

HB2553: Protecting Household Privacy Act

Illinois law must protect personal data as home products become more invasive.



Sponsor:

Williams, Buckner, Guzzardi, Croke, Mah, Stava-Murray, Mussman, Hernandez, Mason, Conroy, Gonzalez, Davis, Ramirez, Cassidy, Mayfield

WHAT DOES THE PROTECTING HOUSEHOLD PRIVACY ACT DO?

The **Protecting Household Privacy Act (PHPA)** protects information stored in or shared by electronic devices we all have in our homes.

- The PHPA prohibits law enforcement from seizing private information collected by these devices without a valid warrant, court order, or exigent circumstances.
- Even when this information is lawfully obtained, the PHPA requires the information to be destroyed within 30 days, unless there is reasonable suspicion that it contains evidence of criminal activity or is relevant to an ongoing investigation or pending criminal trial.

Consistent with the Fourth Amendment and the United States Supreme Court's recognition that an individual's expectation of privacy is greatest within their home, HB 2553 recognizes that we should not have to choose between technological convenience and preserving our right to privacy.

WHY DO WE NEED THIS LAW?

Smart household electronic devices are sold to consumers as a means of convenience and safety, but they bring with them a host of pervasive surveillance concerns.

- Many of these devices have the capacity to collect and store large amounts of private data, which can be accessed by law enforcement.
- To safeguard the privacy of anyone using this technology, it is essential for Illinois law to define the limited circumstances and conditions under which such sensitive household electronic data may be lawfully obtained.

For more information, contact:

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Examples of single or multi-family dwellings:

- House
- Apartment
- Condominium
- Townhouse
- Mobile home
- Duplex
- Trailer
- *Other living quarters used or intended to be used as dwelling*

WHAT IS A HOUSEHOLD?

The PHPA defines a *household* as the area inside and immediately surrounding a single or multiple family dwelling.

- This definition is consistent with the court's interpretation of "household," which recognizes the privacy someone may have on their front porch, at the foot of their door or in their yard.

WHAT ARE SMART HOUSEHOLD ELECTRONIC DEVICES?

Under the PHPA, a *smart household electronic device* is any device intended for use within a household that is capable of facilitating electronic communication, often through the use of a sensor.

- Given the definition of "household," the PHPA includes devices located inside of the home and outside in the immediately surrounding area of a home.

Examples of smart household electronic devices:

- Smart speakers (ex. Amazon Echo)
- Smart thermostat (ex. Nest)
- Smart doorbell (ex. Ring)
- Smart lighting (ex. Philips Hue)
- Smart locks (ex. August Smart Lock)
- Smart display (ex. Google Nest Hub)
- Smart assistant (ex. Amazon Alexa, Google Assistant – built into many other devices)

HOW CAN LAW ENFORCEMENT ACCESS MY DATA?

Law enforcement agencies **cannot** access user data collected by household electronic devices unless they obtain a court order or judicial warrant; or the owner of the household electronic device consents to voluntarily provide the data.

HOW LONG CAN LAW ENFORCEMENT STORE MY DATA?

Any household electronic data obtained by a law enforcement agency must be destroyed within 30 days, unless there is reasonable suspicion that the information contains evidence of criminal activity; or the information is relevant to an ongoing investigation or pending criminal trial.

The PHPA is a critical step to protecting the privacy of Illinois residents in an ever-growing, technologically savvy era of the internet of things. **Support this bill and help pass HB2553!**

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