



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2259

Introduced 2/14/2023, by Rep. Dan Ugaste

#### SYNOPSIS AS INTRODUCED:

740 ILCS 14/10

740 ILCS 14/15

Amends the Biometric Privacy Information Act. Defines "security purpose" as the purpose of preventing retail theft, fraud, or any other misappropriation or theft of a thing of value, including protecting property from trespass, controlling access to property, protecting any person from harm, including stalking, violence, or harassment, and assisting a law enforcement investigation. Allows a private entity to collect, capture, or otherwise obtain a person's or customer's biometric identifier or biometric information without satisfying other specified requirements if: (1) the private entity collects, captures, or otherwise obtains a person's or customer's biometric identifier or biometric information for a security purpose; (2) the private entity uses the biometric identifier or biometric information only for a security purpose; (3) the private entity retains the biometric identifier or biometric information no longer than is reasonably necessary to satisfy a security purpose; and (4) the private entity documents a process and time frame to delete any biometric identifier or biometric information.

LRB103 30733 LNS 57209 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 Sections 10 and 15 as follows:

6 (740 ILCS 14/10)

7 Sec. 10. Definitions. In this Act:

8 "Biometric identifier" means a retina or iris scan,  
9 fingerprint, voiceprint, or scan of hand or face geometry.  
10 Biometric identifiers do not include writing samples, written  
11 signatures, photographs, human biological samples used for  
12 valid scientific testing or screening, demographic data,  
13 tattoo descriptions, or physical descriptions such as height,  
14 weight, hair color, or eye color. Biometric identifiers do not  
15 include donated organs, tissues, or parts as defined in the  
16 Illinois Anatomical Gift Act or blood or serum stored on  
17 behalf of recipients or potential recipients of living or  
18 cadaveric transplants and obtained or stored by a federally  
19 designated organ procurement agency. Biometric identifiers do  
20 not include biological materials regulated under the Genetic  
21 Information Privacy Act. Biometric identifiers do not include  
22 information captured from a patient in a health care setting  
23 or information collected, used, or stored for health care

1 treatment, payment, or operations under the federal Health  
2 Insurance Portability and Accountability Act of 1996.  
3 Biometric identifiers do not include an X-ray, roentgen  
4 process, computed tomography, MRI, PET scan, mammography, or  
5 other image or film of the human anatomy used to diagnose,  
6 prognose, or treat an illness or other medical condition or to  
7 further validate scientific testing or screening.

8 "Biometric information" means any information, regardless  
9 of how it is captured, converted, stored, or shared, based on  
10 an individual's biometric identifier used to identify an  
11 individual. Biometric information does not include information  
12 derived from items or procedures excluded under the definition  
13 of biometric identifiers.

14 "Confidential and sensitive information" means personal  
15 information that can be used to uniquely identify an  
16 individual or an individual's account or property. Examples of  
17 confidential and sensitive information include, but are not  
18 limited to, a genetic marker, genetic testing information, a  
19 unique identifier number to locate an account or property, an  
20 account number, a PIN number, a pass code, a driver's license  
21 number, or a social security number.

22 "Private entity" means any individual, partnership,  
23 corporation, limited liability company, association, or other  
24 group, however organized. A private entity does not include a  
25 State or local government agency. A private entity does not  
26 include any court of Illinois, a clerk of the court, or a judge

1 or justice thereof.

2 "Security purpose" means the purpose of preventing or  
3 investigating retail theft, fraud, or any other  
4 misappropriation or theft of a thing of value, including  
5 protecting property from trespass, controlling access to  
6 property, protecting any person from harm including stalking,  
7 violence, or harassment, and assisting a law enforcement  
8 investigation.

9 "Written release" means informed written consent or, in  
10 the context of employment, a release executed by an employee  
11 as a condition of employment.

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

13 (740 ILCS 14/15)

14 Sec. 15. Retention; collection; disclosure; destruction.

15 (a) A private entity in possession of biometric  
16 identifiers or biometric information must develop a written  
17 policy, made available to the public, establishing a retention  
18 schedule and guidelines for permanently destroying biometric  
19 identifiers and biometric information when the initial purpose  
20 for collecting or obtaining such identifiers or information  
21 has been satisfied or within 3 years of the individual's last  
22 interaction with the private entity, whichever occurs first.  
23 Absent a valid warrant or subpoena issued by a court of  
24 competent jurisdiction, a private entity in possession of  
25 biometric identifiers or biometric information must comply

1 with its established retention schedule and destruction  
2 guidelines.

3 (b) No private entity may collect, capture, purchase,  
4 receive through trade, or otherwise obtain a person's or a  
5 customer's biometric identifier or biometric information,  
6 unless it first:

7 (1) informs the subject or the subject's legally  
8 authorized representative in writing that a biometric  
9 identifier or biometric information is being collected or  
10 stored;

11 (2) informs the subject or the subject's legally  
12 authorized representative in writing of the specific  
13 purpose and length of term for which a biometric  
14 identifier or biometric information is being collected,  
15 stored, and used; and

16 (3) receives a written release executed by the subject  
17 of the biometric identifier or biometric information or  
18 the subject's legally authorized representative.

19 (b-5) A private entity may collect, capture, or otherwise  
20 obtain a person's or customer's biometric identifier or  
21 biometric information without satisfying the requirements of  
22 subsection (b) if:

23 (1) the private entity collects, captures, or  
24 otherwise obtains a person's or customer's biometric  
25 identifier or biometric information for a security  
26 purpose;

1           (2) the private entity uses the biometric identifier  
2           or biometric information only for a security purpose;

3           (3) the private entity retains the biometric  
4           identifier or biometric information no longer than is  
5           reasonably necessary to satisfy a security purpose; and

6           (4) the private entity documents a process and time  
7           frame to delete any biometric identifier or biometric  
8           information used for the purposes identified in this  
9           subsection.

10          (c) No private entity in possession of a biometric  
11          identifier or biometric information may sell, lease, trade, or  
12          otherwise profit from a person's or a customer's biometric  
13          identifier or biometric information.

14          (d) No private entity in possession of a biometric  
15          identifier or biometric information may disclose, redisclose,  
16          or otherwise disseminate a person's or a customer's biometric  
17          identifier or biometric information unless:

18                 (1) the subject of the biometric identifier or  
19                 biometric information or the subject's legally authorized  
20                 representative consents to the disclosure or redisclosure;

21                 (2) the disclosure or redisclosure completes a  
22                 financial transaction requested or authorized by the  
23                 subject of the biometric identifier or the biometric  
24                 information or the subject's legally authorized  
25                 representative;

26                 (3) the disclosure or redisclosure is required by

1 State or federal law or municipal ordinance; or

2 (4) the disclosure is required pursuant to a valid  
3 warrant or subpoena issued by a court of competent  
4 jurisdiction.

5 (e) A private entity in possession of a biometric  
6 identifier or biometric information shall:

7 (1) store, transmit, and protect from disclosure all  
8 biometric identifiers and biometric information using the  
9 reasonable standard of care within the private entity's  
10 industry; and

11 (2) store, transmit, and protect from disclosure all  
12 biometric identifiers and biometric information in a  
13 manner that is the same as or more protective than the  
14 manner in which the private entity stores, transmits, and  
15 protects other confidential and sensitive information.

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