

# SB3603



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3603

Introduced 2/5/2026, by Sen. Steve Stadelman

### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2MMMM new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a consumer may opt out of the processing of personal data for the purpose of targeted advertising by submitting a request using the methods specified in a data processing controller's privacy notice. Sets forth the requirements of a controller's privacy notice. Provides that, if a controller processes personal data for purposes of targeted advertising or sells personal data to third parties for targeted advertising, the controller shall disclose the processing or sale in a privacy notice and provide access to a clear and conspicuous method outside the privacy notice for a consumer to opt out of the processing or sale. Makes other changes. Effective January 1, 2028.

LRB104 19802 SPS 33252 b

A BILL FOR

1 AN ACT concerning business.

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

4 Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by adding Section 2MMMM as follows:

6 (815 ILCS 505/2MMMM new)

7 Sec. 2MMMM. Data processing.

8 (a) Definitions. As used in this Section:

9 "Controller" means the natural or legal person who, alone  
10 or jointly with others, determines the purposes and means of  
11 the processing of personal data.

12 "Deidentified data" means data that cannot reasonably be  
13 used to infer information about, or otherwise be linked to, an  
14 identified or identifiable individual, or a device linked to  
15 such an individual.

16 "Identified or identifiable individual" means a natural  
17 person who can be readily identified, directly or indirectly,  
18 based on personal data.

19 "Personal data" means any information that is linked or  
20 reasonably linkable to an identified or identifiable  
21 individual. "Personal data" does not include deidentified data  
22 or publicly available information.

23 "Process" means any operation or set of operations

1 performed, whether by manual or automated means, on personal  
2 data or on sets of personal data, including, but not limited  
3 to, the collection, use, storage, disclosure, analysis,  
4 deletion, or modification of personal data.

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

7 "Targeted advertising" means displaying advertisements to  
8 a consumer where the advertisement is selected based on  
9 personal data obtained or inferred from that consumer's  
10 activities over time and across nonaffiliated websites or  
11 online applications to predict the consumer's preferences or  
12 interests. "Targeted advertising" does not include:

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

15 (2) advertising based on the context of a consumer's  
16 current search query or visit to a website or online  
17 application;

18 (3) advertising directed to a consumer in response to  
19 the consumer's request for information or feedback; or

20 (4) processing personal data solely for measuring or  
21 reporting advertising performance, reach, or frequency.

22 (b) A consumer may opt out of the processing of personal  
23 data for the purpose of targeted advertising by submitting a  
24 request using the methods specified in the controller's  
25 privacy notice. A consumer may submit a request to a  
26 controller under this subsection at any time.

1       (c) A controller that processes personal data for purposes  
2 of targeted advertising shall provide a clear and conspicuous  
3 method for a consumer to opt out of the processing of personal  
4 data for the purpose of targeted advertising. A controller  
5 shall establish one or more secure and reliable means for  
6 consumers to submit a request to opt out of the processing of  
7 personal data for the purpose of targeted advertising, taking  
8 into account the ways in which consumers normally interact  
9 with the controller, the need for secure and reliable  
10 communication of the requests, and the ability of the  
11 controller to verify the identity of the consumer making the  
12 request.

13       (d) A consumer may authorize another person, acting on the  
14 consumer's behalf, to opt out of the processing of the  
15 consumer's personal data for purposes of targeted advertising.  
16 A consumer may designate an authorized agent through a  
17 technology, including, but not limited to, an Internet link or  
18 a browser setting, browser extension, or global device  
19 setting, indicating the consumer's intent to opt out of the  
20 processing.

21       A controller shall comply with an opt-out request received  
22 from a person authorized by the consumer to act on the  
23 consumer's behalf if the controller is able to authenticate,  
24 with commercially reasonable effort, the identity of the  
25 consumer and the authorized agent's authority to act on the  
26 consumer's behalf.

1       (e) If a controller is processing personal data for  
2 purposes of targeted advertising of a known child, the parent  
3 or legal guardian may opt the child out of the processing of  
4 personal data for the purpose of targeted advertising. If a  
5 controller is processing the personal data for purposes of  
6 targeted advertising of a consumer subject to a guardianship,  
7 conservatorship, or other protective arrangement, the guardian  
8 or the conservator of the consumer may opt the consumer out of  
9 the processing of personal data for the purpose of targeted  
10 advertising.

11       (f) A controller shall allow consumers to exercise the  
12 right to opt out of the processing of personal data for  
13 purposes of targeted advertising through a user-selected,  
14 universal opt-out mechanism, including by an opt-out  
15 preference signal sent, with the consumer's consent, by a  
16 platform, technology, or mechanism to the controller  
17 indicating the consumer's intent to opt out of the processing.

18       (g) If a controller processes personal data for purposes  
19 of targeted advertising or sells personal data to third  
20 parties for targeted advertising, the controller shall  
21 disclose the processing or sale in a privacy notice and  
22 provide access to a clear and conspicuous method outside the  
23 privacy notice for a consumer to opt out of the sale or  
24 processing. This method may include, but is not limited to, an  
25 Internet hyperlink clearly labeled "Your Opt-Out Rights" or  
26 "Your Privacy Rights" that directly effectuates the opt-out

1 request or takes consumers to a web page where the consumer can  
2 make the opt-out request.

3 The privacy notice shall be posted online through a  
4 conspicuous hyperlink using the word "privacy" on the  
5 controller's website home page or on a mobile application's  
6 store page or download page. A controller that maintains an  
7 application on a mobile or other device shall also include a  
8 hyperlink to the privacy notice in the application's settings  
9 menu or in a similarly conspicuous and accessible location. A  
10 controller that does not operate a website shall make the  
11 privacy notice conspicuously available to consumers through a  
12 medium regularly used by the controller to interact with  
13 consumers.

14 (h) This Section applies to legal entities that conduct  
15 business in this State or produce products or services that  
16 are targeted to residents of this State, and that:

17 (1) during a calendar year, control or process  
18 personal data of 100,000 consumers or more, excluding  
19 personal data controlled or processed solely for the  
20 purpose of completing a payment transaction; or

21 (2) derive over 25% of gross revenue from the sale of  
22 personal data and process or control personal data of  
23 25,000 consumers or more.

24 (i) A violation of this Section constitutes an unlawful  
25 practice within the meaning of this Act.

26 Section 99. Effective date. This Act takes effect January

SB3603

- 6 -

LRB104 19802 SPS 33252 b

1 1, 2028.