

New privacy protection laws now in effect

by Cory Davenport, Contributing Writer
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SPRINGFIELD - Two new laws are on the books in **Illinois** this year specifically designed to protect privacy.

House Bill 4999, sponsored by Representatives **Will Guzzardi (D-Chicago)**, **Silvana Tabares (D-Chicago)**, **Sonya Harper (D-Chicago)** and **Litesa Wallace (D-Rockford)**, expands the **Right to Privacy in the Workplace Act**. Under the new law, employers are not allowed to request or require an employee or applicant to authenticate or access a personal online account in the presence of the employer. It also prohibits that employer

from requesting or requiring that employee or applicant to invite the employer into a group affiliated with the personal online account of the employee or applicant.

American Civil Liberties Union Director of Communications and Public Policy Edwin Yohnka said the new law reflects people's increasing use of social media for sharing personal details with family members and close friends.

"I think that obviously as people increasingly live and express themselves socially, politically and otherwise in social media formats, they will grow to use them for other methods as well," he said. "Social media allows people to create settings in a variety of ways to choose whether or not to make them public."

Yohnka said prospective employees and applicants should not be required to disclose deeply personal information, views and conversations with potential and/or current employers.

"People should not be in the business of being able to look simply because they want to," he said. "It is the functional equivalent of asking someone to not just turn over what they have posted online, but to bring in their correspondence file. No one would dare to ask you to bring in every letter you have written over the last few years."



Another bill, which Yohnka described as "incredibly important," was **Senate Bill 2343**. That bill, sponsored by **Daniel Biss (D-Skokie)**, **Toi Hutchinson (D-Chicago Heights)**,

Michael Connelly (R-Naperville), Melinda Bush (D-Grayslake), Emil Jones (D-Chicago), Don Harmon (D-Oak Park), Napoleon Harris III (D-Harvey) and Michael Noland (D-Elgin), created the **Citizen Privacy Protection Act**. This law prevents law enforcement from utilizing a cell site simulator device, except to locate or track the location of a communications device or to identify a communications device.

Except as provided in the **Freedom From Location Surveillance Act**, a court order based on probable cause that a person whose location information is sought has committed, is committing or is about to commit a crime, is required for any permitted use of a cell site simulator device. The law also demands law enforcement delete any data not directly related to the investigation from the device within 24 hours.

This eerie technology allows law enforcement to use a device to simulate a cell tower, which collects data from all cellular phones nearby. Yohnka said these devices are "an evolving technology," and can be further used to install malware on phones, take all data, track locations and even drain the battery.

"Illinois is really setting the line for other states in the country for modest guidelines for **Stingray** technology," he said.

Stingray is a brand of these cell tower simulator devices used colloquially much like Taser is used to describe less-than-lethal electronic stopping devices and Kleenex is sometimes used in place of tissue paper.

A representative from the **Alton Police Department** said it did not have such technology at its disposal. Yohnka said the **Illinois State Police** did, however, and often lent it to local law enforcement agencies upon request.

"It's why we thought putting statewide protections in place was necessary so privacy is protected no matter who owns the device," he said.