

**98TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2013 and 2014**  
**HB3686**

Introduced , by Rep. Marcus C. Evans, Jr.

**SYNOPSIS AS INTRODUCED:**

815 ILCS 505/2RRR new

Amends the Consumer Fraud and Deceptive Business Practices Act. Makes it an unlawful business practice for operators of Internet websites, webpages, online services, online applications, social networking websites, or mobile applications directed at minors to not allow a minor to request and obtain removal of content or information posted by the minor or not allow the minor to remove the content or information themselves. Makes it an unlawful business practice for operators of Internet websites, webpages, online services, online applications, social networking websites, or mobile applications who have actual knowledge that a minor is using its Internet website, webpage, online service, online application, social networking website, or mobile application to not allow the minor to request and obtain removal of content or information posted by the minor or not allow the minor to remove the content or information themselves. Also makes it an unlawful business practice to not inform minors that are registered users of the service that they may have content or information posted by them removed including instructions on how to remove or obtain removal of the content or information. Provides exceptions if: (1) federal or State law requires maintenance of the content or information; (2) the content or information was posted by a third party, including reposting of content originally posted by the minor; (3) the content or information is hidden or made anonymous; (4) the minor fails to follow instructions for removal; or (5) the minor received compensation for the content or information. Provides the Section does not limit the authority of a law enforcement agency to obtain any content or information as required by law or court order. Provides third parties may not be found in violation of this Section. Provides operators of Internet websites, webpages, online services, online applications, social networking websites, or mobile applications are not required to seek age information about users.

LRB098 14066 MLW 48630 b

## A BILL FOR

HB3686

LRB098 14066 MLW 48630 b

1 AN ACT concerning business.

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

4 Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by adding Section 2RRR as follows:

6 (815 ILCS 505/2RRR new)

7 Sec. 2RRR. Internet content removal for minors.

8 (a) For purposes of this Section:

9 "Minor" means a natural person under 18 years of age  
10 who resides in this State.

11 "Internet website, webpage, online service, online  
12 application, social networking website, or mobile  
13 application directed to minors" means an Internet website,  
14 webpage, online service, online application, social  
15 networking website, or mobile application, or a portion of  
16 it, that is created for the purpose of reaching an audience  
17 that is predominately, comprised of minors, and is not  
18 intended for a more general audience comprised of adults.

19 "Internet website, webpage, online service, online  
20 application, social networking website, or mobile  
21 application directed to minors" does not include an  
22 Internet website, webpage, online service, online  
23 application, social networking website, or mobile

HB3686

- 2 -

LRB098 14066 MLW 48630 b

1 application, or a portion of it, that only refers or links  
2 to an Internet website, webpage, online service, online  
3 application, social networking website, or mobile

4 application directed to minors by using information  
5 location tools, including a directory, index, reference,  
6 pointer, or hypertext link.

7 "Internet operator" means a person or entity that owns  
8 an Internet website, webpage, online service, online  
9 application, social networking website, or mobile  
10 application. "Internet operator" does not include an  
11 employee or third party that operates, hosts, or manages an  
12 Internet website, webpage, online service, online  
13 application, social networking website, or mobile  
14 application on the owner's behalf or processes information  
15 on the owner's behalf.

16 "Personal information" means an individual's first  
17 name or first initial and last name in combination with any  
18 one or more of the following data elements, when either the  
19 name or the data elements are not encrypted or redacted:

20 (1) Social Security number.

21 (2) Driver's license number or State  
22 identification card number.

23 (3) Account number or credit or debit card number,  
24 or an account number or credit card number in  
25 combination with any required security code, access  
26 code, or password that would permit access to an

HB3686

- 3 -

LRB098 14066 MLW 48630 b

1 individual's financial account.

2 "Personal information" does not include publicly  
3 available information that is lawfully made available to  
4 the general public from federal, State, or local government  
5 records.

