

# SB2979



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2979

Introduced 1/31/2024, by Sen. Bill Cunningham

### SYNOPSIS AS INTRODUCED:

740 ILCS 14/10  
740 ILCS 14/20

Amends the Biometric Information Privacy Act. Defines "electronic signature" as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. Provides that "written release" includes an electronic signature. Provides that a private entity that more than once collects or discloses a person's biometric identifier or biometric information from the same person in violation of the Act has committed a single violation for which the aggrieved person is entitled to, at most, one recovery. Effective immediately.

LRB103 36771 JRC 66881 b

A BILL FOR

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 Sections 10 and 20 as follows:

6 (740 ILCS 14/10)

7 Sec. 10. Definitions. In this Act:

8 "Biometric identifier" means a retina or iris scan,  
9 fingerprint, voiceprint, or scan of hand or face geometry.  
10 Biometric identifiers do not include writing samples, written  
11 signatures, photographs, human biological samples used for  
12 valid scientific testing or screening, demographic data,  
13 tattoo descriptions, or physical descriptions such as height,  
14 weight, hair color, or eye color. Biometric identifiers do not  
15 include donated organs, tissues, or parts as defined in the  
16 Illinois Anatomical Gift Act or blood or serum stored on  
17 behalf of recipients or potential recipients of living or  
18 cadaveric transplants and obtained or stored by a federally  
19 designated organ procurement agency. Biometric identifiers do  
20 not include biological materials regulated under the Genetic  
21 Information Privacy Act. Biometric identifiers do not include  
22 information captured from a patient in a health care setting  
23 or information collected, used, or stored for health care

1 treatment, payment, or operations under the federal Health  
2 Insurance Portability and Accountability Act of 1996.  
3 Biometric identifiers do not include an X-ray, roentgen  
4 process, computed tomography, MRI, PET scan, mammography, or  
5 other image or film of the human anatomy used to diagnose,  
6 prognose, or treat an illness or other medical condition or to  
7 further validate scientific testing or screening.

8 "Biometric information" means any information, regardless  
9 of how it is captured, converted, stored, or shared, based on  
10 an individual's biometric identifier used to identify an  
11 individual. Biometric information does not include information  
12 derived from items or procedures excluded under the definition  
13 of biometric identifiers.

14 "Confidential and sensitive information" means personal  
15 information that can be used to uniquely identify an  
16 individual or an individual's account or property. Examples of  
17 confidential and sensitive information include, but are not  
18 limited to, a genetic marker, genetic testing information, a  
19 unique identifier number to locate an account or property, an  
20 account number, a PIN number, a pass code, a driver's license  
21 number, or a social security number.

22 "Electronic signature" means an electronic sound, symbol,  
23 or process attached to or logically associated with a record  
24 and executed or adopted by a person with the intent to sign the  
25 record.

26 "Private entity" means any individual, partnership,

1 corporation, limited liability company, association, or other  
2 group, however organized. A private entity does not include a  
3 State or local government agency. A private entity does not  
4 include any court of Illinois, a clerk of the court, or a judge  
5 or justice thereof.

6 "Written release" means informed written consent,  
7 electronic signature, or, in the context of employment, a  
8 release executed by an employee as a condition of employment.

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

10 (740 ILCS 14/20)

11 Sec. 20. Right of action.

12 (a) Any person aggrieved by a violation of this Act shall  
13 have a right of action in a State circuit court or as a  
14 supplemental claim in federal district court against an  
15 offending party. A prevailing party may recover for each  
16 violation:

17 (1) against a private entity that negligently violates  
18 a provision of this Act, liquidated damages of \$1,000 or  
19 actual damages, whichever is greater;

20 (2) against a private entity that intentionally or  
21 recklessly violates a provision of this Act, liquidated  
22 damages of \$5,000 or actual damages, whichever is greater;

23 (3) reasonable attorneys' fees and costs, including  
24 expert witness fees and other litigation expenses; and

25 (4) other relief, including an injunction, as the

1 State or federal court may deem appropriate.

2 (b) For purposes of subsection (b) of Section 15, a  
3 private entity that, in more than one instance, collects,  
4 captures, purchases, receives through trade, or otherwise  
5 obtains the same biometric identifier or biometric information  
6 from the same person using the same method of collection in  
7 violation of subsection (b) of Section 15 has committed a  
8 single violation of subsection (b) of Section 15 for which the  
9 aggrieved person is entitled to, at most, one recovery under  
10 this Section.

11 (c) For purposes of subsection (d) of Section 15, a  
12 private entity that, in more than one instance, discloses,  
13 rediscloses, or otherwise disseminates the same biometric  
14 identifier or biometric information from the same person to  
15 the same recipient using the same method of collection in  
16 violation of subsection (d) of Section 15 has committed a  
17 single violation of subsection (d) of Section 15 for which the  
18 aggrieved person is entitled to, at most, one recovery under  
19 this Section regardless of the number of times the private  
20 entity disclosed, redisclosed, or otherwise disseminated the  
21 same biometric identifier or biometric information of the same  
22 person to the same recipient.

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.