

## Rauner vetoes geolocation privacy bill aimed at protecting smartphone users



Gov. Bruce Rauner vetoed the proposed Geolocation Privacy Protection Act on Friday. (Brian Cassella / Chicago Tribune)

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**G**roundbreaking Illinois legislation meant to protect mobile phone users from having their location information trafficked by companies without their permission is going nowhere, at least for now.

Gov. **Bruce Rauner** vetoed the proposed Geolocation Privacy Protection Act on Friday, leaving it to the legislature to consider a possible override vote.

“This bill would result in job loss across the state without materially improving privacy protections for Illinoisans or making devices and their apps safer for children,” Rauner said in a statement. “The addition of this policy to Illinois’ existing burden of red tape will hurt Illinois’ growing reputation as a destination for innovation-based job creation.”

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The bill, which was hailed by privacy advocates and opposed by online trade associations, sought to require businesses and other private entities to get express consent from consumers before collecting, using, storing or disclosing geolocation information from mobile apps.

“The bill is not overreaching,” said Chris McCloud, a spokesman for the Digital Privacy Alliance, a Chicago-based nonprofit advocating for state-level privacy legislation. “It is merely saying, ‘If you’re going to sell my personal geolocation data, then just tell me upfront that’s what you are going to do so I can make a decision as to whether I want to download this app or not.’”

The Federal Trade Commission has issued general guidance, and there are a variety of industry self-regulatory codes of conduct, from automakers to online advertisers, but federal law does not provide clear geolocation privacy protection.

Both the [Apple iOS](#) and Google Android operating systems require apps and websites to get permission before accessing your location. Once that permission is granted, the user is subject to the publisher’s “terms, privacy policies, and practices,” according to the latest iOS privacy and location services statement issued this week by Apple.

The General Assembly sent the bill to Rauner on July 26.

If he’d signed it, Illinois would have been the first state to enact such protections, with similar legislation under consideration in a handful of other states.

Joseph Jerome, policy counsel for the Center for Democracy & Technology, a Washington, D.C.-based nonprofit organization focused on online privacy protection, said Illinois was in a position to lead the way on geolocation legislation.

“It’s our contention it would be great to have these things codified in law,” Jerome said. “That’s why the Illinois bill is so important.”

The national debate over internet privacy legislation shifted to the state level after Congress voted in March to undo the Federal Communications Commission’s broadband privacy rules.

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Adopted last fall under the Obama administration and originally set to go into effect this year, the FCC protections would have required internet service providers to disclose what personal information they collect and share and would have required consent from consumers before sharing more sensitive information.

President Donald Trump signed the measure repealing the broadband privacy rules in April.

In May, the Illinois Senate approved the proposed Right to Know Act, a related measure that would require online companies such as Google, Facebook and Amazon to disclose to consumers what data about them has been collected and shared with third parties. That bill stalled in the House and remains in legislative limbo.

Downers Grove-based CompTIA — the Computing Technology Industry Association — supported the decision to repeal the FCC broadband privacy rules and in July joined with three other trade organizations and the Illinois Chamber of Commerce in urging Rauner to veto the geolocation bill.

“We appreciate Governor Rauner’s veto of the bill and look forward to working closely with legislators to find a solution that is easy to understand and implement for consumers while preserving all of the benefits that geolocation services offer,” Alexi Madon, director of state government affairs for CompTIA, said in a statement.

The online advertising industry increasingly depends on tracking consumers to serve up lucrative and effective targeted ads. Data collection enables advertisers to learn everything from your search habits and recent purchases to where you travel, often in real time.

Digital advertising revenue is projected to reach \$83 billion in the U.S. this year, a 15.9 percent increase that catapults it past television as the largest advertising medium, according to data released Thursday by research firm eMarketer. Mobile advertising accounts for nearly 69 percent of digital ad revenue, a share that is projected to continue growing in the coming years.

“Geolocation information is very sensitive and can quickly identify individual people,” said Jerome, of the Center for Democracy & Technology. “There’s a lot of industry innovation going on in location. It’s our position that asking people for consent to that should not be a hard thing to do.”

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Jerome said the Illinois geolocation bill has been the focus of intense lobbying activity on both sides of the issue, culminating, at least for now, in a victory for opponents.

“The strange opposition to this bill is frankly shocking, particularly in light of the fact that it doesn’t” allow individual consumers to sue over violations, Jerome said. “It’s a pretty limited bill.”

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