6 "Social networking website" means an Internet website  
7 containing profile webpages of the members of the website  
8 that include the names or nicknames of the members,  
9 photographs placed on the profile webpages by the members,  
10 or any other personal or personally identifying  
11 information about the members and links to other profile

12 webpages on social networking websites of friends or  
13 associates of the members that can be accessed by other  
14 members or visitors to the website. A social networking  
15 website provides members of or visitors to the website the  
16 ability to leave messages or comments on the profile  
17 webpage that are visible to all or some visitors to the  
18 profile webpage and may also include a form of electronic  
19 mail for members of the social networking website.

20 (b) It is an unlawful practice under this Act for an  
21 Internet operator of an Internet website, webpage, online  
22 service, online application, social networking website, or  
23 mobile application directed to minors or an operator of an  
24 Internet website, webpage, online service, online application,  
25 social networking website, or mobile application who has actual  
26 knowledge that a minor is using its Internet website, webpage,

HB3686

- 4 -

LRB098 14066 MLW 48630 b

1 online service, online application, social networking website,  
2 or mobile application to:

3 (1) not permit a minor to remove or request and obtain  
4 removal of content or information posted by the minor on  
5 the Internet website, webpage, online service, online  
6 application, social networking website, or mobile  
7 application; or

8 (2) not provide notice and clear instructions to a  
9 minor who is a registered user of the Internet operator's  
10 Internet website, webpage, online service, online  
11 application, social networking website, or mobile  
12 application that the minor may remove or request and obtain  
13 removal of content or information posted by the minor on  
14 the Internet website, webpage, online service, online  
15 application, social networking website, or mobile  
16 application, including clear instructions on how the minor  
17 may remove or request and obtain the removal of content or  
18 information posted by the minor on the Internet website,  
19 webpage, online service, online application, social

20 networking website, or mobile application.

21 The notice under this subsection shall include notice that  
22 removal does not ensure complete or comprehensive removal of  
23 the content or information posted by the minor on the Internet  
24 operator's Internet website, webpage, online service, online  
25 application, social networking website, or mobile application.

26 (c) An Internet operator shall not be found in violation of

HB3686

- 5 -

LRB098 14066 MLW 48630 b

1 this Section if:

2 (1) a provision of federal or State law requires the  
3 operator to maintain the content or information posted by  
4 the minor;

5 (2) the content or information posted by the minor,  
6 with the exception of the minor's personal information, was  
7 stored on or posted to the Internet operator's Internet  
8 website, webpage, online service, online application,  
9 social networking website, or mobile application by a third  
10 party, including content or information that was stored,  
11 republished, or reposted by the third party after  
12 originally being posted by the minor regardless of whether  
13 the minor has had the original posting removed;

14 (3) the Internet operator makes the content or  
15 information posted by the minor anonymous, so that the  
16 minor cannot be individually identified, or renders the  
17 content or information posted by the minor not visible to  
18 the public or other users even if the content or  
19 information remains on the Internet operator's servers;

20 (4) the minor does not follow the instructions provided  
21 on how to request and obtain the removal of content or  
22 information posted on the Internet operator's Internet  
23 website, webpage, online service, online application,  
24 social networking website, or mobile application; or

25 (5) the minor posting the content or information  
26 received compensation or other consideration for providing

1 the content or information.

2 (d) This Section shall not be construed to limit the  
3 authority of a law enforcement agency to obtain any content or  
4 information from an Internet operator's Internet website,  
5 webpage, online service, online application, social networking  
6 website, or mobile application as authorized by law or under an  
7 order of a court of competent jurisdiction.

8 (e) A third party that posts content or information  
9 concerning a minor, including republishing or reposting  
10 content or information originally posted by a minor, that is  
11 not the Internet operator of the Internet website, webpage,  
12 online service, online application, social networking website,  
13 or mobile application to which the content or information was  
14 posted may not be found in violation of this Section. This  
15 subsection shall not be construed as immunizing the third party  
16 against other criminal or civil penalties.

17 (f) This Section shall not be construed to require an  
18 Internet operator of an Internet website, webpage, online  
19 service, online application, social networking website, or  
20 mobile application to collect age information about users.

21 (g) The parent or legal guardian of a minor may remove or  
22 request the removal of content or information posted by his or  
23 her minor as provided in this Section, without the knowledge or  
24 consent of the minor for whom the parent or legal guardian  
25 bears responsibility.