

# HB3438



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3438

Introduced 2/17/2023, by Rep. Joe C. Sosnowski

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Keep Internet Devices Safe Act. Provides that no private entity may turn on or enable a digital device's microphone unless the registered account holder or another user that is setting up or configuring the device first agrees to a consumer agreement or privacy notice meeting specified criteria. Provides that a private entity that collects, stores, or transmits any information collected through a digital device's microphone concerning a registered account holder shall implement and maintain reasonable security measures to protect such information from unauthorized access, acquisition, destruction, use, modification, and disclosure. Provides that the Attorney General shall have exclusive authority to enforce the Act. Provides that any waiver of the provisions of the Act is void and unenforceable. Defines terms.

LRB103 26874 SPS 53238 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 1. Short title. This Act may be cited as the Keep  
5 Internet Devices Safe Act.

6 Section 5. Definitions. In this Act:

7 "Digital device" means an Internet-connected device that  
8 contains a microphone, such as a smartphone, tablet,  
9 television, computer, car, toy, or home appliance.

10 "Microphone" means an instrument capable of detecting  
11 sound waves.

12 "Private entity" means any partnership, corporation,  
13 limited liability company, association, organization, or other  
14 group, regardless of organizational structure, or any agent  
15 thereof. "Private entity" does not include a State or local  
16 government agency.

17 Section 10. Use of a digital device's microphone.

18 (a) No private entity may turn on or enable a digital  
19 device's microphone unless the registered account holder or  
20 another user that is setting up or configuring the device  
21 first agrees to the following information in a consumer  
22 agreement or privacy notice notifying the registered account

1 holder:

2 (1) that the microphone in the digital device will be  
3 turned on or enabled;

4 (2) what command or action will turn on or enable the  
5 microphone;

6 (3) the categories of sounds the microphone will be  
7 listening for, recording, or disclosing; and

8 (4) the categories of third parties to which the  
9 sounds may be disclosed.

10 (b) The manufacturer of a digital device that does not  
11 cause to be turned on or otherwise use a digital device's  
12 microphone is not subject to this Section.

13 Section 15. Security measures. A private entity that  
14 records and transmits any personally identifiable information  
15 collected through the digital device's microphone concerning a  
16 registered account holder shall implement and maintain  
17 reasonable security measures to protect such personally  
18 identifiable information from unauthorized access,  
19 acquisition, destruction, use, modification, and disclosure.

20 Section 20. Enforcement. The Attorney General shall have  
21 exclusive authority to enforce this Act. Nothing in this Act  
22 shall be construed to modify, limit, or supersede the  
23 operation of any privacy or security provision in any other  
24 Illinois law or prevent a party from otherwise seeking relief

1 under the Code of Civil Procedure.

2 Section 25. Waiver void. Any waiver of the provisions of  
3 this Act is void and unenforceable.