



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4102

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

740 ILCS 14/10

740 ILCS 14/15

Amends the Biometric Information Privacy Act. Defines "security purpose" as a purpose to ensure that (i) a person accessing an online product or service is who they person claims to be or (ii) a person identified as a safety concern or as a person violating the terms of use or service of the online product or service can be kept off of or denied access to the product or service. Provides that no private entity in possession of a biometric identifier or biometric information may disclose, redisclose, or otherwise disseminate a person's or customer's biometric identifier or biometric information unless it is done in furtherance of a security purpose. Provides that a private entity is not required to comply with the 3-year retention limitation of biometric identifiers or biometric information if the biometric identifiers or biometric information are being collected for a security purpose.

LRB103 32688 LNS 62409 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 a
11 specific ~~an~~ individual. "Biometric information" does not
12 include information derived from items or procedures excluded
13 under the definition 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 a purpose to ensure that (i) a
3 person accessing an online product or service is who they
4 person claims to be or (ii) a person identified as a safety
5 concern or as a person violating the terms of use or service of
6 the online product or service can be kept off of or denied
7 access to the product or service.

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

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

12 (740 ILCS 14/15)

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

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

1 guidelines.

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

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

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

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

18 (c) No private entity in possession of a biometric
19 identifier or biometric information may sell, lease, trade, or
20 otherwise profit from a person's or a customer's biometric
21 identifier or biometric information.

22 (d) No private entity in possession of a biometric
23 identifier or biometric information may disclose, redisclose,
24 or otherwise disseminate a person's or a customer's biometric
25 identifier or biometric information unless:

26 (1) the subject of the biometric identifier or

1 biometric information or the subject's legally authorized
2 representative consents to the disclosure or redisclosure;

3 (2) the disclosure or redisclosure completes a
4 financial transaction requested or authorized by the
5 subject of the biometric identifier or the biometric
6 information or the subject's legally authorized
7 representative;

8 (3) the disclosure or redisclosure is required by
9 State or federal law or municipal ordinance; ~~or~~

10 (4) the disclosure is required pursuant to a valid
11 warrant or subpoena issued by a court of competent
12 jurisdiction; or ~~or~~

13 (5) it is done in furtherance of a security purpose.

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

16 (1) store, transmit, and protect from disclosure all
17 biometric identifiers and biometric information using the
18 reasonable standard of care within the private entity's
19 industry; and

20 (2) store, transmit, and protect from disclosure all
21 biometric identifiers and biometric information in a
22 manner that is the same as or more protective than the
23 manner in which the private entity stores, transmits, and
24 protects other confidential and sensitive information.

25 (f) A private entity shall not be required to comply with
26 the 3-year retention limitation of biometric identifiers or

1 biometric information of subsection (a) or the requirements of
2 subsection (b) if the biometric identifiers or biometric
3 information are being collected for a security purpose.

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