



Sen. Laura M. Murphy

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1 AMENDMENT TO SENATE BILL 340

2 AMENDMENT NO. _____. Amend Senate Bill 340 by replacing
3 everything after the enacting clause with the following:

4 "Section 10. Short title. This Act may be cited as the
5 Illinois Consumer Data Privacy Act.

6 Section 11. Definitions. As used in this Act:

7 "Affiliate" means a legal entity that controls, is
8 controlled by, or is under common control with another legal
9 entity. As used in this definition, "control" or "controlled"
10 means: ownership of or the power to vote more than 50% of the
11 outstanding shares of any class of voting security of a
12 company; control in any manner over the election of a majority
13 of the directors or of individuals exercising similar
14 functions; or the power to exercise a controlling influence
15 over the management of a company.

16 "Authenticate" means to use reasonable means to determine

1 that a request to exercise any of the rights under subsection
2 (b) of Section 14 is being made by or rightfully on behalf of
3 the consumer who is entitled to exercise the rights with
4 respect to the personal data at issue.

5 "Biometric identifier" has the same meaning given to that
6 term in the Biometric Information Privacy Act.

7 "Biometric information" has the same meaning given to that
8 term in the Biometric Information Privacy Act.

9 "Child" has the meaning given in United States Code, Title
10 15, Section 6501.

11 "Collect" means to buy, rent, obtain, lease, access,
12 receive, or otherwise acquire personal data in any manner.

13 "Consent" means any freely given, specific, informed, and
14 unambiguous indication of the consumer's wishes by which the
15 consumer signifies agreement to the processing of personal
16 data relating to the consumer. Acceptance of general or broad
17 terms of use or similar document that contains descriptions of
18 personal data processing along with other, unrelated
19 information does not constitute consent. Hovering over,
20 muting, pausing, or closing a given piece of content does not
21 constitute consent. A consent is not valid when the consumer's
22 indication has been obtained by a dark pattern. A consumer may
23 revoke consent previously given consistent with this Act.

24 "Consumer" means a natural person who is an Illinois
25 resident acting only in an individual or household context.
26 Consumer does not include a natural person acting in a

1 commercial or employment context.

2 "Controller" means the natural or legal person who, alone
3 or jointly with others, determines the purposes and means of
4 the processing of personal data.

5 "Decisions that produce legal or similarly significant
6 effects concerning the consumer" means decisions made by the
7 controller that result in the provision or denial by the
8 controller of financial or lending services, housing,
9 insurance, education enrollment or opportunity, criminal
10 justice, employment opportunities, health care services, or
11 access to essential goods or services.

12 "Dark pattern" means a user interface designed or
13 manipulated with the substantial effect of subverting or
14 impairing user autonomy, decision making, or choice.

15 "Deidentified data" means data that cannot reasonably be
16 used to infer information about or otherwise be linked to an
17 identified or identifiable natural person or a device linked
18 to an identified or identifiable natural person, provided that
19 the controller that possesses the data:

20 (1) takes reasonable measures to ensure that the data
21 cannot be associated with a natural person;

22 (2) publicly commits to process the data only in a
23 deidentified fashion and not attempt to reidentify the
24 data; and

25 (3) contractually obligates any recipients of the
26 information to comply with all provisions of this

1 definition.

2 "Delete" means to remove or destroy information so that it
3 is not maintained in human- or machine-readable form and
4 cannot be retrieved or used in the ordinary course of
5 business.

6 "Genetic information" has the meaning ascribed to the term
7 under the Health Insurance Portability and Accountability Act
8 of 1996 as specified in 45 CFR 160.103.

9 "Identified or identifiable natural person" means a person
10 who can be readily identified, directly or indirectly.

11 "Known child" means a person under circumstances in which
12 a controller has actual knowledge of, or willfully disregards,
13 that the person is under 13 years of age.

14 "Personal data" means any information that is linked or
15 reasonably linkable to an identified or identifiable natural
16 person. Personal data does not include deidentified data,
17 pseudonymous data, or publicly available information. As used
18 in this definition, "publicly available information" means
19 information that (1) is lawfully made available from federal,
20 state, or local government records; or (2) a controller has a
21 reasonable basis to believe has lawfully been made available
22 to the general public.

23 "Process" or "processing" means any operation or set of
24 operations that are performed on personal data or on sets of
25 personal data, whether or not by automated means, including,
26 but not limited to, the collection, use, storage, disclosure,

1 analysis, deletion, monetization, sharing, retention,
2 organizing, structuring, licensing, or modification of
3 personal data.

4 "Processor" means a natural or legal person who processes
5 personal data on behalf of a controller.

6 "Profiling" means any form of automated processing of
7 personal data to evaluate, analyze, or predict personal
8 aspects related to an identified or identifiable natural
9 person's economic situation, health, personal preferences,
10 interests, reliability, behavior, location, or movements.
11 Profiling does not include automated processing used solely
12 for independent measurement.

13 "Pseudonymous data" means personal data that cannot be
14 attributed to a specific natural person without the use of
15 additional information, provided that the additional
16 information is kept separately and is subject to appropriate
17 technical and organizational measures to ensure that the
18 personal data are not attributed to an identified or
19 identifiable natural person.

20 "Sale", "sell", or "sold" means the exchange of personal
21 data for monetary or other valuable consideration by the
22 controller, processor, or an affiliate of the controller or
23 processor to a third party. "Sale" does not include the
24 following:

- 25 (1) the disclosure of personal data to a processor who
26 processes the personal data on behalf of the controller if

1 limited to the purposes of processing;

2 (2) the disclosure of personal data to a third party
3 for purposes of providing a product or service requested
4 by the consumer;

5 (3) the disclosure or transfer of personal data to an
6 affiliate of the controller;

7 (4) the disclosure of information that the consumer
8 intentionally made available to the general public via a
9 channel of mass media and did not restrict to a specific
10 audience;

11 (5) the disclosure or transfer of personal data to a
12 third party as an asset that is part of a completed or
13 proposed merger, acquisition, bankruptcy, or other
14 transaction in which the third party assumes control of
15 all or part of the controller's assets; or

16 (6) the exchange of personal data between the producer
17 of a good or service and authorized agents of the producer
18 who sell and service the goods and services to enable the
19 cooperative provisioning of goods and services by both the
20 producer and the producer's agents.

21 "Sensitive data" is a form of personal data. "Sensitive
22 data" means:

23 (1) personal data revealing racial or ethnic origin,
24 religious beliefs, mental or physical health condition or
25 diagnosis, sexual orientation, or citizenship or
26 immigration status;

1 (2) the processing of biometric identifiers or
2 information or genetic information for the purpose of
3 uniquely identifying an individual;

4 (3) the personal data of a known child;

5 (4) specific geolocation data;

6 (5) information that reveals the status of
7 identifiable natural person as a victim of a crime; or

8 (6) a government-issued identifier, including a social
9 security number, passport number, or a driver's license
10 number, that is not required by law to be displayed in
11 public.

12 "Specific geolocation data" means information derived from
13 technology, including, but not limited to, global positioning
14 system level latitude and longitude coordinates or other
15 mechanisms that can precisely and accurately identify the
16 specific location of a consumer or a device linked with a
17 consumer within a radius of 1,750 feet. Specific geolocation
18 data does not include the content of communications, the
19 contents of databases containing street address information
20 that are accessible to the public as authorized by law, or any
21 data generated by or connected to advanced utility metering
22 infrastructure systems or other equipment for use by a public
23 utility.

24 "Targeted advertising" means displaying advertisements to
25 a consumer or to a device linked to a consumer in which the
26 advertisement is selected based on personal data obtained or

1 inferred from the consumer's activities over time and across
2 nonaffiliated websites or online applications to predict the
3 consumer's preferences or interests. Targeted advertising does
4 not include:

5 (1) advertising based on activities within a
6 controller's own websites or online applications;

7 (2) advertising based on the context of a consumer's
8 current search query or visit to a website or online
9 application;

10 (3) advertising to a consumer in response to the
11 consumer's request for information or feedback; or

12 (4) processing personal data solely for measuring or
13 reporting content and advertising performance, reach, or
14 frequency, including independent measurement.

15 (z) "Third party" means a natural or legal person, public
16 authority, agency, or body other than the consumer,
17 controller, processor, or an affiliate of the processor or the
18 controller.

19 (aa) "Trade secret" has the same meaning given to the term
20 in the Illinois Trade Secrets Act.

21 Section 12. Scope; exclusions.

22 (a)(1) Scope. This Act applies to legal entities that
23 conduct business in Illinois or produce products or services
24 that are targeted to Illinois residents, and that satisfy one
25 or more of the following thresholds:

1 (A) during a calendar year, collects or processes
2 personal data of 100,000 consumers or more, excluding
3 personal data controlled or processed solely for the
4 purpose of completing a payment transaction; or

5 (B) derives over 25% of gross revenue from the sale of
6 personal data and processes or collects personal data of
7 25,000 consumers or more.

8 (2) A controller or processor shall comply with the
9 Student Online Personal Protection Act, except that if the
10 provisions of that Act conflict with this Act, the Student
11 Online Personal Protection Act prevails.

12 (3) All legal entities shall comply with the Biometric
13 Information Privacy Act and the Genetic Information Privacy
14 Act.

