



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3413

Introduced 1/14/2022, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

740 ILCS 14/25

Amends the Biometric Information Privacy Act. Provides that nothing in the Act shall be construed to apply to any health care employer that (1) hires an employee under the Health Care Worker Background Check Act and the employee has submitted to a fingerprint-based criminal history records check, (2) uses and stores biometric information or biometric identifiers exclusively for employment, human resources, compliance, payroll, identification, authentication, safety, security, or fraud prevention purposes, (3) does not sell, lease, or trade the biometric information or biometric identifiers collected, and (4) maintains and follows a documented process to delete any biometric information or biometric identifier.

LRB102 22741 LNS 31887 b

1 AN ACT concerning civil law.

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

4 Section 5. The Biometric Information Privacy Act is
5 amended by changing Section 25 as follows:

6 (740 ILCS 14/25)

7 Sec. 25. Construction.

8 (a) Nothing in this Act shall be construed to impact the
9 admission or discovery of biometric identifiers and biometric
10 information in any action of any kind in any court, or before
11 any tribunal, board, agency, or person.

12 (b) Nothing in this Act shall be construed to conflict
13 with the X-Ray Retention Act, the federal Health Insurance
14 Portability and Accountability Act of 1996 and the rules
15 promulgated under either Act.

16 (c) Nothing in this Act shall be deemed to apply in any
17 manner to a financial institution or an affiliate of a
18 financial institution that is subject to Title V of the
19 federal Gramm-Leach-Bliley Act of 1999 and the rules
20 promulgated thereunder.

21 (d) Nothing in this Act shall be construed to conflict
22 with the Private Detective, Private Alarm, Private Security,
23 Fingerprint Vendor, and Locksmith Act of 2004 and the rules

1 promulgated thereunder.

2 (e) Nothing in this Act shall be construed to apply to a
3 contractor, subcontractor, or agent of a State agency or local
4 unit of government when working for that State agency or local
5 unit of government.

6 (f) Nothing in this Act shall be construed to apply to any
7 health care employer, as defined in the Health Care Worker
8 Background Check Act, that:

9 (1) hires an employee under the Health Care Worker
10 Background Check Act and the employee has submitted to a
11 fingerprint-based criminal history records check;

12 (2) uses and stores biometric information or biometric
13 identifiers exclusively for employment, human resources,
14 compliance, payroll, identification, authentication,
15 safety, security, or fraud prevention purposes;

16 (3) does not sell, lease, or trade the biometric
17 information or biometric identifiers collected, and

18 (4) maintains and follows a documented process to
19 delete any biometric information or biometric identifier
20 used for the purposes identified in this subsection.

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