25 for or received Firearm Owner's Identification Cards under
26 the Firearm Owners Identification Card Act or applied for

1 or received a concealed carry license under the Firearm
2 Concealed Carry Act, unless otherwise authorized by the
3 Firearm Concealed Carry Act; and databases under the
4 Firearm Concealed Carry Act, records of the Concealed
5 Carry Licensing Review Board under the Firearm Concealed
6 Carry Act, and law enforcement agency objections under the
7 Firearm Concealed Carry Act.

8 (v-5) Records of the Firearm Owner's Identification
9 Card Review Board that are exempted from disclosure under
10 Section 10 of the Firearm Owners Identification Card Act.

11 (w) Personally identifiable information which is
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14 (x) Information which is exempted from disclosure
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17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of
23 an eligible adult maintained in the Registry established
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25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
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3 (aa) Information which is exempted from disclosure
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5 (bb) Information which is or was prohibited from
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7 (cc) Recordings made under the Law Enforcement
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9 authorized under that Act.

10 (dd) Information that is prohibited from being
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13 (ee) Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure
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17 (gg) Information that is prohibited from being
18 disclosed under Section 7-603.5 of the Illinois Vehicle
19 Code.

20 (hh) Records that are exempt from disclosure under
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22 (ii) Information which is exempted from disclosure
23 under Section 2505-800 of the Department of Revenue Law of
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25 (jj) Information and reports that are required to be
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1 and temporary labor service agencies but are exempt from
2 disclosure under subsection (a-1) of Section 45 of the Day
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4 (kk) Information prohibited from disclosure under the
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6 (ll) Information the disclosure of which is restricted
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9 (mm) Records that are exempt from disclosure under
10 Section 4.2 of the Crime Victims Compensation Act.

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

13 (oo) Communications, notes, records, and reports
14 arising out of a peer support counseling session
15 prohibited from disclosure under the First Responders
16 Suicide Prevention Act.

17 (pp) Names and all identifying information relating to
18 an employee of an emergency services provider or law
19 enforcement agency under the First Responders Suicide
20 Prevention Act.

21 (qq) Information and records held by the Department of
22 Public Health and its authorized representatives collected
23 under the Reproductive Health Act.

24 (rr) Information that is exempt from disclosure under
25 the Cannabis Regulation and Tax Act.

26 (ss) Data reported by an employer to the Department of

1 Human Rights pursuant to Section 2-108 of the Illinois
2 Human Rights Act.

3 (tt) Recordings made under the Children's Advocacy
4 Center Act, except to the extent authorized under that
5 Act.

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

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

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

13 (xx) Information that is exempt from disclosure or
14 information that shall not be made public under the
15 Illinois Insurance Code.

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

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

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

22 (bbb) Information that is prohibited from disclosure
23 by the Illinois Police Training Act and the Illinois State
24 Police Act.

25 (ccc) Records exempt from disclosure under Section
26 2605-304 of the Illinois State Police Law of the Civil

1 Administrative Code of Illinois.

2 (ddd) Information prohibited from being disclosed
3 under Section 35 of the Address Confidentiality for
4 Victims of Domestic Violence, Sexual Assault, Human
5 Trafficking, or Stalking Act.

6 (eee) Information prohibited from being disclosed
7 under subsection (b) of Section 75 of the Domestic
8 Violence Fatality Review Act.

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

16 (ggg) Information prohibited from disclosure under
17 paragraph (3) of subsection (a) of Section 14 of the Nurse
18 Agency Licensing Act.

19 (hhh) Information submitted to the Illinois State
20 Police in an affidavit or application for an assault
21 weapon endorsement, assault weapon attachment endorsement,
22 .50 caliber rifle endorsement, or .50 caliber cartridge
23 endorsement under the Firearm Owners Identification Card
24 Act.

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

1 (jjj) Information exempt from disclosure under Section
2 30 of the Insurance Data Security Law.

3 (kkk) Confidential business information prohibited
4 from disclosure under Section 45 of the Paint Stewardship
5 Act.

