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.
AN ACT concerning business.

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

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

(815 ILCS 505/2RRR new)
Sec. 2RRR. Internet content removal for minors.
(a) For purposes of this Section:
"Minor" means a natural person under 18 years of age who resides in this State.

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

"Internet website, webpage, online service, online application, social networking website, or mobile application directed to minors" does not include an Internet website, webpage, online service, online application, social networking website, or mobile application directed to minors.
application, or a portion of it, that only refers or links
to an Internet website, webpage, online service, online
application, social networking website, or mobile
application directed to minors by using information
location tools, including a directory, index, reference,
pointer, or hypertext link.

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

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

(1) Social Security number.

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

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

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

"Social networking website" means an Internet website containing profile webpages of the members of the website that include the names or nicknames of the members, photographs placed on the profile webpages by the members, or any other personal or personally identifying information about the members and links to other profile webpages on social networking websites of friends or associates of the members that can be accessed by other members or visitors to the website. A social networking website provides members of or visitors to the website the ability to leave messages or comments on the profile webpage that are visible to all or some visitors to the profile webpage and may also include a form of electronic mail for members of the social networking website.

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

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

(2) not provide notice and clear instructions to a minor who is a registered user of the Internet operator's Internet website, webpage, online service, online application, social networking website, or mobile application that the minor may remove or request and obtain removal of content or information posted by the minor on the Internet website, webpage, online service, online application, social networking website, or mobile application, including clear instructions on how the minor may remove or request and obtain the removal of content or information posted by the minor on the Internet website, webpage, online service, online application, social networking website, or mobile application.

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

(c) An Internet operator shall not be found in violation of
this Section if:

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

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

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

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

(5) the minor posting the content or information received compensation or other consideration for providing
(d) This Section shall not be construed to limit the authority of a law enforcement agency to obtain any content or information from an Internet operator's Internet website, webpage, online service, online application, social networking website, or mobile application as authorized by law or under an order of a court of competent jurisdiction.

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

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

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