



Sen. Bill Cunningham

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10200SB1607sam001

LRB102 15852 LNS 23379 a

1 AMENDMENT TO SENATE BILL 1607

2 AMENDMENT NO. _____. Amend Senate Bill 1607 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Biometric Information Privacy Act is
5 amended by changing Section 10 and by adding Sections 35 and 40
6 as follows:

7 (740 ILCS 14/10)

8 Sec. 10. Definitions. In this Act:

9 "Biometric identifier" means a retina or iris scan,
10 fingerprint, voiceprint, or scan of hand or face geometry.
11 Biometric identifiers do not include writing samples, written
12 signatures, photographs, human biological samples used for
13 valid scientific testing or screening, demographic data,
14 tattoo descriptions, or physical descriptions such as height,
15 weight, hair color, or eye color. Biometric identifiers do not
16 include donated organs, tissues, or parts as defined in the

1 Illinois Anatomical Gift Act or blood or serum stored on
2 behalf of recipients or potential recipients of living or
3 cadaveric transplants and obtained or stored by a federally
4 designated organ procurement agency. Biometric identifiers do
5 not include biological materials regulated under the Genetic
6 Information Privacy Act. Biometric identifiers do not include
7 information captured from a patient in a health care setting
8 or information collected, used, or stored for health care
9 treatment, payment, or operations under the federal Health
10 Insurance Portability and Accountability Act of 1996.
11 Biometric identifiers do not include an X-ray, roentgen
12 process, computed tomography, MRI, PET scan, mammography, or
13 other image or film of the human anatomy used to diagnose,
14 prognose, or treat an illness or other medical condition or to
15 further validate scientific testing or screening.

16 "Biometric information" means any information, regardless
17 of how it is captured, converted, stored, or shared, based on
18 an individual's biometric identifier used to identify an
19 individual. Biometric information does not include information
20 derived from items or procedures excluded under the definition
21 of biometric identifiers.

22 "Confidential and sensitive information" means personal
23 information that can be used to uniquely identify an
24 individual or an individual's account or property. Examples of
25 confidential and sensitive information include, but are not
26 limited to, a genetic marker, genetic testing information, a

1 unique identifier number to locate an account or property, an
2 account number, a PIN number, a pass code, a driver's license
3 number, or a social security number.

4 "Private entity" means any individual, partnership,
5 corporation, limited liability company, association, or other
6 group, however organized. A private entity does not include a
7 State or local government agency. A private entity does not
8 include any court of Illinois, a clerk of the court, or a judge
9 or justice thereof.

10 "Security purpose" means for the purpose of preventing
11 shoplifting, fraud, or any other misappropriation or theft of
12 a thing of value, including tangible and intangible goods and
13 services, and other purposes in furtherance of protecting the
14 security or integrity of software, accounts, applications,
15 online services, property, or any person, including, but not
16 limited to, protecting property from trespass, controlling
17 access to property, and protecting any person from stalking,
18 violence, or harassment.

19 "Written release" means informed written or electronic
20 consent or, in the context of employment, a written or
21 electronic release executed by an employee as a condition of
22 employment.

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

24 (740 ILCS 14/35 new)

25 Sec. 35. Violation of Act. The Attorney General and

1 State's Attorneys have the sole authority to enforce this Act.
2 An action may be brought to enforce this Act only if a
3 violation of this Act causes actual harm.

4 (740 ILCS 14/40 new)

5 Sec. 40. Exemptions.

6 (a) A private entity is exempt under this Act if the
7 private entity collects, captures, obtains, or otherwise uses
8 biometric identifiers and biometric information for:

9 (1) keeping record of an employee's work hours;

10 (2) a security purpose;

11 (3) facility access, including, but not limited to,
12 the restriction of access to certain locations; or

13 (4) use by the human resource department or human
14 resource employees of the private entity.

15 (b) Notwithstanding subsection (a) of Section 15, a
16 private entity is exempt under this Act if the private entity
17 retains the biometric identifier or information no longer than
18 is reasonably necessary to satisfy a security purpose."