15 (b) Exclusions. The provisions of this Act do not apply to
16 the following entities, activities, or types of information:

17 (1) the State, a political subdivision of the State,
18 and units of local government;

19 (2) a federally recognized Indian tribe;

20 (3) information that meets the definition of:

21 (A) protected health information, as defined by
22 and for purposes of the Health Insurance Portability
23 and Accountability Act of 1996, Public Law 104-191,
24 and related regulations;

25 (B) health records, that includes, but is not
26 limited to, any information, whether oral or recorded

1 in any form or medium, that relates to the past,
2 present, or future physical or mental health or
3 condition of a patient; the provision of health care
4 to a patient; or the past, present, or future payment
5 for the provision of health care to a patient;

6 (C) patient identifying information for purposes
7 of Code of Federal Regulations, Title 42, Part 2,
8 established pursuant to the United States Code, Title
9 42, Section 290dd-2;

10 (D) identifiable private information for purposes
11 of the federal policy for the protection of human
12 subjects, the Code of Federal Regulations, Title 45,
13 Part 46; identifiable private information that is
14 otherwise information collected as part of human
15 subjects research under the good clinical practice
16 guidelines issued by the International Council for
17 Harmonisation; the protection of human subjects under
18 the Code of Federal Regulations, Title 21, Parts 50
19 and 56; or personal data used or shared in research
20 conducted in accordance with one or more of the
21 requirements set forth in this paragraph;

22 (E) information and documents created for purposes
23 of the federal Health Care Quality Improvement Act of
24 1986, Public Law 99-660, and related regulations; or

25 (F) patient safety work product for purposes of
26 Code of Federal Regulations, Title 42, Part 3,

1 established under the United States Code, Title 42,
2 Sections 299b-21 to 299b-26;

3 (4) information that is derived from any of the health
4 care-related information listed in clause (3), but that
5 has been deidentified in accordance with the requirements
6 for deidentification set forth in the Code of Federal
7 Regulations, Title 45, Part 164;

8 (5) information originating from, and intermingled to
9 be indistinguishable with, any of the health care-related
10 information listed in clause (3) that is maintained by:

11 (A) a covered entity or business associate, as
12 defined by the Health Insurance Portability and
13 Accountability Act of 1996, Public Law 104-191, and
14 related regulations to the extent the entity is acting
15 as a covered entity or business associate under the
16 Privacy and Security rules issued by the United States
17 Department of Health and Human Services, Parts 160 and
18 164 of Title 45 of the Code of Federal Regulations;

19 (B) a health care provider, to include, but not be
20 limited to, any public or private facility that
21 provides, on an inpatient or outpatient basis,
22 preventive, diagnostic, therapeutic, convalescent,
23 rehabilitation, mental health, or intellectual
24 disability services, including general or special
25 hospitals, skilled nursing homes, extended care
26 facilities, intermediate care facilities and mental

1 health centers; or

2 (C) a program or a qualified service organization,
3 as defined by Code of Federal Regulations, Title 42,
4 Part 2, established pursuant to United States Code,
5 Title 42, Section 290dd-2;

6 (6) information that is:

7 (A) maintained by an entity that meets the
8 definition of health care provider under the Code of
9 Federal Regulations, Title 45, Section 160.103, to the
10 extent that the entity maintains the information in
11 the manner required of covered entities with respect
12 to protected health information for purposes of the
13 Health Insurance Portability and Accountability Act of
14 1996, Public Law 104-191, and related regulations;

15 (B) included in a limited data set, as described
16 under the Code of Federal Regulations, Title 45, Part
17 164.514(e), to the extent that the information is
18 used, disclosed, and maintained in the manner
19 specified by that part;

20 (C) maintained by, or maintained to comply with
21 the rules or orders of, a self-regulatory organization
22 as defined by the United States Code, Title 15,
23 Section 78c(a)(26) or of a registered futures
24 association as designated under the United States
25 Code, Title 7, Section 21;

26 (D) originated from, or intermingled with,

1 information described in clause (9) and that a
2 residential mortgage originator or residential
3 mortgage servicer regulated under the Residential
4 Mortgage License Act of 1987 collects, processes,
5 uses, or maintains in the same manner as required
6 under the laws and regulations specified in clause
7 (9); or

8 (E) originated from, or intermingled with,
9 information described in clause (9) and that a nonbank
10 financial institution collects, processes, uses, or
11 maintains in the same manner as required under the
12 laws and regulations specified in clause (9);

13 (7) information used only for public health activities
14 and purposes, as described under the Code of Federal
15 Regulations, Title 45, Part 164.512;

16 (8) an activity involving the collection, maintenance,
17 disclosure, sale, communication, or use of any personal
18 data bearing on a consumer's credit worthiness, credit
19 standing, credit capacity, character, general reputation,
20 personal characteristics, or mode of living by a consumer
21 reporting agency, as defined in the United States Code,
22 Title 15, Section 1681a(f), by a furnisher of information,
23 as set forth in the United States Code, Title 15, Section
24 1681s-2, who provides information for use in a consumer
25 report, as defined in the United States Code, Title 15,
26 Section 1681a(d), and by a user of a consumer report, as

1 set forth in the United States Code, Title 15, Section
2 1681b, except that information is only excluded under this
3 paragraph to the extent that the activity involving the
4 collection, maintenance, disclosure, sale, communication,
5 or use of the information by the agency, furnisher, or
6 user is subject to regulation under the federal Fair
7 Credit Reporting Act, United States Code, Title 15,
8 Sections 1681 to 1681x, and the information is not
9 collected, maintained, used, communicated, disclosed, or
10 sold except as authorized by the Fair Credit Reporting
11 Act;

12 (9) financial institutions, their affiliates, and
13 personal data subject to the federal Gramm-Leach-Bliley
14 Act, Public Law 106-102, and implementing regulations;

15 (10) personal data collected, processed, sold, or
16 disclosed pursuant to the federal Driver's Privacy
17 Protection Act of 1994, United States Code, Title 18,
18 Sections 2721 to 2725, if the collection, processing,
19 sale, or disclosure is in compliance with that law;

20 (11) personal data regulated by the federal Family
21 Educational Rights and Privacy Act, United States Code,
22 Title 20, Section 1232g, and implementing regulations;

23 (12) personal data collected, processed, sold, or
24 disclosed pursuant to the federal Farm Credit Act of 1971,
25 as amended, United States Code, Title 12, Sections 2001 to
26 2279cc, and implementing regulations, Code of Federal

1 Regulations, Title 12, Part 600, if the collection,
2 processing, sale, or disclosure is in compliance with that
3 law;

4 (13) data collected or maintained:

5 (A) in the course of an individual acting as a job
6 applicant to or an employee, owner, director, officer,
7 medical staff member, or contractor of a business if
8 the data is collected and used solely within the
9 context of the role;

10 (B) as the emergency contact information of an
11 individual under item (A) if used solely for emergency
12 contact purposes; or

13 (C) that is necessary for the business to retain
14 to administer benefits for another individual relating
15 to the individual under item (1) if used solely for the
16 purposes of administering those benefits;

17 (14) personal data collected, processed, sold, or
18 disclosed under the Illinois Insurance Code;

19 (15) data collected, processed, sold, or disclosed as
20 part of a payment-only credit, check, or cash transaction
21 where no data about consumers, as defined in Section 11,
22 are retained;

23 (16) a State or federally chartered bank or credit
24 union, or an affiliate or subsidiary that is principally
25 engaged in financial activities, as described in the
26 United States Code, Title 12, Section 1843(k);

1 (17) information that originates from, or is
2 intermingled so as to be indistinguishable from,
3 information described in clause (8) and that a person
4 collects, processes, uses, or maintains in the same manner
5 as is required under the laws and regulations specified in
6 clause (8);

7 (18) an insurance company and an insurance producer
8 that are regulated by the State under the Illinois
9 Insurance Code, a third-party administrator of
10 self-insurance, or an affiliate or subsidiary of any
11 entity identified in this clause that is principally
12 engaged in financial activities, as described in the
13 United States Code, Title 12, Section 1843(k), except that
14 this clause does not apply to a person that, alone or in
15 combination with another person, establishes and maintains
16 a self-insurance program that does not otherwise engage in
17 the business of entering into policies of insurance;

18 (19) a small business, as defined by the United States
19 Small Business Administration under the Code of Federal
20 Regulations, Title 13, Part 121, except that a small
21 business identified in this clause is subject to Section
22 17;

23 (20) a nonprofit organization that is established to
24 detect and prevent fraudulent acts in connection with
25 insurance; and

26 (21) an air carrier subject to the federal Airline

1 Deregulation Act, Public Law 95-504, only to the extent
2 that an air carrier collects personal data related to
3 prices, routes, or services and only to the extent that
4 the provisions of the Airline Deregulation Act preempt the
5 requirements of this Act.

6 Controllers that are in compliance with the Children's
7 Online Privacy Protection Act, United States Code, Title 15,
8 Sections 6501 to 6506, and implementing regulations, are
9 deemed compliant with any obligation to obtain parental
10 consent under this Act.

11 Section 13. Responsibility according to role.

12 (a) Controllers and processors are responsible for meeting
13 the respective obligations established under this Act.

14 (b) Processors are responsible under this Act for adhering
15 to the instructions of the controller and assisting the
16 controller to meet the controller's obligations under this
17 Act. Assistance under this subsection shall include the
18 following:

19 (1) taking into account the nature of the processing,
20 the processor shall assist the controller by appropriate
21 technical and organizational measures, insofar as this is
22 possible, for the fulfillment of the controller's
23 obligation to respond to consumer requests to exercise
24 their rights under Section 14; and

25 (2) taking into account the nature of processing and

1 the information available to the processor, the processor
2 shall assist the controller in meeting the controller's
3 obligations in relation to the security of processing the
4 personal data and in relation to the notification of a
5 breach of the security of the system under the Illinois
6 Personal Information Protection Act and provide
7 information to the controller necessary to enable the
8 controller to conduct and document any data privacy and
9 protection assessments required by Section 18.

