



Senator Laura Murphy  
307 Capitol Building  
Springfield, IL 62706

May 14, 2026

**Re: Concerns with SB 340, the Illinois Consumer Data Privacy Act**

Dear Senator Murphy,

The Business Software Alliance<sup>1</sup> supports strong privacy protections for consumers. We appreciate your work to advance comprehensive consumer privacy legislation through SB 340, the Illinois Consumer Data Privacy Act. In particular, we commend your efforts to adopt many substantive privacy protections that are interoperable with the structure and core principles of existing state privacy laws. **However, we have significant concerns about how the bill would be enforced and we strongly recommend removing the bill's private right of action.**

BSA is the leading advocate for the global software industry. Our members create the business-to-business technologies that help other companies innovate and grow. In our advocacy, BSA works to advance legislation that ensures consumers' rights — and the obligations imposed on businesses — function in a world where different types of companies play different roles in handling personal data.

We have two recommendations as you consider how to protect the privacy of Illinois consumers:

- First, any new state privacy law should align with existing state privacy laws. We commend SB 340 for adopting the same structural model of privacy legislation as many other comprehensive state privacy laws. Interoperable privacy laws promote consistent privacy protections and drive investments by companies in strong compliance practices.
- Second, we strongly recommend removing the private right of action from SB 340 and instead giving the Attorney General exclusive enforcement authority. Unlike private litigants, the Attorney General can set clear priorities that address the most important risks to consumers.

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<sup>1</sup>BSA's members include: Adobe, Alteryx, Amadeus, Asana, Atlassian, Autodesk, Avalara, Bentley Systems, Box, Cisco, Cohere, Cohesity, Dassault Systemes, Databricks, Datadog, Docusign, Dropbox, Elastic, EY, Graphisoft, HubSpot, IBM, Kyndryl, MathWorks, Microsoft, Notion, Okta, OpenAI, Oracle, PagerDuty, Palo Alto Networks, PTC, Rubrik, Salesforce, SAP, ServiceNow, Shopify Inc., Siemens Industry Software Inc., Trend Micro, TriNet, Veeam, Workday, Zendesk, and Zoom Communications Inc.

## I. Interoperable State Privacy Laws Protect Consumers

We appreciate that SB 340 adopts a framework that is interoperable with other comprehensive state privacy laws. By aligning closely with the structural model for consumer privacy legislation used in most comprehensive state laws, the bill promotes a consistent approach to privacy regulation.

We particularly appreciate that SB 340 reflects core substantive elements and key definitions common to other state privacy laws, including its definitions of controllers and processors, creation of consumer rights to access, correct, delete, and port their personal data, and obligations for companies that are tied to the role a company plays in handling personal data. These features are now well understood and have proven workable in practice.

## II. The Attorney General Should be Given Exclusive Enforcement Authority

While we recognize and share the Legislature's goal of increasing privacy protections, we have significant concerns with enforcing those protections through a private right of action. Privacy laws should be robustly enforced. However, experience with existing laws demonstrates that enforcement is most effective when exclusive enforcement authority is given to a state's Attorney General.

Attorneys General are well positioned to prioritize enforcement actions that consistently address the most significant risks to consumers and issue guidance on how companies can best comply with the law. In contrast, a private right of action creates several practical challenges:

- **Fragmented enforcement.** Private litigation can lead to inconsistent interpretations of the law across courts, making it difficult for companies to understand their obligations and for consumers to benefit from clear, predictable protections.
- **Misaligned incentives.** Litigation often focuses on highly technical or procedural violations rather than practices that create meaningful harm to consumers, which can shift attention away from core privacy protections.
- **Reduced flexibility for regulators.** Unlike Attorneys General, private litigants cannot set enforcement priorities or issue guidance that helps the broader ecosystem understand and meet compliance expectations.

Instead, we strongly recommend adopting the approach taken in other state privacy laws: granting exclusive enforcement authority to the Attorney General, and ensuring that office has the tools needed to effectively enforce the law. This centralized approach helps ensure that enforcement is consistent, strategic, and focused on the practices that matter most for protecting individuals' data. **Indeed, no comprehensive state consumer privacy law includes a private right of action for privacy violations.** Enforcing SB 340 through a private right of action would make Illinois an outlier.

Businesses already face significant litigation in Illinois under the state's Biometric Information Privacy Act (BIPA). That law has led to substantial class action litigation and uncertainty for businesses operating in Illinois. We remain concerned that SB 340 may create the same concerns and result in significant ambiguity for companies that serve Illinois consumers, instead of promoting clear rules that are consistently enforced by a centralized regulator like the Attorney General.

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By maintaining SB 340's interoperable approach to privacy and revising the bill's enforcement structure, the Legislature can establish a law that empowers consumers and works effectively in practice. We appreciate your leadership on this issue and would welcome the opportunity to discuss these recommendations further.

Sincerely,

Kate Goodloe  
Managing Director, Policy  
Business Software Alliance

