

1 AN ACT concerning information about children.

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
5 Children's Privacy Protection and Parental Empowerment Act.

6 Section 5. Definitions. As used in this Act:

7 "Child" means a person under the age of 16. "Child" does
8 not include a minor emancipated by operation of law.

9 "Parent" means a parent, step-parent, or legal guardian.

10 "Personal information" means any of the following:

11 (1) A person's name.

12 (2) A person's address.

13 (3) A person's telephone number.

14 (4) A person's driver's license number or State of
15 Illinois identification card as assigned by the Illinois
16 Secretary of State or by a similar agency of another
17 state.

18 (5) A person's social security number.

19 (6) Any other information that can be used to
20 locate or contact a specific individual.

21 "Personal information" does not include any of the
22 following:

23 (1) Public records as defined by Section 2 of the
24 Freedom of Information Act.

25 (2) Court records.

26 (3) Information found in publicly available
27 sources, including newspapers, magazines, and telephone
28 directories.

29 (4) Any other information that is not known to
30 concern a child.

1 Section 10. Prohibited act. The sale or purchase of
2 personal information concerning an individual known to be a
3 child without parental consent is prohibited.

4 Section 15. Information brokers.

5 (a) For the purpose of this Act, the consent of a parent
6 to the sale or purchase of information concerning a child is
7 presumed unless the parent withdraws consent under this
8 Section.

9 A person who brokers or facilitates the sale of personal
10 information concerning children must, upon written request
11 from a parent that specifically identifies the child, provide
12 to the parent within 20 days of the written request
13 procedures that the parent must follow in order to withdraw
14 consent to use personal information relating to that child.
15 The person who brokers or facilitates the sale of personal
16 information must discontinue disclosing a child's personal
17 information within 20 days after the parent has completed the
18 procedures to withdraw consent to use personal information
19 relating to that child.

20 (b) This Section does not apply to any of the following:

21 (1) Any federal, state, or local government agency
22 or any law enforcement agency.

23 (2) The National Center for Missing and Exploited
24 Children.

25 (3) Any educational institution, consortium,
26 organization, or professional association, including but
27 not limited to, public community colleges, public
28 universities, post-secondary educational institutions as
29 defined in the Private College Act, and private business
30 and vocational schools as defined in the Private Business
31 and Vocational Schools Act.

32 (4) Any not-for-profit entity that is exempt from
33 the payment of federal taxes under Section 501(c)(3) of

1 the Internal Revenue Code of 1986.

2 Section 20. Application of the Consumer Fraud and
3 Deceptive Business Practices Act. A violation of any
4 provision of this Act is a violation of the Consumer Fraud
5 and Deceptive Business Practices Act. This Act, however,
6 shall not be considered or construed to provide any private
7 right of action.

8 Section 80. The School Code is amended by adding Section
9 1A-9 as follows:

10 (105 ILCS 5/1A-9 new)

11 Sec. 1A-9. Duty of the Board to disseminate information
12 concerning the Children's Privacy Protection and Parental
13 Empowerment Act. The Board shall (i) prepare and disseminate
14 to the local educational agencies and the regional offices of
15 education materials advising parents of their rights under
16 the Children's Privacy Protection and Parental Empowerment
17 Act and (ii) add notice to its website advising parents of
18 their rights under the Children's Privacy Protection and
19 Parental Empowerment Act.