10 (c) A contract between a controller and a processor shall
11 govern the processor's data processing procedures with respect
12 to processing performed on behalf of the controller. The
13 contract shall be binding on both parties and clearly set
14 forth instructions for processing data, the nature and purpose
15 of processing, the type of data subject to processing, the
16 duration of processing, and the rights and obligations of both
17 parties. The contract shall also require that the processor:

18 (1) ensure that each person processing the personal
19 data is subject to a duty of confidentiality with respect
20 to the data;

21 (2) engage a subcontractor only under a written
22 contract in accordance with this subsection (c) that
23 requires the subcontractor to meet the obligations of the
24 processor with respect to the personal data;

25 (3) at the choice of the controller, delete or return
26 all personal data to the controller as requested at the

1 end of the provision of services, unless retention of the
2 personal data is required by law;

3 (4) upon a reasonable request from the controller,
4 make available to the controller all information necessary
5 to demonstrate compliance with the obligations in this
6 Act; and

7 (5) allow for, and contribute to, reasonable
8 assessments and inspections by the controller or the
9 controller's designated assessor. Alternatively, the
10 processor may arrange for a qualified and independent
11 assessor to conduct, at least annually and at the
12 processor's expense, an assessment of the processor's
13 policies and technical and organizational measures in
14 support of the obligations under this Act. The assessor
15 must use an appropriate and accepted control standard or
16 framework and assessment procedure for assessments as
17 applicable and provide a report of an assessment to the
18 controller upon request.

19 (d) Taking into account the context of processing, the
20 controller and the processor shall implement appropriate
21 technical and organizational measures to ensure a level of
22 security appropriate to the risk and establish a clear
23 allocation of the responsibilities between the controller and
24 the processor to implement the technical and organizational
25 measures.

26 (e) In no event shall any contract relieve a controller or

1 a processor from the liabilities imposed on a controller or
2 processor by virtue of the controller's or processor's roles
3 in the processing relationship under this Act.

4 (f) Determining whether a person is acting as a controller
5 or processor with respect to a specific processing of data is a
6 fact-based determination that depends upon the context in
7 which personal data are to be processed. A person that is not
8 limited in the person's processing of personal data pursuant
9 to a controller's instructions, or that fails to adhere to a
10 controller's instructions, is a controller and not a processor
11 with respect to a specific processing of data. A processor
12 that continues to adhere to a controller's instructions with
13 respect to a specific processing of personal data remains a
14 processor. If a processor begins, alone or jointly with
15 others, determining the purposes and means of the processing
16 of personal data, the processor is a controller with respect
17 to the processing.

18 Section 14. Consumer personal data rights.

19 (a)(1) Consumer rights provided. Except as provided in
20 this Act, a controller must comply with a request to exercise
21 the consumer rights provided in this subsection (a).

22 (2) A consumer has the right to confirm whether or not a
23 controller is processing personal data concerning the consumer
24 and access the personal data the controller is processing.

25 (3) A consumer has the right to correct inaccurate

1 personal data concerning the consumer taking into account the
2 nature of the personal data and the purposes of the processing
3 of the personal data.

4 (4) A consumer has the right to delete personal data
5 concerning the consumer.

6 (5) A consumer has the right to obtain personal data
7 concerning the consumer, which the consumer previously
8 provided to the controller, in a portable and, to the extent
9 technically feasible, readily usable format that allows the
10 consumer to transmit the data to another controller without
11 hindrance, where the processing is carried out by automated
12 means.

13 (6) A consumer has the right to opt out of the processing
14 of personal data concerning the consumer for purposes of: (i)
15 targeted advertising, (ii) the sale of personal data, or (iii)
16 profiling in furtherance of automated decisions that produce
17 legal effects concerning a consumer or similarly significant
18 effects concerning a consumer.

19 (7) If a consumer's personal data is profiled in
20 furtherance of decisions that produce legal effects concerning
21 a consumer or similarly significant effects concerning a
22 consumer, the consumer has the right to question the result of
23 the profiling, only if the profiling produces legal or
24 similarly significant effects concerning the consumer. The
25 consumer has the right to review the consumer's personal data
26 used in the profiling. If the decision is determined to have

1 been based upon inaccurate personal data taking into account
2 the nature of the personal data and the purposes of the
3 processing of the personal data, the consumer has the right to
4 have the data corrected and the profiling decision reevaluated
5 based upon the corrected data.

6 (8) A consumer has a right to obtain general descriptions
7 of categories of third parties to which the controller has
8 disclosed the consumer's personal data, unless such a list of
9 specific third parties is readily available to the controller.

10 (b)(1) Exercising consumer rights. A consumer may exercise
11 the rights set forth in subsection (a) by submitting a
12 request, at any time, to a controller specifying which rights
13 the consumer wishes to exercise.

14 (2) In the case of processing personal data concerning a
15 known child, the parent or legal guardian of the known child
16 may exercise the rights under this Act on the child's behalf.

17 (3) In the case of processing personal data concerning a
18 consumer legally subject to guardianship under the Probate Act
19 of 1975, the guardian of the consumer may exercise the rights
20 under this Act on the consumer's behalf.

21 (4) A consumer may designate another person as the
22 consumer's authorized agent to exercise the consumer's right
23 to opt out of the processing of the consumer's personal data
24 for purposes of targeted advertising and sale under subsection
25 (c)(1) on the consumer's behalf. A consumer may designate an
26 authorized agent by way of, among other things, a technology,

1 including, but not limited to, an Internet link or a browser
2 setting, browser extension, or global device setting,
3 indicating the consumer's intent to opt out of the processing.
4 A controller shall comply with an opt-out request received
5 from an authorized agent if the controller is able to verify,
6 with commercially reasonable effort, the identity of the
7 consumer and the authorized agent's authority to act on the
8 consumer's behalf.

9 (c)(1) Universal opt-out mechanisms. A controller must
10 allow a consumer to opt out of any processing of the consumer's
11 personal data for the purposes of targeted advertising,
12 profiling in furtherance of automated decisions that produce
13 legal effects concerning the consumer or any sale of the
14 consumer's personal data through an opt-out preference signal
15 sent, with the consumer's consent, by a platform, technology,
16 or mechanism to the controller indicating the consumer's
17 intent to opt out of the processing, profiling, or sale. The
18 platform, technology, or mechanism must:

19 (A) not unfairly disadvantage another controller;

20 (B) not make use of a default setting but require the
21 consumer to make an affirmative, freely given, and
22 unambiguous choice to opt out of the processing of the
23 consumer's personal data;

24 (C) be consumer-friendly and easy to use by the
25 average consumer;

26 (D) be as consistent as possible with any other

1 similar platform, technology, or mechanism required by any
2 federal or State law or regulation; and

3 (E) enable the controller to accurately determine
4 whether the consumer is an Illinois resident and whether
5 the consumer has made a legitimate request to opt out of
6 any sale of the consumer's personal data profiling in
7 furtherance of automated decisions that produce legal
8 effects concerning the consumer, or targeted advertising.
9 For purposes of this paragraph, the use of an Internet
10 protocol address to estimate the consumer's location is
11 sufficient to determine the consumer's residence.

12 (2) If a consumer's opt-out request is exercised through
13 the platform, technology, or mechanism required under
14 subsection (c)(1), and the request conflicts with the
15 consumer's existing controller-specific privacy setting or
16 voluntary participation in a controller's bona fide loyalty,
17 rewards, premium features, discounts, or club card program,
18 the controller must comply with the consumer's opt-out
19 preference signal but may also notify the consumer of the
20 conflict and provide the consumer a choice to confirm the
21 controller-specific privacy setting or participation in the
22 controller's program.

23 (3) A controller that recognizes opt-out preference
24 signals that have been approved by other state laws or
25 regulations is in compliance with this subdivision.

26 (d)(1) Controller response to consumer requests. Except as

1 provided in this Act, a controller must comply with a request
2 to exercise the rights pursuant to subsection (a).

3 (2) A controller must provide one or more secure and
4 reliable means for consumers to submit a request to exercise
5 the consumer's rights under this Section. The means made
6 available must take into account the ways in which consumers
7 interact with the controller and the need for secure and
8 reliable communication of the requests.

9 (3) A controller may not require a consumer to create a new
10 account to exercise a right, but a controller may require a
11 consumer to use an existing account to exercise the consumer's
12 rights under this Section.

13 (4) A controller must comply with a request to exercise
14 the rights under this Section as soon as feasibly possible,
15 but no later than 45 days after the receipt of the request,
16 unless the controller extends the time.

17 (5) A controller must inform a consumer of any action
18 taken on a request under subsection (b) without undue delay
19 and in any event within 45 days after the receipt of the
20 request. That period may be extended once by 45 additional
21 days where reasonably necessary taking into account the
22 complexity and number of the requests. The controller must
23 inform the consumer of any extension within the original
24 45-day window, together with the reasons for the delay.

25 (6) If a controller does not take action on a consumer's
26 request, the controller must inform the consumer without undue

1 delay and at the latest within 45 days after the receipt of the
2 request of the reasons for not taking action and instructions
3 for how to appeal the decision with the controller as
4 described in subsection (e).

5 (7) Information provided under this Section must be
6 provided by the controller free of charge up to twice annually
7 to the consumer. If requests from a consumer are manifestly
8 unfounded or excessive, in particular because of the
9 repetitive character of the requests, the controller may
10 either charge a reasonable fee to cover the administrative
11 costs of complying with the request or refuse to act on the
12 request. The controller bears the burden of demonstrating the
13 manifestly unfounded or excessive character of the request.

14 (8) A controller is not required to comply with a request
15 to exercise any of the rights under subsection (a), paragraphs
16 (2) to (5) and (8), if the controller is unable to authenticate
17 the request using commercially reasonable efforts. In such
18 cases, the controller may request the provision of additional
19 information reasonably necessary to authenticate the request.
20 A controller is not required to authenticate an opt-out
21 request, but a controller may deny an opt-out request if the
22 controller has a good faith, reasonable, and documented belief
23 that the request is fraudulent. If a controller denies an
24 opt-out request because the controller believes a request is
25 fraudulent, the controller must notify the person who made the
26 request that the request was denied because of the

1 controller's belief that the request was fraudulent and state
2 the controller's basis for that belief.