6 (lll) Data exempt from disclosure under Section
7 2-3.196 of the School Code.

8 (mmm) Information prohibited from being disclosed
9 under subsection (e) of Section 1-129 of the Illinois
10 Power Agency Act.

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

14 (ooo) Data or information provided pursuant to Section
15 20 of the Statewide Recycling Needs and Assessment Act.

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

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

20 (rrr) Information prohibited from being disclosed
21 under Section 4-2 of the Uniform Money Transmission
22 Modernization Act.

23 (sss) Information exempt from disclosure under Section
24 40 of the Student-Athlete Endorsement Rights Act.

25 (ttt) Audio recordings made under Section 30 of the
26 Illinois State Police Act, except to the extent authorized

1 under that Section.

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

4 (www) Data privacy and protection assessments made
5 available to the Attorney General under Section 18 of the
6 Illinois Consumer Data Privacy Act.

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

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

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

21 (a) All information determined to be confidential
22 under Section 4002 of the Technology Advancement and
23 Development Act.

24 (b) Library circulation and order records identifying
25 library users with specific materials under the Library

1 Records Confidentiality Act.

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

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

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

16 (f) Firm performance evaluations under Section 55 of
17 the Architectural, Engineering, and Land Surveying
18 Qualifications Based Selection Act.

19 (g) Information the disclosure of which is restricted
20 and exempted under Section 50 of the Illinois Prepaid
21 Tuition Act.

22 (h) Information the disclosure of which is exempted
23 under the State Officials and Employees Ethics Act, and
24 records of any lawfully created State or local inspector
25 general's office that would be exempt if created or
26 obtained by an Executive Inspector General's office under

1 that Act.

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

6 (j) Information and data concerning the distribution
7 of surcharge moneys collected and remitted by carriers
8 under the Emergency Telephone System Act.

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

13 (l) Records and information provided to a residential
14 health care facility resident sexual assault and death
15 review team or the Executive Council under the Abuse
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending
18 database created pursuant to Article 3 of the Residential
19 Real Property Disclosure Act, except to the extent
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of
22 compensation and expenses for court appointed trial
23 counsel as provided under Sections 10 and 15 of the
24 Capital Crimes Litigation Act (repealed). This subsection
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26 case, even if the prosecution chooses not to pursue the

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2 (o) Information that is prohibited from being
3 disclosed under Section 4 of the Illinois Health and
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6 investigation reports, surveys, schedules, lists, data, or
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11 Illinois Transit Authority under Section 2.11 of the
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13 County Transit District under the Bi-State Transit Safety
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15 (q) Information prohibited from being disclosed by the
16 Personnel Record Review Act.

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

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20 under Section 5-108 of the Public Utilities Act.

21 (t) (Blank).

22 (u) Records and information provided to an independent
23 team of experts under the Developmental Disability and
24 Mental Health Safety Act (also known as Brian's Law).

25 (v) Names and information of people who have applied
26 for or received Firearm Owner's Identification Cards under

1 the Firearm Owners Identification Card Act or applied for
2 or received a concealed carry license under the Firearm
3 Concealed Carry Act, unless otherwise authorized by the
4 Firearm Concealed Carry Act; and databases under the
5 Firearm Concealed Carry Act, records of the Concealed
6 Carry Licensing Review Board under the Firearm Concealed
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8 Firearm Concealed Carry Act.

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

12 (w) Personally identifiable information which is
13 exempted from disclosure under subsection (g) of Section
14 19.1 of the Toll Highway Act.

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16 under Section 5-1014.3 of the Counties Code or Section
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19 Protective Services Act and its predecessor enabling
20 statute, the Elder Abuse and Neglect Act, including
21 information about the identity and administrative finding
22 against any caregiver of a verified and substantiated
23 decision of abuse, neglect, or financial exploitation of
24 an eligible adult maintained in the Registry established
25 under Section 7.5 of the Adult Protective Services Act.

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19 disclosed under Section 7-603.5 of the Illinois Vehicle
20 Code.

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22 Section 1A-16.7 of the Election Code.

