

AN ACT concerning information about children.

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

Section 1. Short title. This Act may be cited as the Children's Privacy Protection and Parental Empowerment Act.

Section 5. Definitions. As used in this Act:

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

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

"Personal information" means any of the following:

- (1) A person's name.
- (2) A person's address.
- (3) A person's telephone number.
- (4) A person's driver's license number or State of Illinois identification card as assigned by the Illinois Secretary of State or by a similar agency of another state.

(5) A person's social security number.

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

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

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

(2) Court records.

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

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

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

Section 15. Information brokers.

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

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

(b) This Section does not apply to any of the following:  
(1) Any federal, state, or local government agency or any law enforcement agency.

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

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

(4) Any not-for-profit entity that is exempt from the payment of federal taxes under Section 501(c)(3) of the Internal Revenue Code of 1986.

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

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

(105 ILCS 5/1A-9 new)

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