3 (9) In response to a consumer request under subsection
4 (b), a controller must not disclose the following information
5 about a consumer but must instead inform the consumer with
6 sufficient particularity that the controller has collected
7 that type of information:

8 (A) Social Security number;

9 (B) driver's license number or other government-issued
10 identification number;

11 (C) financial account number;

12 (D) health insurance account number or medical
13 identification number;

14 (E) account password, security questions, or answers;

15 or

16 (F) biometric identifiers or information.

17 (10) In response to a consumer request under subsection
18 (b), a controller is not required to reveal any trade secret.

19 (11) A controller that has obtained personal data about a
20 consumer from a source other than the consumer may comply with
21 a consumer's request to delete the consumer's personal data
22 pursuant to subsection (a), paragraph (4), by either:

23 (A) retaining a record of the deletion request,
24 retaining the minimum data necessary for the purpose of
25 ensuring the consumer's personal data remains deleted from
26 the business's records and not using the retained data for

1 any other purpose under the provisions of this Act; or

2 (B) opting the consumer out of the processing of
3 personal data for any purpose except for the purposes
4 exempted pursuant to the provisions of this Act.

5 (e)(1) Appeal process required. A controller must
6 establish an internal process in which a consumer may appeal a
7 refusal to take action on a request to exercise any of the
8 rights under subsection (a) within a reasonable period of time
9 after the consumer's receipt of the notice sent by the
10 controller under subsection (d), paragraph (6).

11 (2) The appeal process must be conspicuously available.
12 The process must include the ease of use provisions in
13 subsection (c)(1) applicable to submitting requests.

14 (3) Within 45 days after the receipt of an appeal, a
15 controller must inform the consumer of any action taken or not
16 taken in response to the appeal along with a written
17 explanation of the reasons in support thereof. That period may
18 be extended by 60 additional days if reasonably necessary,
19 taking into account the complexity and number of the requests
20 serving as the basis for the appeal. The controller must
21 inform the consumer of any extension within 45 days after the
22 receipt of the appeal together with the reasons for the delay.

23 (4) When informing a consumer of any action taken or not
24 taken in response to an appeal pursuant to paragraph (3), the
25 controller must provide a written explanation of the reasons
26 for the controller's decision and clearly and prominently

1 provide the consumer with information about how to file a
2 complaint with the Attorney General. The controller must
3 maintain records of all appeals and the controller's responses
4 for at least 24 months and shall, upon written request by the
5 Attorney General as part of an investigation, compile and
6 provide a copy of the records to the Attorney General.

7 Section 15. Processing deidentified data or pseudonymous
8 data.

9 (a) This Act does not require a controller or processor to
10 do any of the following solely for purposes of complying with
11 this Act:

12 (1) reidentify deidentified data;

13 (2) maintain data in identifiable form, or collect,
14 obtain, retain, or access any data or technology, to be
15 capable of associating an authenticated consumer request
16 with personal data; or

17 (3) comply with an authenticated consumer request to
18 access, correct, delete, or port personal data under
19 Section 14, subsection (a), if all of the following are
20 true:

21 (A) the controller is not reasonably capable of
22 associating the request with the personal data, or it
23 would be unreasonably burdensome for the controller to
24 associate the request with the personal data;

25 (B) the controller does not use the personal data

1 to recognize or respond to the specific consumer who
2 is the subject of the personal data or associate the
3 personal data with other personal data about the same
4 specific consumer; and

5 (C) the controller does not sell the personal data
6 to any third party or otherwise voluntarily disclose
7 the personal data to any third party other than a
8 processor, except as otherwise permitted in this
9 Section.

10 (b) The rights contained in paragraphs (2) to (5) and (8)
11 of subsection (a) of Section 14 do not apply to pseudonymous
12 data in cases in which the controller is able to demonstrate
13 any information necessary to identify the consumer is kept
14 separately and is subject to effective technical and
15 organizational controls that prevent the controller from
16 accessing the information.

17 (c) A controller that transfers, sells, or otherwise
18 discloses pseudonymous data or deidentified data must exercise
19 reasonable oversight to monitor compliance with any
20 contractual commitments to which the pseudonymous data or
21 deidentified data are subject, and must take appropriate steps
22 to address any breaches of contractual commitments.

23 (d) A processor or third party must not attempt to
24 identify the subjects of deidentified or pseudonymous data
25 without the express authority of the controller that caused
26 the data to be deidentified or pseudonymized.

1 (e) A controller, processor, or third party must not
2 attempt to identify the subjects of data that has been
3 collected with only pseudonymous identifiers.

4 Section 16. Responsibilities of controllers.

5 (a)(1) Transparency obligations. Controllers must provide
6 consumers with a reasonably accessible, clear, and meaningful
7 privacy notice, at or before collection, that includes:

8 (A) the categories of personal data processed by the
9 controller;

10 (B) the purposes for which the categories of personal
11 data are processed;

12 (C) an explanation of the rights contained in Section
13 14 and how and where consumers may exercise those rights,
14 including how a consumer may appeal a controller's action
15 with regard to the consumer's request;

16 (D) the categories of personal data that the
17 controller sells to or shares with third parties, if any;

18 (E) the categories of third parties, if any, with whom
19 the controller sells or shares personal data;

20 (F) the controller's contact information, including an
21 active email address or other online mechanism that the
22 consumer may use to contact the controller;

23 (G) a description of the controller's retention
24 policies for personal data; and

25 (H) the date the privacy notice was last updated.

1 (2) If a controller sells personal data to third parties,
2 processes personal data for targeted advertising, or engages
3 in profiling in furtherance of decisions that produce legal
4 effects concerning a consumer or similarly significant effects
5 concerning a consumer, the controller must disclose the
6 processing in the privacy notice and provide access to a clear
7 and conspicuous method outside the privacy notice for a
8 consumer to opt out of the sale, processing, or profiling in
9 furtherance of decisions that produce legal effects concerning
10 a consumer or similarly significant effects concerning a
11 consumer. This method may include but is not limited to an
12 Internet hyperlink clearly labeled "Your Opt-Out Rights" or
13 "Your Privacy Rights" that directly effectuates the opt-out
14 request or takes consumers to a web page where the consumer can
15 make the opt-out request.

16 (3) The privacy notice must be made available to the
17 public in each language in which the controller provides a
18 product or service that is subject to the privacy notice or
19 carries out activities related to the product or service.

20 (4) The controller must provide the privacy notice in a
21 manner that is reasonably accessible to and usable by
22 individuals with disabilities.

23 (5) Whenever a controller makes a material change to the
24 controller's privacy notice or practices, the controller must
25 notify consumers affected by the material change with respect
26 to any prospectively collected personal data and provide a

1 reasonable opportunity for consumers to withdraw consent to
2 any further materially different collection, processing, or
3 transfer of previously collected personal data under the
4 changed policy. The controller shall take all reasonable
5 electronic measures to provide notification regarding material
6 changes to affected consumers, taking into account available
7 technology and the nature of the relationship.

8 (6) A controller is not required to provide a separate
9 Illinois-specific privacy notice or section of a privacy
10 notice if the controller's general privacy notice contains all
11 the information required by this Section.

12 (7) The privacy notice must be posted online through a
13 conspicuous hyperlink using the word "privacy" on the
14 controller's website home page or on a mobile application's
15 app store page or download page. A controller that maintains
16 an application on a mobile or other device shall also include a
17 hyperlink to the privacy notice in the application's settings
18 menu or in a similarly conspicuous and accessible location. A
19 controller that does not operate a website shall make the
20 privacy notice conspicuously available to consumers through a
21 medium regularly used by the controller to interact with
22 consumers, including, but not limited to, mail.

23 (b) (1) Use of data. A controller shall:

24 (A) limit the collection of personal data to what is
25 adequate, relevant, and reasonably necessary in relation
26 to the purposes for which the data are processed, which

1 must be disclosed to the consumer;

2 (B) not collect, process, or share sensitive data
3 concerning a consumer except when such collection,
4 processing, or transfer is strictly necessary to provide
5 or maintain a specific product or service requested by the
6 consumer to whom the sensitive data pertains. For purposes
7 of this Act, the collection, processing, and sharing of
8 biometric identifiers and information must be done in
9 accordance with the requirements of the Biometric
10 Information Privacy Act. For purposes of this Act, the
11 collection, processing, and sharing of genetic information
12 must be done in accordance with the Genetic Information
13 Privacy Act. For purposes of this Act, the collection,
14 processing, and sharing of students' covered information
15 must be done in accordance with the Student Online
16 Personal Protection Act; and

17 (C) not sell sensitive data.

18 (2) Except as provided in this Act, a controller may not
19 process personal data for purposes that are not reasonably
20 necessary to, or compatible with, the purposes for which the
21 personal data are processed, as disclosed to the consumer,
22 unless the controller obtains the consumer's consent.

23 (3) A controller shall establish, implement, and maintain
24 reasonable administrative, technical, and physical data
25 security practices to protect the confidentiality, integrity,
26 and accessibility of personal data, including the maintenance

1 of an inventory of the data that must be managed to exercise
2 these responsibilities. The data security practices shall be
3 appropriate to the volume and nature of the personal data at
4 issue.

5 (4) Except as otherwise provided in this Act, a controller
6 may not process sensitive data concerning a consumer without
7 obtaining the consumer's consent, or, in the case of the
8 processing of personal data concerning a known child, without
9 obtaining consent from the child's parent or lawful guardian,
10 in accordance with the requirement of the Children's Online
11 Privacy Protection Act, United States Code, Title 15, Sections
12 6501 to 6506, and its implementing regulations. A controller
13 must follow the requirements of the Biometric Information
14 Privacy Act and the Genetic Information Privacy Act for
15 information covered by those Acts.

