



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4809

by Rep. Kimberly Du Buclet

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.1038 new
815 ILCS 505/2MMMM new

Creates the Data Broker Registration and Accessible Deletion Mechanism Act. Provides that, annually, on or before January 31, a data broker operating in the State shall register with the Attorney General. Provides that, in registering with the Attorney General, a data broker shall pay a registration fee in an amount determined by the Attorney General and shall also provide specified information. Provides that the Attorney General shall create a page on its website where the registration information shall be made accessible to the public. Provides for civil penalties. Provides that all moneys received by the Attorney General under the provisions shall be deposited into the Data Broker Registry Fund. Provides that, no later than January 1, 2028, the Attorney General shall establish an accessible deletion mechanism that allows a consumer, through a single verifiable consumer request, to request that every data broker that maintains any personal information delete any personal information related to that consumer held by the data broker. Amends the State Finance Act and the Consumer Fraud and Deceptive Business Practices Act to make conforming changes.

LRB104 19082 SPS 32527 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Data
5 Broker Registration and Accessible Deletion Mechanism Act.

6 Section 5. Definition. As used in this Act, "data broker"
7 means a business that knowingly collects and sells or licenses
8 to third parties the brokered personal information of an
9 individual with whom the business does not have a direct
10 relationship. "Data broker" does not include a business that
11 conducts the following activities and the collection, sale, or
12 licensing of brokered personal information incidental to
13 conducting the activities:

14 (1) developing or maintaining third-party e-commerce
15 or application platforms;

16 (2) providing 411 directory assistance or directory
17 information services, including name, address, and
18 telephone number, on behalf of or as a function of a
19 telecommunications carrier;

20 (3) collecting or transmitting information to be
21 submitted to a State or federal agency for the purpose of
22 performing a lawful check of criminal history record
23 information using fingerprints or receiving the results of

1 that check;

2 (4) collecting, maintaining, disclosing, selling,
3 communicating, or using any personal information bearing
4 on a consumer's credit worthiness, credit standing, credit
5 capacity, character, general reputation, personal
6 characteristics, or mode of living by a consumer reporting
7 agency, furnisher, or user that provides information for
8 use in a consumer report, and by a user of a consumer
9 report, but only to the extent that the activity is
10 regulated by and authorized under the Fair Credit
11 Reporting Act, 15 U.S.C. 1681 et seq.

12 Section 10. Annual registration.

13 (a) Annually, on or before January 31, a data broker
14 operating in this State shall register with the Attorney
15 General.

16 (b) In registering with the Attorney General, a data
17 broker shall pay a registration fee in an amount determined by
18 the Attorney General, not to exceed the reasonable costs of
19 establishing and maintaining the informational website
20 described in Section 60. A data broker shall also provide the
21 following information:

22 (1) the name of the data broker and its primary
23 physical, email, and website addresses;

24 (2) whether the data broker collects the personal
25 information of minors;

1 (3) whether the data broker collects consumers'
2 precise geolocation;

3 (4) whether the data broker collects consumers'
4 reproductive health care data;

5 (5) a link to a page on the data broker's website that
6 does not make use of any dark patterns;

7 (6) whether, and to what extent, the data broker or
8 any of its subsidiaries is regulated by any of the
9 following:

10 (A) the federal Fair Credit Reporting Act (15
11 U.S.C. 1681 et seq.); and

12 (B) the Gramm-Leach-Bliley Act (Public Law
13 106-102) and its implementing regulations; and

14 (7) any additional information or explanation the data
15 broker chooses to provide concerning its data collection
16 practices.

17 (d) The Attorney General shall create a page on its
18 website where the registration information provided in
19 subsection (c) shall be made accessible to the public.

20 (e) A data broker that fails to register as required by
21 this Section shall be liable for civil penalties and costs in
22 an action brought by the Attorney General as follows:

23 (1) a civil penalty of \$200 for each day the data
24 broker fails to register as required by this Section;

25 (2) an amount equal to the fees that were due during
26 the period it failed to register; and

1 (3) expenses incurred by the Attorney General in the
2 investigation and administration of the action as the
3 court deems appropriate.

4 (f) All moneys received by the Attorney General under this
5 Section shall be deposited into the Data Broker Registry Fund,
6 a special fund created in the State treasury, and shall be used
7 to administer and enforce this Act.

8 Section 15. Accessible deletion mechanism.

9 (a) No later than January 1, 2028, the Attorney General
10 shall establish an accessible deletion mechanism that does the
11 following:

12 (1) implements and maintains reasonable security
13 procedures and practices, including, but not limited to,
14 administrative, physical, and technical safeguards
15 appropriate to the nature of the information and the
16 purposes for which the personal information will be used
17 and to protect consumers' personal information from
18 unauthorized use, disclosure, access, destruction, or
19 modification;

20 (2) allows a consumer, through a single verifiable
21 consumer request, to request that every data broker that
22 maintains any personal information delete any personal
23 information related to that consumer held by the data
24 broker or associated service provider or contractor;

25 (3) allows a consumer to selectively exclude specific

1 data brokers from a request made under paragraph (2); and
2 (4) allows a consumer to make a request to alter a
3 previous request made under this subsection after at least
4 45 days have passed since the consumer last made a request
5 under this Section.

