



Rep. John M. Cabello

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10300HB4447ham001

LRB103 34729 SPS 70757 a

1 AMENDMENT TO HOUSE BILL 4447

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4447 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Data  
5 Broker Registration Act.

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

7 "Brokered personal information" means one or more of the  
8 following computerized data elements about an individual, if  
9 categorized or organized for dissemination to third parties:

- 10 (1) name;
- 11 (2) address;
- 12 (3) date of birth;
- 13 (4) place of birth;
- 14 (5) mother's maiden name;
- 15 (6) unique biometric data generated from measurements  
16 or technical analysis of human body characteristics used

1 by the owner or licensee of the data to identify or  
2 authenticate the individual, such as a fingerprint, retina  
3 or iris image, or other unique physical representation or  
4 digital representation of biometric data;

5 (7) name or address of a member of the individual's  
6 immediate family or household;

7 (8) social Security number or other government-issued  
8 identification number; and

9 (9) other information that, alone or in combination  
10 with the other information sold or licensed, would allow a  
11 reasonable person to identify the individual with  
12 reasonable certainty.

13 "Brokered personal information" does not include publicly  
14 available information to the extent that it is related to an  
15 individual's business or profession.

16 "Data broker" means a business or a unit of a business,  
17 separately or together, that knowingly collects and sells or  
18 licenses to third parties the brokered personal information of  
19 an individual with whom the business does not have a direct  
20 relationship. A direct relationship with a business includes  
21 if the individual is a past or present: (i) customer, client,  
22 subscriber, user, or registered user of the business's goods  
23 or services; (ii) employee, contractor, or agent of the  
24 business; (iii) investor in the business; or (iv) donor to the  
25 business.

26 "Data broker" does not include a business that conducts

1 the following activities and the collection, sale, or  
2 licensing of brokered personal information incidental to  
3 conducting the activities:

4 (1) developing or maintaining third-party e-commerce  
5 or application platforms; or

6 (2) providing 411 directory assistance or directory  
7 information services, including name, address, and  
8 telephone number, on behalf of or as a function of a  
9 telecommunications carrier.

10 Section 10. Annual registration.

11 (a) Annually, on or before January 31, a data broker  
12 operating in this State shall:

13 (1) register with the Secretary of State;

14 (2) pay a registration fee of \$100 for use by the  
15 Secretary of State to administer and enforce this Section;  
16 and

17 (3) provide the following information:

18 (A) the name and primary physical, e-mail, and  
19 Internet addresses of the data broker;

20 (B) if the data broker permits an individual to  
21 opt out of the data broker's collection of brokered  
22 personal information, opt out of its databases, or opt  
23 out of certain sales of data:

24 (i) the method for requesting an opt-out;

25 (ii) which activities or sales the opt-out

1 applies to; and

2 (iii) whether the data broker permits an  
3 individual to authorize a third party to perform  
4 the opt-out on the individual's behalf;

5 (C) a statement specifying the data collection,  
6 databases or sales activities from which an individual  
7 may not opt out;

8 (D) a statement whether the data broker implements  
9 a purchaser credentialing process;

10 (E) the number of data broker security breaches  
11 that the data broker has experienced during the prior  
12 year and, if known, the total number of individuals  
13 affected by the breaches;

14 (F) if the data broker has actual knowledge that  
15 it possesses the brokered personal information of  
16 minors, a separate statement detailing the data  
17 collection practices, databases, sales activities, and  
18 opt-out policies that are applicable to the brokered  
19 personal information of minors; and

20 (G) any additional information or explanation the  
21 data broker chooses to provide concerning its data  
22 collection practices.

23 (b) The Secretary of State shall publish on its website a  
24 list of registered data brokers and update the list annually.

25 (c) A data broker that fails to register as required under  
26 this Section shall pay a civil penalty of \$50 for each day, not

1 to exceed a total of \$10,000 for each year, it fails to  
2 register; (2) an amount equal to the fees due under this  
3 Section during the period it failed to register as required  
4 under this Section; and (3) other penalties imposed by law.

5 (d) The Secretary of State may revoke or suspend the  
6 registration of an individual or entity for a period of up to  
7 one year, or bar an individual or entity from applying for  
8 registration for a period of up to one year, for failure to  
9 register or to pay any fee, fine, or penalty under this Act.  
10 All fees, fines, and penalties shall be paid prior to  
11 reinstatement or registration of any individual or entity  
12 required to register as a data broker.

13 (e) The Secretary of State may adopt rules to implement  
14 and administer this Section.