16 (5) A controller shall provide an effective mechanism for
17 a consumer, or, in the case of the processing of personal data
18 concerning a known child, the child's parent or lawful
19 guardian, to withdraw previously given consent under this
20 subsection. The mechanism provided shall be at least as easy
21 as the mechanism by which the consent was previously given.
22 Upon revocation of consent, a controller shall cease to
23 process the applicable data as soon as practicable, but no
24 later than 15 days after the receipt of the request.

25 (6) A controller may not process the personal data of a
26 consumer for purposes of targeted advertising, or sell the

1 consumer's personal data, without the consumer's consent,
2 under circumstances in which the controller knows that the
3 consumer is between the ages of 13 and 16.

4 (7) A controller may not retain personal data that is no
5 longer relevant and reasonably necessary in relation to the
6 purposes for which the data were collected and processed,
7 unless retention of the data is otherwise required by law or
8 permitted under Section 19 and in accordance with the
9 Biometric Information Privacy Act.

10 (c)(1) Nondiscrimination. A controller shall not process
11 personal data on the basis of a consumer's or a class of
12 consumers' actual or perceived race, color, ethnicity,
13 religion, national origin, sex, gender, gender identity,
14 sexual orientation, familial status, lawful source of income,
15 or disability in a manner that unlawfully discriminates
16 against the consumer or class of consumers.

17 (2) A controller may not discriminate against a consumer
18 for exercising any of the rights contained in this Act,
19 including denying goods or services to the consumer, charging
20 different prices or rates for goods or services, and providing
21 a different level of quality of goods and services to the
22 consumer. This subsection does not: (i) require a controller
23 to provide a good or service that requires the consumer's
24 personal data that the controller does not collect or
25 maintain; or (ii) prohibit a controller from offering a
26 different price, rate, level, quality, or selection of goods

1 or services to a consumer, including offering goods or
2 services for no fee, if the offering is in connection with a
3 consumer's voluntary participation in a bona fide loyalty,
4 rewards, premium features, discounts, or club card program.

5 (d) Waiver of rights unenforceable. Any provision of a
6 contract or agreement of any kind that purports to waive or
7 limit in any way a consumer's rights under this Act is contrary
8 to public policy and is void and unenforceable.

9 Section 17. Requirements for small businesses.

10 (a) A small business, as defined by the United States
11 Small Business Administration under the Code of Federal
12 Regulations, Title 13, Part 121, that conducts business in
13 Illinois or produces products or services that are targeted to
14 Illinois residents must not sell a consumer's sensitive data.

15 (b) Penalties and enforcement procedures under Section 20
16 apply to a small business that violates this Section.

17 Section 18. Data privacy policies; data privacy and
18 protection assessments.

19 (a) A controller must document and maintain a description
20 of the policies and procedures the controller has adopted to
21 comply with this Act. The description must include, where
22 applicable:

23 (1) the name and contact information for the
24 controller's chief privacy officer or other individual

1 with primary responsibility for directing the policies and
2 procedures implemented to comply with the provisions of
3 this Act; and

4 (2) a description of the controller's data privacy
5 policies and procedures that reflect the requirements in
6 Section 16, and any policies and procedures designed to:

7 (i) reflect the requirements of this Act in the
8 design of the controller's systems;

9 (ii) identify and provide personal data to a
10 consumer as required by this Act;

11 (iii) establish, implement, and maintain
12 reasonable administrative, technical, and physical
13 data security practices to protect the
14 confidentiality, integrity, and accessibility of
15 personal data, including the maintenance of an
16 inventory of the data that must be managed to exercise
17 the responsibilities under this item;

18 (iv) limit the collection of personal data to what
19 is adequate, relevant, and reasonably necessary in
20 relation to the purposes for which the data are
21 processed;

22 (v) prevent the retention of personal data that is
23 no longer relevant and reasonably necessary in
24 relation to the purposes for which the data were
25 collected and processed, unless retention of the data
26 is otherwise required by law or permitted under

1 Section 19 and in accordance with the Biometric
2 Information Privacy Act; and

3 (vi) identify and remediate violations of this
4 Act.

5 (b) A controller must conduct and document a data privacy
6 and protection assessment for each of the following processing
7 activities involving personal data:

8 (1) the processing of personal data for purposes of
9 targeted advertising;

10 (2) the sale of personal data;

11 (3) the processing of sensitive data;

12 (4) any processing activities involving personal data
13 that present a heightened risk of harm to consumers; and

14 (5) the processing of personal data for purposes of
15 profiling, where the profiling presents a reasonably
16 foreseeable risk of:

17 (i) unfair or deceptive treatment of, or disparate
18 impact on, consumers;

19 (ii) financial, physical, or reputational injury
20 to consumers;

21 (iii) a physical or other intrusion upon the
22 solitude or seclusion, or the private affairs or
23 concerns, of consumers, where the intrusion would be
24 offensive to a reasonable person; or

25 (iv) other substantial injury to consumers.

26 (c) A data privacy and protection assessment must take

1 into account the type of personal data to be processed by the
2 controller, including the extent to which the personal data
3 are sensitive data, and the context in which the personal data
4 are to be processed.

5 (d) A data privacy and protection assessment must identify
6 and weigh the benefits that may flow directly and indirectly
7 from the processing to the controller, consumer, other
8 stakeholders, and the public against the potential risks to
9 the rights of the consumer associated with the processing, as
10 mitigated by safeguards that can be employed by the controller
11 to reduce the potential risks. The use of deidentified data
12 and the reasonable expectations of consumers, as well as the
13 context of the processing and the relationship between the
14 controller and the consumer whose personal data will be
15 processed, must be factored into this assessment by the
16 controller.

17 (e) A data privacy and protection assessment must include
18 the description of policies and procedures required by
19 subsection (a).

20 (f) As part of a civil investigative demand, the Attorney
21 General or State's Attorneys may request, in writing, that a
22 controller disclose any data privacy and protection assessment
23 that is relevant to an investigation conducted by the Attorney
24 General or State's Attorneys. The controller must make a data
25 privacy and protection assessment available to the Attorney
26 General or State's Attorneys upon a request made under this

1 subsection. The Attorney General or State's Attorneys may
2 evaluate the data privacy and protection assessments for
3 compliance with this Act. Data privacy and protection
4 assessments are nonpublic data that is required by State or
5 federal law that is: (1) not about an individual; (2) not
6 accessible by the general public; and (3) accessible by the
7 subject of the data. The disclosure of a data privacy and
8 protection assessment under a request from the Attorney
9 General or State's Attorneys under this subsection does not
10 constitute a waiver of the attorney-client privilege or work
11 product protection with respect to the assessment and any
12 information contained in the assessment.

13 (g) Data privacy and protection assessments or risk
14 assessments conducted by a controller for the purpose of
15 compliance with other laws or regulations may qualify under
16 this Section if the assessments have a similar scope and
17 effect.

18 (h) A single data protection assessment may address
19 multiple sets of comparable processing operations that include
20 similar activities.

21 Section 19. Limitations and applicability.

22 (a) The obligations imposed on controllers or processors
23 under this Act do not restrict a controller's or a processor's
24 ability to:

25 (1) comply with federal, State, or local laws, rules,

1 or regulations, including, but not limited to, data
2 retention requirements in State or federal law
3 notwithstanding a consumer's request to delete personal
4 data;

5 (2) comply with a civil, criminal, or regulatory
6 inquiry, investigation, subpoena, or summons by federal,
7 State, local, or other governmental authorities;

8 (3) cooperate with law enforcement agencies concerning
9 conduct or activity that the controller or processor
10 reasonably and in good faith believes may violate federal,
11 State, or local laws, rules, or regulations;

12 (4) investigate, establish, exercise, prepare for, or
13 defend legal claims;

14 (5) provide a product or service specifically
15 requested by a consumer; perform a contract to which the
16 consumer is a party, including fulfilling the terms of a
17 written warranty; or take steps at the request of the
18 consumer prior to entering into a contract;

19 (6) take immediate steps to protect an interest that
20 is essential for the life or physical safety of the
21 consumer or of another natural person, and if the
22 processing cannot be manifestly based on another legal
23 basis;

24 (7) prevent, detect, protect against, or respond to
25 security incidents, identity theft, fraud, harassment,
26 malicious or deceptive activities, or any illegal

1 activity; preserve the integrity or security of systems;
2 or investigate, report, or prosecute those responsible for
3 any such action;

4 (8) assist another controller, processor, or third
5 party with any of the obligations under this subsection;

6 (9) engage in public or peer-reviewed scientific,
7 historical, or statistical research in the public interest
8 that adheres to all other applicable ethics and privacy
9 laws and is approved, monitored, and governed by an
10 institutional review board, human subjects research ethics
11 review board, or a similar independent oversight entity
12 that has determined:

13 (A) the research is likely to provide substantial
14 benefits that do not exclusively accrue to the
15 controller;

16 (B) the expected benefits of the research outweigh
17 the privacy risks; and

18 (C) the controller has implemented reasonable
19 safeguards to mitigate privacy risks associated with
20 research, including any risks associated with
21 reidentification; or

22 (10) process personal data for the benefit of the
23 public in the areas of public health, community health, or
24 population health, but only to the extent that the
25 processing is:

26 (A) subject to suitable and specific measures to

1 safeguard the rights of the consumer whose personal
2 data is being processed; and

3 (B) under the responsibility of a professional
4 individual who is subject to confidentiality
5 obligations under federal, State, or local law.

6 (b) The obligations imposed on controllers or processors
7 under this Act do not restrict a controller's or processor's
8 ability to collect, use, or retain data to:

9 (1) effectuate a product recall or identify and repair
10 technical errors that impair existing or intended
11 functionality;

12 (2) perform internal operations that are reasonably
13 aligned with the expectations of the consumer based on the
14 consumer's existing relationship with the controller, or
15 are otherwise compatible with processing in furtherance of
16 the provision of a product or service specifically
17 requested by a consumer or the performance of a contract
18 to which the consumer is a party; or

19 (3) conduct internal research to develop, improve, or
20 repair products, services, or technology.

