May 22, 2017

Senator Michael Hastings  Representative Arthur Turner
Illinois State Senate  Illinois House of Representatives
118 State Capitol Building  109 State Capitol Building
Springfield, Illinois 62706  Springfield, Illinois 62706
district19@senatorhastings.com arthur@ilga.gov

Re:  Illinois SB 1502 and HB 2774 – SUPPORT

Dear Sen. Hastings and Rep. Turner:

The Electronic Frontier Foundation supports SB 1502 and HB 2774. These “right to know” bills would empower visitors to websites and online services to learn what personal information the operators gather from them, and who the operators share it with. These bills would significantly advance digital privacy and transparency.

EFF is a member-supported, nonprofit civil liberties organization that protects free speech and privacy rights in the digital world. EFF was founded in 1990, is headquartered in San Francisco, and has over 36,000 members.

1. What SB 1502 and HB 2774 would do.

Several definitions in the bills are critical. See Section 10.

• The bills would require certain disclosures from “operators,” meaning people and entities that own websites or online services that collect and maintain personal information from visiting customers. The bill would only apply to websites and services with commercial purposes. The bill would not apply to businesses with ten or fewer employees, or to tax-exempt organization. See Section 40(d).

• The bills would empower “customers,” meaning people who provide personal information to a private entity, with or without their knowledge, and with or without an exchange of value.
The bills would address “personal information,” meaning information that identifies, relates to, describes, or is capable of being associated with, a particular person.

The bills would require certain disclosures from operators:

- If an operator collects personal information about individual customers who visit its commercial website or online service, then the operator must publicly identify all categories of personal information that the operator collects. See Section 15.

- If an operator discloses a customer’s personal information to a third party, then the operator must, on request from the customer, identify (1) all categories of personal information that they disclosed, and (2) the names of all third parties that received it. See Section 20(a). The operator must do so for free and within 30 days. See Sections 20 and 25(b). The operator need only address the prior year, and need only respond to each customer once per year. See Section 25(a) and 25(c).

The bills would grant exclusive enforcement power to the Illinois Attorney General and State’s Attorneys, under the Illinois Consumer Fraud and Deceptive Business Practices Act. See Section 30.

2. Why Illinois needs SB 1502 and HB 2774.

Many operators of commercial websites and online services collect from their visitors a tremendous amount of highly personal information. This can include facts about our health, finances, location, politics, religion, sexual orientation, and shopping. Many operators share this information with third parties, including advertisers and data brokers. This information has great financial value, so pressure to collect and share it will continue to grow.

This is a profound threat to our privacy. We live more and more of our lives online. The aggregation of our myriad clicks can turn our lives into open books. Our sensitive personal information, pooled into ever-larger reservoirs, can be sold to the highest bidder, stolen by criminals, and seized by government investigators.
Many people would like to protect their own privacy, by making informed choices about which websites and online services to visit. Some sites and services are more respectful of visitors’ privacy, and others are less so.

But all too often, such attempts at privacy self-help are stymied by the lack of available information about what personal information a website is collecting and sharing.

SB 1502 and HB 2774 would even the playing field. They would ensure that people can obtain the information they need to make fact-based decisions about where they want to spend their time online.

These bills would not restrict how any website or online service gathers or shares information. Operators can keep doing exactly what they are doing – they just have to be more transparent about it.

* * *

Thank you for your leadership of SB 1502 and HB 2774. EFF supports these digital privacy and transparency bills. If you have any questions, please do not hesitate to contact me at (415) 436-9333, extension 176, or to email me at adam@eff.org.

Sincerely,

Adam Schwartz
Senior Staff Attorney