

ILLINOIS

Breach & Consumer Notification Laws

Did you know?



- There are **specific considerations** when determining if a **breach is reportable** in Illinois
- There are **comprehensive requirements for information to be included in notifications**
- Notice to the attorney general, within five days in certain circumstances, for businesses subject to Health Insurance Portability and Accountability Act (HIPAA) and/or Health Information Technology for Economic and Clinical Health Act (HITECH).
- State agencies must notify the Attorney General within 45 days (or sooner) if more than 250 Illinois residents affected and credit reporting agencies if more than 1,000 persons affected.
- If a vendor is breached, they must report it to the data owner. The **data owner will be responsible** to complete the reporting and consumer notification; however **vendors have specific responsibilities**
- If your breach affects **residents in other states** you will need to notify those residents **using that state's rules**
- **Violating** the Personal Information Protection statutes **constitutes an unlawful practice** under the Illinois Consumer Fraud and Deceptive Business Practices Act.
- There are **specific security measures** to be taken when disposing of personal information in order to **prevent a breach**. Violation results in a **civil penalty of \$100 per person whose personal information was disposed of improperly**.
- **Federal laws, industry regulations, and/or out-of-country laws** may also apply