21 (c) The obligations imposed on controllers or processors
22 under this Act do not apply if compliance by the controller or
23 processor with this Act would violate an evidentiary privilege
24 under Illinois law and do not prevent a controller or
25 processor from providing personal data concerning a consumer
26 to a person covered by an evidentiary privilege under Illinois

1 law as part of a privileged communication.

2 (d) A controller or processor that discloses personal data
3 to a third-party controller or processor in compliance with
4 the requirements of this Act is not in violation of this Act if
5 the recipient processes the personal data in violation of this
6 Act, provided that at the time of disclosing the personal
7 data, the disclosing controller or processor did not have
8 actual knowledge that the recipient intended to commit a
9 violation. A third-party controller or processor receiving
10 personal data from a controller or processor in compliance
11 with the requirements of this Act is not in violation of this
12 Act for the obligations of the controller or processor from
13 which the third-party controller or processor receives the
14 personal data.

15 (e) Obligations imposed on controllers and processors
16 under this Act shall not:

17 (1) adversely affect the rights or freedoms of any
18 persons, including exercising the right of free speech
19 pursuant to the First Amendment of the United States
20 Constitution; or

21 (2) apply to the processing of personal data by a
22 natural person in the course of a purely personal or
23 household activity.

24 (f) Personal data that are processed by a controller
25 pursuant to this Section may be processed solely to the extent
26 that the processing is:

1 (1) necessary, reasonable, and proportionate to the
2 purposes listed in this Section;

3 (2) adequate, relevant, and limited to what is
4 necessary in relation to the specific purpose or purposes
5 listed in this Section; and

6 (3) insofar as possible, taking into account the
7 nature and purpose of processing the personal data,
8 subjected to reasonable administrative, technical, and
9 physical measures to protect the confidentiality,
10 integrity, and accessibility of the personal data, and to
11 reduce reasonably foreseeable risks of harm to consumers.

12 (g) If a controller processes personal data pursuant to an
13 exemption in this Section, the controller bears the burden of
14 demonstrating that the processing qualifies for the exemption
15 and complies with the requirements in subsection (f).

16 (h) Processing personal data solely for the purposes
17 expressly identified in subsection (a), clauses (1) to (7),
18 does not, by itself, make an entity a controller with respect
19 to the processing.

20 Section 20. Enforcement.

21 (a) If a controller or processor violates this Act, the
22 Attorney General or the State's Attorney of any county in this
23 State, before filing an enforcement action under subsection
24 (b), must provide the controller or processor with a warning
25 letter identifying the specific provisions of this Act the

1 Attorney General or State's Attorney alleges have been or are
2 being violated. If, after 30 days of issuance of the warning
3 letter, the Attorney General or State's Attorney believes the
4 controller or processor has failed to cure any alleged
5 violation, the Attorney General or State's Attorney may bring
6 an enforcement action under subsection (b). This subsection
7 becomes inoperative January 1, 2028.

8 (b) The Attorney General or the State's Attorney of any
9 county in this State may bring an action in the name of the
10 People of this State against any person to restrain and
11 prevent any pattern or practice in violation of this Act.

12 (c) A violation of this Act constitutes an unlawful
13 practice under the Consumer Fraud and Deceptive Business
14 Practices Act. All remedies, penalties, and authority granted
15 to the Attorney General or the State's Attorney by the
16 Consumer Fraud and Deceptive Business Practices Act are
17 available to the Attorney General or the State's Attorney for
18 the enforcement of this Act.

19 (d) Any civil penalties collected from the enforcement of
20 this Act shall be deposited into the Attorney General Court
21 Ordered and Voluntary Compliance Payment Projects Fund if the
22 Attorney General commenced the action or distributed to the
23 county in which the State's Attorney commenced the action and
24 deposited into a special fund in the county treasury and
25 appropriated to the State's Attorney for use in accordance
26 with law. Moneys in the Attorney General Court Ordered and

1 Voluntary Compliance Payment Projects Fund shall be used,
2 subject to appropriation, for the performance of any function
3 pertaining to the exercise of the duties of the Attorney
4 General, including, but not limited to, enforcement of any law
5 of this State and conducting public education programs.
6 However, any moneys in the Fund that are required by the court
7 or by an agreement to be used for a particular purpose shall be
8 used for that purpose.

9 (e) Beginning January 1, 2028, any person who suffers
10 actual damage as a result of a violation of this Act may bring
11 an action under Section 10a of the Consumer Fraud and
12 Deceptive Business Practices Act.

13 (f) Nothing in this Act shall be construed to preempt the
14 enforcement provisions in the Biometric Information Privacy
15 Act or the Genetic Information Privacy Act.

16 Section 95. Home rule. A unit of local government,
17 including a home rule unit, may not regulate consumer data
18 privacy. This Section is a denial and limitation of home rule
19 powers and functions under subsection (g) of Section 6 of
20 Article VII of the Illinois Constitution.

21 Section 97. Severability. If any provision of this Act or
22 its application to any person or circumstance is held invalid,
23 the invalidity of that provision or application does not
24 affect other provisions or applications of this Act that can

1 be given effect without the invalid provision or application.

2 Section 900. The Freedom of Information Act is amended by
3 changing Section 7.5 as follows:

4 (5 ILCS 140/7.5)

5 (Text of Section before amendment by P.A. 104-441 and
6 104-457)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating
24 to known or suspected cases of sexually transmitted

1 infection or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmitted
3 Infection Control Act.

4 (e) Information the disclosure of which is exempted
5 under Section 30 of the Radon Industry Licensing Act.

6 (f) Firm performance evaluations under Section 55 of
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted
10 and exempted under Section 50 of the Illinois Prepaid
11 Tuition Act.

12 (h) Information the disclosure of which is exempted
13 under the State Officials and Employees Ethics Act, and
14 records of any lawfully created State or local inspector
15 general's office that would be exempt if created or
16 obtained by an Executive Inspector General's office under
17 that Act.

18 (i) Information contained in a local emergency energy
19 plan submitted to a municipality in accordance with a
20 local emergency energy plan ordinance that is adopted
21 under Section 11-21.5-5 of the Illinois Municipal Code.

22 (j) Information and data concerning the distribution
23 of surcharge moneys collected and remitted by carriers
24 under the Emergency Telephone System Act.

25 (k) Law enforcement officer identification information
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation
2 under Section 11-212 of the Illinois Vehicle Code.

3 (l) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Executive Council under the Abuse
6 Prevention Review Team Act.

7 (m) Information provided to the predatory lending
8 database created pursuant to Article 3 of the Residential
9 Real Property Disclosure Act, except to the extent
10 authorized under that Article.

11 (n) Defense budgets and petitions for certification of
12 compensation and expenses for court appointed trial
13 counsel as provided under Sections 10 and 15 of the
14 Capital Crimes Litigation Act (repealed). This subsection
15 (n) shall apply until the conclusion of the trial of the
16 case, even if the prosecution chooses not to pursue the
17 death penalty prior to trial or sentencing.

18 (o) Information that is prohibited from being
19 disclosed under Section 4 of the Illinois Health and
20 Hazardous Substances Registry Act.

21 (p) Security portions of system safety program plans,
22 investigation reports, surveys, schedules, lists, data, or
23 information compiled, collected, or prepared by or for the
24 Department of Transportation under Sections 2705-300 and
25 2705-616 of the Department of Transportation Law of the
26 Civil Administrative Code of Illinois, the Regional

1 Transportation Authority under Section 2.11 of the
2 Regional Transportation Authority Act, or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act (repealed).

5 (q) Information prohibited from being disclosed by the
6 Personnel Record Review Act.

7 (r) Information prohibited from being disclosed by the
8 Illinois School Student Records Act.

9 (s) Information the disclosure of which is restricted
10 under Section 5-108 of the Public Utilities Act.

11 (t) (Blank).

12 (u) Records and information provided to an independent
13 team of experts under the Developmental Disability and
14 Mental Health Safety Act (also known as Brian's Law).

15 (v) Names and information of people who have applied
16 for or received Firearm Owner's Identification Cards under
17 the Firearm Owners Identification Card Act or applied for
18 or received a concealed carry license under the Firearm
19 Concealed Carry Act, unless otherwise authorized by the
20 Firearm Concealed Carry Act; and databases under the
21 Firearm Concealed Carry Act, records of the Concealed
22 Carry Licensing Review Board under the Firearm Concealed
23 Carry Act, and law enforcement agency objections under the
24 Firearm Concealed Carry Act.

25 (v-5) Records of the Firearm Owner's Identification
26 Card Review Board that are exempted from disclosure under

1 Section 10 of the Firearm Owners Identification Card Act.

2 (w) Personally identifiable information which is
3 exempted from disclosure under subsection (g) of Section
4 19.1 of the Toll Highway Act.

5 (x) Information which is exempted from disclosure
6 under Section 5-1014.3 of the Counties Code or Section
7 8-11-21 of the Illinois Municipal Code.

8 (y) Confidential information under the Adult
9 Protective Services Act and its predecessor enabling
10 statute, the Elder Abuse and Neglect Act, including
11 information about the identity and administrative finding
12 against any caregiver of a verified and substantiated
13 decision of abuse, neglect, or financial exploitation of
14 an eligible adult maintained in the Registry established
15 under Section 7.5 of the Adult Protective Services Act.

16 (z) Records and information provided to a fatality
17 review team or the Illinois Fatality Review Team Advisory
18 Council under Section 15 of the Adult Protective Services
19 Act.

20 (aa) Information which is exempted from disclosure
21 under Section 2.37 of the Wildlife Code.

22 (bb) Information which is or was prohibited from
23 disclosure by the Juvenile Court Act of 1987.

24 (cc) Recordings made under the Law Enforcement
25 Officer-Worn Body Camera Act, except to the extent
26 authorized under that Act.

