



Rep. Ann Williams

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1 AMENDMENT TO SENATE BILL 1833

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1833 on page 1 by  
3 replacing line 5 with the following:

4 "amended by changing Sections 5, 10, and 12 and adding Sections  
5 45,"; and

6 on page 1, line 6, by changing "and 50" to "50, and 55"; and

7 on page 2, line 4, by changing "history." to "history,  
8 including, but not limited to, consumer profiles that are based  
9 upon the information. "Consumer marketing information" does  
10 not include information related to a consumer's online browsing  
11 history, online search history, or purchasing history held by a  
12 data collector that has a direct relationship with the  
13 consumer."; and

14 on page 2, line 7, by changing "is" to "is stored and"; and

1 on page 2, line 8, by changing "the device" to "an individual";  
2 and

3 on page 3, line 14, by changing "data" to "data generated from  
4 measurements or analysis of human body characteristics that  
5 could be used to identify an individual"; and

6 on page 3, line 23, by changing "name" to "name, when not part  
7 of an individual's surname"; and

8 on page 5, line 2, by changing "information" to "information,  
9 excluding geolocation information and consumer marketing  
10 information"; and

11 on page 8, line 4, by changing "that" to "that owns or licenses  
12 personal information and"; and

13 on page 8, line 9, by changing "A description of the" to "The  
14 types of"; and

15 on page 8, line 20, by changing "2 days before" to "when"; and

16 on page 9, line 12, by changing "A description of the" to "The  
17 types of"; and

18 on page 10 by replacing lines 10 through 18 with the following:

1           "(f) Upon receiving notification from a data collector of a  
2 breach of personal information, the Attorney General may  
3 publish the name of the data collector that suffered the  
4 breach, the types of personal information compromised in the  
5 breach, and the date range of the breach."; and

6 on page 10 by inserting immediately below line 19 the  
7 following:

8           "(815 ILCS 530/12)

9           Sec. 12. Notice of breach; State agency.

10           (a) Any State agency that collects personal information,  
11 excluding geolocation and consumer marketing information,  
12 concerning an Illinois resident shall notify the resident at no  
13 charge that there has been a breach of the security of the  
14 system data or written material following discovery or  
15 notification of the breach. The disclosure notification shall  
16 be made in the most expedient time possible and without  
17 unreasonable delay, consistent with any measures necessary to  
18 determine the scope of the breach and restore the reasonable  
19 integrity, security, and confidentiality of the data system.  
20 The disclosure notification to an Illinois resident shall  
21 include, but need not be limited to information as follows:

22           (1) With respect to personal information defined in  
23 Section 5 in paragraph (1) of the definition of "personal  
24 information":~~7~~

1 (i) the toll-free numbers and addresses for  
2 consumer reporting agencies;<sup>17</sup>

3 (ii) the toll-free number, address, and website  
4 address for the Federal Trade Commission;<sup>17</sup> and

5 (iii) a statement that the individual can obtain  
6 information from these sources about fraud alerts and  
7 security freezes.

8 (2) With respect to personal information as defined in  
9 Section 5 in paragraph (2) of the definition of "personal  
10 information", notice may be provided in electronic or other  
11 form directing the Illinois resident whose personal  
12 information has been breached to promptly change his or her  
13 user name or password and security question or answer, as  
14 applicable, or to take other steps appropriate to protect  
15 all online accounts for which the resident uses the same  
16 user name or email address and password or security  
17 question and answer.

18 The notification shall not, however, include information  
19 concerning the number of Illinois residents affected by the  
20 breach.

21 (a-5) The notification to an Illinois resident required by  
22 subsection (a) of this Section may be delayed if an appropriate  
23 law enforcement agency determines that notification will  
24 interfere with a criminal investigation and provides the State  
25 agency with a written request for the delay. However, the State  
26 agency must notify the Illinois resident as soon as

1 notification will no longer interfere with the investigation.

