



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2785

by Rep. Ann M. Williams

#### SYNOPSIS AS INTRODUCED:

New Act  
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Geolocation Privacy Protection Act. Defines "geolocation information", "location-based application", "private entity", and "user". Provides that a private entity may not collect, use, store, or disclose geolocation information from a location-based application on a user's device unless the private entity first receives the person's affirmative express consent after complying with specified notice requirements. Provides exceptions. Provides that a violation of the Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. Provides that the provisions of the Act may not be waived. Contains applicability language. Makes a corresponding change in the Consumer Fraud and Deceptive Business Practices Act.

LRB101 09404 JLS 54502 b

1 AN ACT concerning business.

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

4 Section 1. Short title. This Act may be cited as the  
5 Geolocation Privacy Protection Act.

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

7 "Geolocation information" means information that: (i) is  
8 not the contents of a communication; (ii) is generated by or  
9 derived from, in whole or in part, the operation of a mobile  
10 device, including, but not limited to, a smart phone, tablet,  
11 or laptop computer; and (iii) is sufficient to determine or  
12 infer the precise location of that device. "Geolocation  
13 information" does not include Internet protocol addresses.

14 "Location-based application" means a software application  
15 that is downloaded or installed onto a device and collects,  
16 uses, or stores geolocation information.

17 "Private entity" means any individual, partnership,  
18 corporation, limited liability company, association, or other  
19 group, however organized. "Private entity" does not include any  
20 governmental agency.

21 "User" means a person who purchases or leases a device.

22 Section 10. Collection, use, storage, and disclosure of

1 geolocation information from location-based applications.

2 (a) A private entity that owns, operates, or controls a  
3 location-based application on a user's device may not collect,  
4 use, store, or disclose geolocation information from a  
5 location-based application unless the private entity first  
6 receives the user's affirmative express consent after  
7 providing clear and accurate notice that:

8 (1) informs the person that his or her geolocation  
9 information will be collected, used, or disclosed;

10 (2) informs the person of the purpose or purposes for  
11 which his or her geolocation information will be collected  
12 or used; and

13 (3) informs the person if his or her geolocation  
14 information will be disclosed and identifies the names or  
15 categories of private entities to which geolocation  
16 information may be disclosed.

17 (b) A private entity may collect, use, store, or disclose  
18 geolocation information from a location-based application on a  
19 user's device without receiving affirmative express consent if  
20 the collection, storage, or disclosure is:

21 (1) to allow a parent or legal guardian to locate an  
22 unemancipated minor child;

23 (2) to allow a court-appointed guardian to locate a  
24 legally incapacitated person; or

25 (3) for the provision of fire, medical, public safety,  
26 or other emergency services.

1 (c) This Section shall not apply to geolocation information  
2 that is stored locally and is not removed from a user's device.

3 (d) A private entity need not obtain a person's affirmative  
4 express consent after the person's initial consent as described  
5 in subsection (a) has been obtained unless the terms previously  
6 agreed to under items (1), (2), and (3) of subsection (a) are  
7 materially changed.

8 (e) This Section applies to location-based applications  
9 created or modified after the effective date of this Act.

10 Section 15. Violation. A violation of this Act constitutes  
11 a violation of the Consumer Fraud and Deceptive Business  
12 Practices Act.

13 Section 20. Waivers; contracts.

14 (a) Any waiver of the provisions of this Act is void and  
15 unenforceable.

16 (b) Any agreement created or modified after the effective  
17 date of this Act that does not comply with this Act is void and  
18 unenforceable.

19 Section 25. Applicability. This Act does not apply to (1) a  
20 health care provider or other covered entity subject to the  
21 Federal Health Insurance Portability and Accountability Act of  
22 1996 and the rules promulgated thereunder or (2) a financial  
23 institution or an affiliate of a financial institution that is

1 subject to Title V of the federal Gramm-Leach-Bliley Act of  
2 1999 and the rules promulgated thereunder.

3 Section 90. The Consumer Fraud and Deceptive Business  
4 Practices Act is amended by changing Section 2Z as follows:

5 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

6 Sec. 2Z. Violations of other Acts. Any person who knowingly  
7 violates the Automotive Repair Act, the Automotive Collision  
8 Repair Act, the Home Repair and Remodeling Act, the Dance  
9 Studio Act, the Geolocation Privacy Protection Act, the  
10 Physical Fitness Services Act, the Hearing Instrument Consumer  
11 Protection Act, the Illinois Union Label Act, the Installment  
12 Sales Contract Act, the Job Referral and Job Listing Services  
13 Consumer Protection Act, the Travel Promotion Consumer  
14 Protection Act, the Credit Services Organizations Act, the  
15 Automatic Telephone Dialers Act, the Pay-Per-Call Services  
16 Consumer Protection Act, the Telephone Solicitations Act, the  
17 Illinois Funeral or Burial Funds Act, the Cemetery Oversight  
18 Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the  
19 Illinois Pre-Need Cemetery Sales Act, the High Risk Home Loan  
20 Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act,  
21 subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act,  
22 subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax  
23 Act, the Electronic Mail Act, the Internet Caller  
24 Identification Act, paragraph (6) of subsection (k) of Section

1 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115,  
2 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois  
3 Vehicle Code, Article 3 of the Residential Real Property  
4 Disclosure Act, the Automatic Contract Renewal Act, the Reverse  
5 Mortgage Act, Section 25 of the Youth Mental Health Protection  
6 Act, the Personal Information Protection Act, or the Student  
7 Online Personal Protection Act commits an unlawful practice  
8 within the meaning of this Act.

9 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,  
10 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;  
11 100-863, eff. 8-14-18.)