1 (dd) Information that is prohibited from being
2 disclosed under Section 45 of the Condominium and Common
3 Interest Community Ombudsperson Act.

4 (ee) Information that is exempted from disclosure
5 under Section 30.1 of the Pharmacy Practice Act.

6 (ff) Information that is exempted from disclosure
7 under the Revised Uniform Unclaimed Property Act.

8 (gg) Information that is prohibited from being
9 disclosed under Section 7-603.5 of the Illinois Vehicle
10 Code.

11 (hh) Records that are exempt from disclosure under
12 Section 1A-16.7 of the Election Code.

13 (ii) Information which is exempted from disclosure
14 under Section 2505-800 of the Department of Revenue Law of
15 the Civil Administrative Code of Illinois.

16 (jj) Information and reports that are required to be
17 submitted to the Department of Labor by registering day
18 and temporary labor service agencies but are exempt from
19 disclosure under subsection (a-1) of Section 45 of the Day
20 and Temporary Labor Services Act.

21 (kk) Information prohibited from disclosure under the
22 Seizure and Forfeiture Reporting Act.

23 (ll) Information the disclosure of which is restricted
24 and exempted under Section 5-30.8 of the Illinois Public
25 Aid Code.

26 (mm) Records that are exempt from disclosure under

1 Section 4.2 of the Crime Victims Compensation Act.

2 (nn) Information that is exempt from disclosure under
3 Section 70 of the Higher Education Student Assistance Act.

4 (oo) Communications, notes, records, and reports
5 arising out of a peer support counseling session
6 prohibited from disclosure under the First Responders
7 Suicide Prevention Act.

8 (pp) Names and all identifying information relating to
9 an employee of an emergency services provider or law
10 enforcement agency under the First Responders Suicide
11 Prevention Act.

12 (qq) Information and records held by the Department of
13 Public Health and its authorized representatives collected
14 under the Reproductive Health Act.

15 (rr) Information that is exempt from disclosure under
16 the Cannabis Regulation and Tax Act.

17 (ss) Data reported by an employer to the Department of
18 Human Rights pursuant to Section 2-108 of the Illinois
19 Human Rights Act.

20 (tt) Recordings made under the Children's Advocacy
21 Center Act, except to the extent authorized under that
22 Act.

23 (uu) Information that is exempt from disclosure under
24 Section 50 of the Sexual Assault Evidence Submission Act.

25 (vv) Information that is exempt from disclosure under
26 subsections (f) and (j) of Section 5-36 of the Illinois

1 Public Aid Code.

2 (ww) Information that is exempt from disclosure under
3 Section 16.8 of the State Treasurer Act.

4 (xx) Information that is exempt from disclosure or
5 information that shall not be made public under the
6 Illinois Insurance Code.

7 (yy) Information prohibited from being disclosed under
8 the Illinois Educational Labor Relations Act.

9 (zz) Information prohibited from being disclosed under
10 the Illinois Public Labor Relations Act.

11 (aaa) Information prohibited from being disclosed
12 under Section 1-167 of the Illinois Pension Code.

13 (bbb) Information that is prohibited from disclosure
14 by the Illinois Police Training Act and the Illinois State
15 Police Act.

16 (ccc) Records exempt from disclosure under Section
17 2605-304 of the Illinois State Police Law of the Civil
18 Administrative Code of Illinois.

19 (ddd) Information prohibited from being disclosed
20 under Section 35 of the Address Confidentiality for
21 Victims of Domestic Violence, Sexual Assault, Human
22 Trafficking, or Stalking Act.

23 (eee) Information prohibited from being disclosed
24 under subsection (b) of Section 75 of the Domestic
25 Violence Fatality Review Act.

26 (fff) Images from cameras under the Expressway Camera

1 Act and all automated license plate reader (ALPR)
2 information used and collected by the Illinois State
3 Police. "ALPR information" means information gathered by
4 an ALPR or created from the analysis of data generated by
5 an ALPR. This subsection (fff) is inoperative on and after
6 July 1, 2028.

7 (ggg) Information prohibited from disclosure under
8 paragraph (3) of subsection (a) of Section 14 of the Nurse
9 Agency Licensing Act.

10 (hhh) Information submitted to the Illinois State
11 Police in an affidavit or application for an assault
12 weapon endorsement, assault weapon attachment endorsement,
13 .50 caliber rifle endorsement, or .50 caliber cartridge
14 endorsement under the Firearm Owners Identification Card
15 Act.

16 (iii) Data exempt from disclosure under Section 50 of
17 the School Safety Drill Act.

18 (jjj) Information exempt from disclosure under Section
19 30 of the Insurance Data Security Law.

20 (kkk) Confidential business information prohibited
21 from disclosure under Section 45 of the Paint Stewardship
22 Act.

23 (lll) Data exempt from disclosure under Section
24 2-3.196 of the School Code.

25 (mmm) Information prohibited from being disclosed
26 under subsection (e) of Section 1-129 of the Illinois

1 Power Agency Act.

2 (nnn) Materials received by the Department of Commerce
3 and Economic Opportunity that are confidential under the
4 Music and Musicians Tax Credit and Jobs Act.

5 (ooo) Data or information provided pursuant to Section
6 20 of the Statewide Recycling Needs and Assessment Act.

7 (ppp) Information that is exempt from disclosure under
8 Section 28-11 of the Lawful Health Care Activity Act.

9 (qqq) Information that is exempt from disclosure under
10 Section 7-101 of the Illinois Human Rights Act.

11 (rrr) Information prohibited from being disclosed
12 under Section 4-2 of the Uniform Money Transmission
13 Modernization Act.

14 (sss) Information exempt from disclosure under Section
15 40 of the Student-Athlete Endorsement Rights Act.

16 (ttt) Audio recordings made under Section 30 of the
17 Illinois State Police Act, except to the extent authorized
18 under that Section.

19 (uuu) Information prohibited from being disclosed
20 under Section 30-5 of the Digital Assets Regulation Act.

21 (www) Data privacy and protection assessments made
22 available to the Attorney General under Section 18 of the
23 Illinois Consumer Data Privacy Act.

24 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
25 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
26 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,

1 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
2 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
3 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
4 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
5 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; revised
6 9-10-25.)

7 (Text of Section after amendment by P.A. 104-457 but
8 before 104-441)

9 Sec. 7.5. Statutory exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be
11 exempt from inspection and copying:

12 (a) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (b) Library circulation and order records identifying
16 library users with specific materials under the Library
17 Records Confidentiality Act.

18 (c) Applications, related documents, and medical
19 records received by the Experimental Organ Transplantation
20 Procedures Board and any and all documents or other
21 records prepared by the Experimental Organ Transplantation
22 Procedures Board or its staff relating to applications it
23 has received.

24 (d) Information and records held by the Department of
25 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmitted
2 infection or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmitted
4 Infection Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a
21 local emergency energy plan ordinance that is adopted
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
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7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act (repealed). This subsection
16 (n) shall apply until the conclusion of the trial of the
17 case, even if the prosecution chooses not to pursue the
18 death penalty prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Northern
2 Illinois Transit Authority under Section 2.11 of the
3 Northern Illinois Transit Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act (repealed).

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted
11 under Section 5-108 of the Public Utilities Act.

12 (t) (Blank).

13 (u) Records and information provided to an independent
14 team of experts under the Developmental Disability and
15 Mental Health Safety Act (also known as Brian's Law).

16 (v) Names and information of people who have applied
17 for or received Firearm Owner's Identification Cards under
18 the Firearm Owners Identification Card Act or applied for
19 or received a concealed carry license under the Firearm
20 Concealed Carry Act, unless otherwise authorized by the
21 Firearm Concealed Carry Act; and databases under the
22 Firearm Concealed Carry Act, records of the Concealed
23 Carry Licensing Review Board under the Firearm Concealed
24 Carry Act, and law enforcement agency objections under the
25 Firearm Concealed Carry Act.

26 (v-5) Records of the Firearm Owner's Identification

1 Card Review Board that are exempted from disclosure under
2 Section 10 of the Firearm Owners Identification Card Act.

3 (w) Personally identifiable information which is
4 exempted from disclosure under subsection (g) of Section
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure
7 under Section 5-1014.3 of the Counties Code or Section
8 8-11-21 of the Illinois Municipal Code.

9 (y) Confidential information under the Adult
10 Protective Services Act and its predecessor enabling
11 statute, the Elder Abuse and Neglect Act, including
12 information about the identity and administrative finding
13 against any caregiver of a verified and substantiated
14 decision of abuse, neglect, or financial exploitation of
15 an eligible adult maintained in the Registry established
16 under Section 7.5 of the Adult Protective Services Act.

17 (z) Records and information provided to a fatality
18 review team or the Illinois Fatality Review Team Advisory
19 Council under Section 15 of the Adult Protective Services
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24 disclosure by the Juvenile Court Act of 1987.

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26 Officer-Worn Body Camera Act, except to the extent

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4 Interest Community Ombudsperson Act.

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10 disclosed under Section 7-603.5 of the Illinois Vehicle
11 Code.

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13 Section 1A-16.7 of the Election Code.

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15 under Section 2505-800 of the Department of Revenue Law of
16 the Civil Administrative Code of Illinois.

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18 submitted to the Department of Labor by registering day
19 and temporary labor service agencies but are exempt from
20 disclosure under subsection (a-1) of Section 45 of the Day
21 and Temporary Labor Services Act.

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23 Seizure and Forfeiture Reporting Act.

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25 and exempted under Section 5-30.8 of the Illinois Public
26 Aid Code.

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8 Suicide Prevention Act.

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14 Public Health and its authorized representatives collected
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19 Human Rights pursuant to Section 2-108 of the Illinois
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22 Center Act, except to the extent authorized under that
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26 (vv) Information that is exempt from disclosure under

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2 Act and all automated license plate reader (ALPR)
3 information used and collected by the Illinois State
4 Police. "ALPR information" means information gathered by
5 an ALPR or created from the analysis of data generated by
6 an ALPR. This subsection (fff) is inoperative on and after
7 July 1, 2028.