2 (b) For purposes of this Section, notice to residents may  
3 be provided by one of the following methods:

4 (1) written notice;

5 (2) electronic notice, if the notice provided is  
6 consistent with the provisions regarding electronic  
7 records and signatures for notices legally required to be  
8 in writing as set forth in Section 7001 of Title 15 of the  
9 United States Code; or

10 (3) substitute notice, if the State agency  
11 demonstrates that the cost of providing notice would exceed  
12 \$250,000 or that the affected class of subject persons to  
13 be notified exceeds 500,000, or the State agency does not  
14 have sufficient contact information. Substitute notice  
15 shall consist of all of the following: (i) email notice if  
16 the State agency has an email address for the subject  
17 persons; (ii) conspicuous posting of the notice on the  
18 State agency's web site page if the State agency maintains  
19 one; and (iii) notification to major statewide media.

20 (c) Notwithstanding subsection (b), a State agency that  
21 maintains its own notification procedures as part of an  
22 information security policy for the treatment of personal  
23 information and is otherwise consistent with the timing  
24 requirements of this Act shall be deemed in compliance with the  
25 notification requirements of this Section if the State agency  
26 notifies subject persons in accordance with its policies in the

1 event of a breach of the security of the system data or written  
2 material.

3 (d) If a State agency is required to notify more than 1,000  
4 persons of a breach of security pursuant to this Section, the  
5 State agency shall also notify, without unreasonable delay, all  
6 consumer reporting agencies that compile and maintain files on  
7 consumers on a nationwide basis, as defined by 15 U.S.C.  
8 Section 1681a(p), of the timing, distribution, and content of  
9 the notices. Nothing in this subsection (d) shall be construed  
10 to require the State agency to provide to the consumer  
11 reporting agency the names or other personal identifying  
12 information of breach notice recipients.

13 (e) Notice to Attorney General.

14 (1) Any State agency that suffers a single breach of  
15 the security of the data concerning the personal  
16 information of more than 250 Illinois residents shall  
17 provide notice to the Attorney General of the breach,  
18 including:

19 (A) The categories of personal information  
20 compromised in the breach.

21 (B) The number of Illinois residents affected by  
22 such incident at the time of notification.

23 (C) Any steps the State agency has taken or plans  
24 to take relating to notification of the breach to  
25 consumers.

26 (D) The date and timeframe of the breach, if known

1           at the time notification is provided.

2           Such notification must be made within 30 business days  
3           of the State agency's discovery of the security breach or  
4           when the State agency provides any notice to consumers  
5           required by this Section, whichever is sooner, unless the  
6           State agency has good cause for reasonable delay to  
7           determine the scope of the breach and restore the  
8           integrity, security, and confidentiality of the data  
9           system, or when law enforcement requests in writing to  
10           withhold disclosure of some or all of the information  
11           required in the notification under this Section. If the  
12           date or timeframe of the breach is unknown at the time the  
13           notice is sent to the Attorney General, the State agency  
14           shall send the Attorney General the date or timeframe of  
15           the breach as soon as possible.

16           (Source: P.A. 97-483, eff. 1-1-12.)"; and

17           on page 11 by deleting lines 17 through 22; and

18           on page 11, line 23, by changing "(e)" to "(d)"; and

19           on page 13, line 23, by replacing "online service" with ", in  
20           the case of an operator of an online service, make the policy  
21           available in accordance with paragraph (5) of subsection (a) of  
22           this Section"; and

1 on page 15 by inserting immediately below line 10 the  
2 following:

3 "(815 ILCS 530/55 new)

4 Sec. 55. Entities subject to the federal Health Insurance  
5 Portability and Accountability Act of 1996. Any covered entity  
6 or business associate that is subject to and in compliance with  
7 the privacy and security standards for the protection of  
8 electronic health information established pursuant to the  
9 federal Health Insurance Portability and Accountability Act of  
10 1996 and the Health Information Technology for Economic and  
11 Clinical Health Act shall be deemed to be in compliance with  
12 the provisions of this Act, provided that any covered entity or  
13 business associate required to provide notification of a breach  
14 to the Secretary of Health and Human Services pursuant to the  
15 Health Information Technology for Economic and Clinical Health  
16 Act also provides such notification to the Attorney General  
17 within 5 business days of notifying the Secretary."