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25 the Civil Administrative Code of Illinois.

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2 and temporary labor service agencies but are exempt from
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8 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
9 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
10 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
11 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
12 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
13 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
14 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
15 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-457, eff.
16 6-1-26; revised 1-7-26.)

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

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6 Carry Licensing Review Board under the Firearm Concealed
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8 Firearm Concealed Carry Act.

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2 Human Rights pursuant to Section 2-108 of the Illinois
3 Human Rights Act.

4 (tt) Recordings made under the Children's Advocacy
5 Center Act, except to the extent authorized under that
6 Act.

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

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

12 (wv) Information that is exempt from disclosure under
13 Section 16.8 of the State Treasurer Act.

14 (xx) Information that is exempt from disclosure or
15 information that shall not be made public under the
16 Illinois Insurance Code.

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

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

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

23 (bbb) Information that is prohibited from disclosure
24 by the Illinois Police Training Act and the Illinois State
25 Police Act.

26 (ccc) Records exempt from disclosure under Section

1 2605-304 of the Illinois State Police Law of the Civil
2 Administrative Code of Illinois.

3 (ddd) Information prohibited from being disclosed
4 under Section 35 of the Address Confidentiality for
5 Victims of Domestic Violence, Sexual Assault, Human
6 Trafficking, or Stalking Act.

7 (eee) Information prohibited from being disclosed
8 under subsection (b) of Section 75 of the Domestic
9 Violence Fatality Review Act.

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

17 (ggg) Information prohibited from disclosure under
18 paragraph (3) of subsection (a) of Section 14 of the Nurse
19 Agency Licensing Act.

20 (hhh) Information submitted to the Illinois State
21 Police in an affidavit or application for an assault
22 weapon endorsement, assault weapon attachment endorsement,
23 .50 caliber rifle endorsement, or .50 caliber cartridge
24 endorsement under the Firearm Owners Identification Card
25 Act.

26 (iii) Data exempt from disclosure under Section 50 of

1 the School Safety Drill Act.

2 (jjj) Information exempt from disclosure under Section
3 30 of the Insurance Data Security Law.

4 (kkk) Confidential business information prohibited
5 from disclosure under Section 45 of the Paint Stewardship
6 Act.

7 (lll) Data exempt from disclosure under Section
8 2-3.196 of the School Code.

9 (mmm) Information prohibited from being disclosed
10 under subsection (e) of Section 1-129 of the Illinois
11 Power Agency Act.

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

15 (ooo) Data or information provided pursuant to Section
16 20 of the Statewide Recycling Needs and Assessment Act.

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

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

21 (rrr) Information prohibited from being disclosed
22 under Section 4-2 of the Uniform Money Transmission
23 Modernization Act.

24 (sss) Information exempt from disclosure under Section
25 40 of the Student-Athlete Endorsement Rights Act.

26 (ttt) Audio recordings made under Section 30 of the

1 Illinois State Police Act, except to the extent authorized
2 under that Section.

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

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

8 (www) Data privacy and protection assessments made
9 available to the Attorney General under Section 18 of the
10 Illinois 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; 104-441, eff.
19 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

20 Section 905. The Consumer Fraud and Deceptive Business
21 Practices Act is amended by adding Section 2MMMM as follows:

22 (815 ILCS 505/2MMMM new)

23 Sec. 2MMMM. Violations of the Illinois Consumer Data
24 Privacy Act.

1 (a) Any person who violates the Illinois Consumer Data
2 Privacy Act commits an unlawful practice within the meaning of
3 this Act.

4 (b) The provisions of Section 10a do not apply to a
5 violation of this Section.

6 Section 995. No acceleration or delay. Where this Act
7 makes changes in a statute that is represented in this Act by
8 text that is not yet or no longer in effect (for example, a
9 Section represented by multiple versions), the use of that
10 text does not accelerate or delay the taking effect of (i) the
11 changes made by this Act or (ii) provisions derived from any
12 other Public Act.

13 Section 999. Effective date. This Act takes effect January
14 1, 2027.