



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4569

Introduced 1/21/2022, by Rep. Thaddeus Jones

#### SYNOPSIS AS INTRODUCED:

740 ILCS 14/25

Amends the Biometric Information Privacy Act. Provides that nothing in the Act shall be construed to apply to any health care employer that (1) hires an employee under the Health Care Worker Background Check Act and the employee has submitted to a fingerprint-based criminal history records check, (2) uses and stores biometric information or biometric identifiers exclusively for employment, human resources, compliance, payroll, identification, authentication, safety, security, or fraud prevention purposes, (3) does not sell, lease, or trade the biometric information or biometric identifiers collected, and (4) maintains and follows a documented process to delete any biometric information or biometric identifier.

LRB102 24098 LNS 33323 b

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 5. The Biometric Information Privacy Act is  
5 amended by changing Section 25 as follows:

6 (740 ILCS 14/25)

7 Sec. 25. Construction.

8 (a) Nothing in this Act shall be construed to impact the  
9 admission or discovery of biometric identifiers and biometric  
10 information in any action of any kind in any court, or before  
11 any tribunal, board, agency, or person.

12 (b) Nothing in this Act shall be construed to conflict  
13 with the X-Ray Retention Act, the federal Health Insurance  
14 Portability and Accountability Act of 1996 and the rules  
15 promulgated under either Act.

16 (c) Nothing in this Act shall be deemed to apply in any  
17 manner to a financial institution or an affiliate of a  
18 financial institution that is subject to Title V of the  
19 federal Gramm-Leach-Bliley Act of 1999 and the rules  
20 promulgated thereunder.

21 (d) Nothing in this Act shall be construed to conflict  
22 with the Private Detective, Private Alarm, Private Security,  
23 Fingerprint Vendor, and Locksmith Act of 2004 and the rules

1 promulgated thereunder.

2 (e) Nothing in this Act shall be construed to apply to a  
3 contractor, subcontractor, or agent of a State agency or local  
4 unit of government when working for that State agency or local  
5 unit of government.

6 (f) Nothing in this Act shall be construed to apply to any  
7 health care employer, as defined in the Health Care Worker  
8 Background Check Act, that:

9 (1) hires an employee under the Health Care Worker  
10 Background Check Act and the employee has submitted to a  
11 fingerprint-based criminal history records check;

12 (2) uses and stores biometric information or biometric  
13 identifiers exclusively for employment, human resources,  
14 compliance, payroll, identification, authentication,  
15 safety, security, or fraud prevention purposes;

16 (3) does not sell, lease, or trade the biometric  
17 information or biometric identifiers collected, and

18 (4) maintains and follows a documented process to  
19 delete any biometric information or biometric identifier  
20 used for the purposes identified in this subsection.

21 (Source: P.A. 95-994, eff. 10-3-08.)