15 Section 15. Enforcement. A violation of this Act  
16 constitutes an unlawful practice under the Consumer Fraud and  
17 Deceptive Business Practices Act. All remedies, penalties, and  
18 authority granted to the Attorney General by the Consumer  
19 Fraud and Deceptive Business Practices Act shall be available  
20 to him or her for the enforcement of this Act.

21 Section 90. The Consumer Fraud and Deceptive Business  
22 Practices Act is amended by adding Section 2EEEE and 2FFFF as  
23 follows:

1 (815 ILCS 505/2EEEE new)

2 Sec. 2EEEE. Motor vehicle extended warranty.

3 (a) As used in this Section, "extended warranty" means any  
4 contract or agreement indemnifying the service agreement  
5 holder for the motor vehicle listed on the service agreement  
6 and arising out of the ownership, operation, and use of the  
7 motor vehicle against loss caused by failure of any mechanical  
8 or other component part, or any mechanical or other component  
9 part that does not function as it was originally intended.  
10 "Extended warranty" does not include the usual performance  
11 guarantees by manufacturers or dealers in connection with the  
12 sale of motor vehicles.

13 (b) It is an unlawful practice within the meaning of this  
14 Act for any person to solicit the purchase of an extended  
15 warranty through the mail.

16 (c) This Section does not apply to the seller of a motor  
17 vehicle who solicits the purchase of an extended warranty for  
18 that motor vehicle.

19 (815 ILCS 505/2FFFF new)

20 Sec. 2FFFF. Violations of the Data Broker Registration  
21 Act. Any person who violates the Data Broker Registration Act  
22 commits an unlawful practice within the meaning of this Act.

23 Section 95. The Personal Information Protection Act is  
24 amended by changing Section 5 as follows:

1 (815 ILCS 530/5)

2 Sec. 5. Definitions. In this Act:

3 "Data collector" may include, but is not limited to,  
4 government agencies, public and private universities,  
5 privately and publicly held corporations, financial  
6 institutions, retail operators, and any other entity that, for  
7 any purpose, handles, collects, disseminates, or otherwise  
8 deals with nonpublic personal information.

9 "Breach of the security of the system data" or "breach"  
10 means unauthorized acquisition of computerized data that  
11 compromises the security, confidentiality, or integrity of  
12 personal information maintained by the data collector. "Breach  
13 of the security of the system data" does not include good faith  
14 acquisition of personal information by an employee or agent of  
15 the data collector for a legitimate purpose of the data  
16 collector, provided that the personal information is not used  
17 for a purpose unrelated to the data collector's business or  
18 subject to further unauthorized disclosure.

19 "Health insurance information" means an individual's  
20 health insurance policy number or subscriber identification  
21 number, any unique identifier used by a health insurer to  
22 identify the individual, or any medical information in an  
23 individual's health insurance application and claims history,  
24 including any appeals records.

25 "Medical information" means any information regarding an

1 individual's medical history, mental or physical condition, or  
2 medical treatment or diagnosis by a healthcare professional,  
3 including such information provided to a website or mobile  
4 application.

5 "Personal information" means either of the following:

6 (1) An individual's first name or first initial and  
7 last name in combination with any one or more of the  
8 following data elements, when either the name or the data  
9 elements are not encrypted or redacted or are encrypted or  
10 redacted but the keys to unencrypt or unredact or  
11 otherwise read the name or data elements have been  
12 acquired without authorization through the breach of  
13 security:

14 (A) Social Security number.

15 (B) Driver's license number or State  
16 identification card number.

17 (C) Account number or credit or debit card number,  
18 or an account number or credit card number in  
19 combination with any required security code, access  
20 code, or password that would permit access to an  
21 individual's financial account.

22 (D) Medical information.

23 (E) Health insurance information.

24 (F) Unique biometric data generated from  
25 measurements or technical analysis of human body  
26 characteristics used by the owner or licensee to



1           authenticate an individual, such as a fingerprint,  
2           retina or iris image, or other unique physical  
3           representation or digital representation of biometric  
4           data.

5                   (G) Motor vehicle purchasing information.

6                   (H) Home purchasing information.

7           (2) User name or email address, in combination with a  
8           password or security question and answer that would permit  
9           access to an online account, when either the user name or  
10          email address or password or security question and answer  
11          are not encrypted or redacted or are encrypted or redacted  
12          but the keys to unencrypt or unredact or otherwise read  
13          the data elements have been obtained through the breach of  
14          security.

15          "Personal information" does not include publicly available  
16          information that is lawfully made available to the general  
17          public from federal, State, or local government records.

18          (Source: P.A. 99-503, eff. 1-1-17.)".