6 (b) The accessible deletion mechanism established under
7 subsection (a) shall meet the following requirements:

8 (1) allow a consumer to request the deletion of all
9 personal information related to that consumer through a
10 single deletion request;

11 (2) permit a consumer to securely submit information
12 in one or more privacy-protecting ways determined by the
13 Attorney General to aid in the deletion request;

14 (3) allow data brokers registered with the Attorney
15 General to determine whether an individual has submitted a
16 verifiable consumer request to delete the personal
17 information related to that consumer as described in
18 paragraph (1) and shall not allow the disclosure of any
19 additional personal information when the data broker
20 accesses the accessible deletion mechanism unless
21 otherwise specified in this Act;

22 (4) allow a consumer to make a request described in
23 paragraph (1) using an Internet service operated by the
24 Attorney General;

25 (5) be accessible free of charge for a consumer to
26 make a request described in paragraph (1);

1 (6) allow a consumer to make a request described in
2 paragraph (1) in any language spoken by any consumer for
3 whom personal information has been collected by data
4 brokers;

5 (7) be readily accessible and usable by consumers with
6 disabilities;

7 (8) support the ability of a consumer's authorized
8 agents to aid in the deletion request;

9 (9) allow the consumer, or their authorized agent, to
10 verify the status of the consumer's deletion request; and

11 (10) provide a description of the following:

12 (A) the deletion permitted by this Section;

13 (B) the process for submitting a deletion request
14 under this Section; and

15 (C) examples of the types of information that may
16 be deleted.

17 (c) Beginning on August 1, 2028, a data broker shall
18 access the accessible deletion mechanism established under
19 subsection (a) at least once every 45 days and do the
20 following:

21 (1) within 45 days after receiving a request made
22 under this Section, process all deletion requests made
23 under this Section and delete all personal information
24 related to the consumers making the requests consistent
25 with the requirements of this Section;

26 (2) in cases where a data broker denies a consumer

1 request to delete under this title because the request
2 cannot be verified, process the request as an opt-out of
3 the sale or sharing of the consumer's personal
4 information;

5 (3) direct all service providers or contractors
6 associated with the data broker to delete all personal
7 information in their possession related to the consumers
8 making the requests described in paragraph (1); and

9 (4) direct all service providers or contractors
10 associated with the data broker to process a request
11 described by paragraph (2) as an opt-out of the sale or
12 sharing of the consumer's personal information.

13 (d) Beginning on August 1, 2028, after a consumer has
14 submitted a deletion request and a data broker has deleted the
15 consumer's data as described in subsection (c), the data
16 broker shall delete all personal information of the consumer
17 at least once every 45 days unless the consumer requests
18 otherwise or the deletion is not required.

19 (e) Beginning on August 1, 2028, after a consumer has
20 submitted a deletion request and a data broker has deleted the
21 consumer's data as described in subsection (c), the data
22 broker shall not sell or share new personal information of the
23 consumer unless the consumer requests otherwise or selling or
24 sharing the personal information is permitted.

25 (e) Beginning on January 1, 2030, and every 3 years
26 thereafter, a data broker shall undergo an audit by an

1 independent third party to determine compliance with this
2 Section. The data broker shall submit a report resulting from
3 the audit and any related materials to the Attorney General
4 within 5 business days after receiving a written request from
5 the Attorney General. A data broker shall maintain the report
6 resulting from the audit for at least 6 years.

7 (f) The Attorney General may charge an access fee to a data
8 broker when the data broker accesses the accessible deletion
9 mechanism that does not exceed the reasonable costs of
10 providing that access to the accessible deletion mechanism.

11 Section 20. Enforcement. A violation of Section 15 of this
12 Act constitutes an unlawful practice under the Consumer Fraud
13 and Deceptive Business Practices Act. All remedies, penalties,
14 and authority granted to the Attorney General by the Consumer
15 Fraud and Deceptive Business Practices Act shall be available
16 to him or her for the enforcement of this Act.

17 Section 25. Enforcement. The Attorney General may adopt
18 rules to implement and administer this Act.

19 Section 90. The State Finance Act is amended by adding
20 Section 5.1038 as follows:

21 (30 ILCS 105/5.1038 new)

22 Sec. 5.1038. The Data Broker Registry Fund.

1 Section 95. The Consumer Fraud and Deceptive Business
2 Practices Act is amended by adding Section 2MMMM as follows:

3 (815 ILCS 505/2MMMM new)

4 Sec. 2MMMM. Violations of the Data Broker Registration and
5 Accessible Deletion Mechanism Act. A person who violates
6 Section 15 of the Data Broker Registration and Accessible
7 Deletion Mechanism Act commits an unlawful practice within the
8 meaning of this Act.