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9 paragraph (3) of subsection (a) of Section 14 of the Nurse
10 Agency Licensing Act.

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12 Police in an affidavit or application for an assault
13 weapon endorsement, assault weapon attachment endorsement,
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21 under Section 30-5 of the Digital Assets Regulation Act.

22 (www) Data privacy and protection assessments made
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24 Illinois Consumer Data Privacy Act.

25 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
26 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.

1 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
2 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
3 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
4 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
5 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
6 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-457, eff.
7 6-1-26; revised 1-7-26.)

8 (Text of Section after amendment by P.A. 104-441)

9 Sec. 7.5. Statutory exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be
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17 Records Confidentiality Act.

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21 records prepared by the Experimental Organ Transplantation
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9 Qualifications Based Selection Act.

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11 and exempted under Section 50 of the Illinois Prepaid
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13 (h) Information the disclosure of which is exempted
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15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a
21 local emergency energy plan ordinance that is adopted
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
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26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
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3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
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8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
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12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act (repealed). This subsection
16 (n) shall apply until the conclusion of the trial of the
17 case, even if the prosecution chooses not to pursue the
18 death penalty prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

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4 County Transit District under the Bi-State Transit Safety
5 Act (repealed).

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7 Personnel Record Review Act.

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9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted
11 under Section 5-108 of the Public Utilities Act.

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14 team of experts under the Developmental Disability and
15 Mental Health Safety Act (also known as Brian's Law).

16 (v) Names and information of people who have applied
17 for or received Firearm Owner's Identification Cards under
18 the Firearm Owners Identification Card Act or applied for
19 or received a concealed carry license under the Firearm
20 Concealed Carry Act, unless otherwise authorized by the
21 Firearm Concealed Carry Act; and databases under the
22 Firearm Concealed Carry Act, records of the Concealed
23 Carry Licensing Review Board under the Firearm Concealed
24 Carry Act, and law enforcement agency objections under the
25 Firearm Concealed Carry Act.

26 (v-5) Records of the Firearm Owner's Identification

1 Card Review Board that are exempted from disclosure under
2 Section 10 of the Firearm Owners Identification Card Act.

3 (w) Personally identifiable information which is
4 exempted from disclosure under subsection (g) of Section
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure
7 under Section 5-1014.3 of the Counties Code or Section
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9 (y) Confidential information under the Adult
10 Protective Services Act and its predecessor enabling
11 statute, the Elder Abuse and Neglect Act, including
12 information about the identity and administrative finding
13 against any caregiver of a verified and substantiated
14 decision of abuse, neglect, or financial exploitation of
15 an eligible adult maintained in the Registry established
16 under Section 7.5 of the Adult Protective Services Act.

17 (z) Records and information provided to a fatality
18 review team or the Illinois Fatality Review Team Advisory
19 Council under Section 15 of the Adult Protective Services
20 Act.

21 (aa) Information which is exempted from disclosure
22 under Section 2.37 of the Wildlife Code.

23 (bb) Information which is or was prohibited from
24 disclosure by the Juvenile Court Act of 1987.

25 (cc) Recordings made under the Law Enforcement
26 Officer-Worn Body Camera Act, except to the extent

1 authorized under that Act.

2 (dd) Information that is prohibited from being
3 disclosed under Section 45 of the Condominium and Common
4 Interest Community Ombudsperson Act.

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11 Code.

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15 under Section 2505-800 of the Department of Revenue Law of
16 the Civil Administrative Code of Illinois.

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18 submitted to the Department of Labor by registering day
19 and temporary labor service agencies but are exempt from
20 disclosure under subsection (a-1) of Section 45 of the Day
21 and Temporary Labor Services Act.

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23 Seizure and Forfeiture Reporting Act.

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26 Aid Code.

1 (mm) Records that are exempt from disclosure under
2 Section 4.2 of the Crime Victims Compensation Act.

3 (nn) Information that is exempt from disclosure under
4 Section 70 of the Higher Education Student Assistance Act.

5 (oo) Communications, notes, records, and reports
6 arising out of a peer support counseling session
7 prohibited from disclosure under the First Responders
8 Suicide Prevention Act.

9 (pp) Names and all identifying information relating to
10 an employee of an emergency services provider or law
11 enforcement agency under the First Responders Suicide
12 Prevention Act.

13 (qq) Information and records held by the Department of
14 Public Health and its authorized representatives collected
15 under the Reproductive Health Act.

16 (rr) Information that is exempt from disclosure under
17 the Cannabis Regulation and Tax Act.

18 (ss) Data reported by an employer to the Department of
19 Human Rights pursuant to Section 2-108 of the Illinois
20 Human Rights Act.

21 (tt) Recordings made under the Children's Advocacy
22 Center Act, except to the extent authorized under that
23 Act.

24 (uu) Information that is exempt from disclosure under
25 Section 50 of the Sexual Assault Evidence Submission Act.

26 (vv) Information that is exempt from disclosure under

1 subsections (f) and (j) of Section 5-36 of the Illinois
2 Public Aid Code.

3 (ww) Information that is exempt from disclosure under
4 Section 16.8 of the State Treasurer Act.

5 (xx) Information that is exempt from disclosure or
6 information that shall not be made public under the
7 Illinois Insurance Code.

8 (yy) Information prohibited from being disclosed under
9 the Illinois Educational Labor Relations Act.

10 (zz) Information prohibited from being disclosed under
11 the Illinois Public Labor Relations Act.

12 (aaa) Information prohibited from being disclosed
13 under Section 1-167 of the Illinois Pension Code.

14 (bbb) Information that is prohibited from disclosure
15 by the Illinois Police Training Act and the Illinois State
16 Police Act.

17 (ccc) Records exempt from disclosure under Section
18 2605-304 of the Illinois State Police Law of the Civil
19 Administrative Code of Illinois.

20 (ddd) Information prohibited from being disclosed
21 under Section 35 of the Address Confidentiality for
22 Victims of Domestic Violence, Sexual Assault, Human
23 Trafficking, or Stalking Act.

24 (eee) Information prohibited from being disclosed
25 under subsection (b) of Section 75 of the Domestic
26 Violence Fatality Review Act.

1 (fff) Images from cameras under the Expressway Camera
2 Act and all automated license plate reader (ALPR)
3 information used and collected by the Illinois State
4 Police. "ALPR information" means information gathered by
5 an ALPR or created from the analysis of data generated by
6 an ALPR. This subsection (fff) is inoperative on and after
7 July 1, 2028.

8 (ggg) Information prohibited from disclosure under
9 paragraph (3) of subsection (a) of Section 14 of the Nurse
10 Agency Licensing Act.

11 (hhh) Information submitted to the Illinois State
12 Police in an affidavit or application for an assault
13 weapon endorsement, assault weapon attachment endorsement,
14 .50 caliber rifle endorsement, or .50 caliber cartridge
15 endorsement under the Firearm Owners Identification Card
16 Act.

17 (iii) Data exempt from disclosure under Section 50 of
18 the School Safety Drill Act.

19 (jjj) Information exempt from disclosure under Section
20 30 of the Insurance Data Security Law.

21 (kkk) Confidential business information prohibited
22 from disclosure under Section 45 of the Paint Stewardship
23 Act.

24 (lll) Data exempt from disclosure under Section
25 2-3.196 of the School Code.

26 (mmm) Information prohibited from being disclosed

1 under subsection (e) of Section 1-129 of the Illinois
2 Power Agency Act.

3 (nnn) Materials received by the Department of Commerce
4 and Economic Opportunity that are confidential under the
5 Music and Musicians Tax Credit and Jobs Act.

6 (ooo) Data or information provided pursuant to Section
7 20 of the Statewide Recycling Needs and Assessment Act.

8 (ppp) Information that is exempt from disclosure under
9 Section 28-11 of the Lawful Health Care Activity Act.

10 (qqq) Information that is exempt from disclosure under
11 Section 7-101 of the Illinois Human Rights Act.

12 (rrr) Information prohibited from being disclosed
13 under Section 4-2 of the Uniform Money Transmission
14 Modernization Act.

15 (sss) Information exempt from disclosure under Section
16 40 of the Student-Athlete Endorsement Rights Act.

17 (ttt) Audio recordings made under Section 30 of the
18 Illinois State Police Act, except to the extent authorized
19 under that Section.

20 (uuu) Information prohibited from being disclosed
21 under Section 30-5 of the Digital Assets Regulation Act.

22 (vvv) ~~(uuu)~~ Information exempt from disclosure under
23 Section 70 of the End-of-Life Options for Terminally Ill
24 Patients Act.

25 (www) Data privacy and protection assessments made
26 available to the Attorney General under Section 18 of the

1 Illinois Consumer Data Privacy Act.

2 (Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23;
3 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff.
4 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592,
5 eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24;
6 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff.
7 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081,
8 eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25;
9 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff.
10 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

11 Section 905. The Consumer Fraud and Deceptive Business
12 Practices Act is amended by adding Section 2MMMM as follows:

13 (815 ILCS 505/2MMMM new)

14 Sec. 2MMMM. Violations of the Illinois Consumer Data
15 Privacy Act. Any person who violates the Illinois Consumer
16 Data Privacy Act commits an unlawful practice within the
17 meaning of this Act.

18 Section 995. No acceleration or delay. Where this Act
19 makes changes in a statute that is represented in this Act by
20 text that is not yet or no longer in effect (for example, a
21 Section represented by multiple versions), the use of that
22 text does not accelerate or delay the taking effect of (i) the
23 changes made by this Act or (ii) provisions derived from any

1 other Public Act.

2 Section 999. Effective date. This Act takes effect January
3 1, 2027.".