

SB1995



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1995

Introduced 2/6/2025, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

815 ILCS 530/5
815 ILCS 530/45

Amends the Personal Information Protection Act. Provides that a data collector shall not own, maintain, license, store, or disclose records that contain immigration or citizenship status information concerning an Illinois resident. Provides that the provision shall not apply to government agencies, public and private universities, or financial institutions. Provides that the definition of "personal information" includes immigration or citizenship status information. Defines "immigration or citizenship status information".

LRB104 10883 SPS 20965 b

A BILL FOR

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 5. The Personal Information Protection Act is
5 amended by changing Sections 5 and 45 as follows:

6 (815 ILCS 530/5)

7 Sec. 5. Definitions. In this Act:

8 "Data collector" may include, but is not limited to,
9 government agencies, public and private universities,
10 privately and publicly held corporations, financial
11 institutions, retail operators, and any other entity that, for
12 any purpose, handles, collects, disseminates, or otherwise
13 deals with nonpublic personal information.

14 "Breach of the security of the system data" or "breach"
15 means unauthorized acquisition of computerized data that
16 compromises the security, confidentiality, or integrity of
17 personal information maintained by the data collector. "Breach
18 of the security of the system data" does not include good faith
19 acquisition of personal information by an employee or agent of
20 the data collector for a legitimate purpose of the data
21 collector, provided that the personal information is not used
22 for a purpose unrelated to the data collector's business or
23 subject to further unauthorized disclosure.

1 "Health insurance information" means an individual's
2 health insurance policy number or subscriber identification
3 number, any unique identifier used by a health insurer to
4 identify the individual, or any medical information in an
5 individual's health insurance application and claims history,
6 including any appeals records.

7 "Immigration or citizenship status information" means any
8 information concerning: (i) the status of an individual's
9 citizenship of the United States or any other country; or (ii)
10 the legal right, or lack thereof, of an individual to reside in
11 or otherwise to be present in the United States. "Immigration
12 or citizenship status information" includes an individual's
13 nationality and country of origin.

14 "Medical information" means any information regarding an
15 individual's medical history, mental or physical condition, or
16 medical treatment or diagnosis by a healthcare professional,
17 including such information provided to a website or mobile
18 application.

19 "Personal information" means either of the following:

20 (1) An individual's first name or first initial and
21 last name in combination with any one or more of the
22 following data elements, when either the name or the data
23 elements are not encrypted or redacted or are encrypted or
24 redacted but the keys to unencrypt or unredact or
25 otherwise read the name or data elements have been
26 acquired without authorization through the breach of

1 security:

2 (A) Social Security number.

3 (B) Driver's license number or State
4 identification card number.

5 (C) Account number or credit or debit card number,
6 or an account number or credit card number in
7 combination with any required security code, access
8 code, or password that would permit access to an
9 individual's financial account.

10 (D) Medical information.

11 (E) Health insurance information.

12 (F) Unique biometric data generated from
13 measurements or technical analysis of human body
14 characteristics used by the owner or licensee to
15 authenticate an individual, such as a fingerprint,
16 retina or iris image, or other unique physical
17 representation or digital representation of biometric
18 data.

19 (G) Immigration or citizenship status information.

20 (2) User name or email address, in combination with a
21 password or security question and answer that would permit
22 access to an online account, when either the user name or
23 email address or password or security question and answer
24 are not encrypted or redacted or are encrypted or redacted
25 but the keys to unencrypt or unredact or otherwise read
26 the data elements have been obtained through the breach of

1 security.

2 "Personal information" does not include publicly available
3 information that is lawfully made available to the general
4 public from federal, State, or local government records.

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

6 (815 ILCS 530/45)

7 Sec. 45. Data security.

8 (a) A data collector that owns or licenses, or maintains
9 or stores but does not own or license, records that contain
10 personal information concerning an Illinois resident shall
11 implement and maintain reasonable security measures to protect
12 those records from unauthorized access, acquisition,
13 destruction, use, modification, or disclosure.

14 (a-5) A data collector shall not own, maintain, license,
15 store, or disclose records that contain immigration or
16 citizenship status information concerning an Illinois
17 resident. This subsection shall not apply to government
18 agencies, public and private universities, or financial
19 institutions.

20 (b) A contract for the disclosure of personal information
21 concerning an Illinois resident that is maintained by a data
22 collector must include a provision requiring the person to
23 whom the information is disclosed to implement and maintain
24 reasonable security measures to protect those records from
25 unauthorized access, acquisition, destruction, use,

1 modification, or disclosure.

2 (c) If a state or federal law requires a data collector to
3 provide greater protection to records that contain personal
4 information concerning an Illinois resident that are
5 maintained by the data collector and the data collector is in
6 compliance with the provisions of that state or federal law,
7 the data collector shall be deemed to be in compliance with the
8 provisions of this Section.

9 (d) A data collector that is subject to and in compliance
10 with the standards established pursuant to Section 501(b) of
11 the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. Section 6801,
12 shall be deemed to be in compliance with the provisions of this
13 Section.

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