

Biometric Privacy

Navigating the ever-evolving biometric privacy laws in multiple jurisdictions is not easy, especially when each jurisdiction has its own set of regulations. The biggest litigation headache is the Illinois Biometric Information Privacy Act (BIPA) which regulates the collection, storage and disclosure of biometric information such as finger prints, iris scans and facial recognition. Plaintiffs claim recovery for painful damages based on provisions that create a private right of action, regardless of whether there has been a concrete injury. It generates an avalanche of class action litigation that entraps hundreds of businesses.

Our multi-disciplinary team includes Certified Privacy Professionals who are well-versed in biometric technologies and the laws that regulate them. We understand the advancing technologies that capture biometric data and we refine our guidance based on the latest legal developments. We will guide you through compliance and mitigation risk. We are experienced at defeating the class action mechanism, and dedicated to preventing its abuse. We work with our clients to achieve the best possible outcome, using cost conscious strategies.

Experience

Defended a Consumer Products Company in a Class Action Involving Alleged Privacy Violations Claims under BIPA

Obtained Dismissal of a Class Action Illinois Biometric Information Act Complaint Filed Against a Manufacturer

Aggressively Pursued and Obtained a Dismissal of a Class Action BIPA Lawsuit Filed Against a Staffing Agency and its Client

Successfully Defeated Motion to Remand BIPA Suit

Obtained Voluntary Dismissal After Filing Motion to Strike Damages

Successfully Defended an Illinois Manufacturer Against the Illinois Biometric Information Privacy Act Claims

Devised Unique Defense to Class Certification in a BIPA Case Based Upon Shifting Mental State

Developed Novel Defense in a BIPA Suit Based Upon Unique Finger-Scan Captures

Reduced Client Exposure Significantly in BIPA Claims and Obtained an Early Resolution

PROFESSIONALS

Molly A. Arranz
Partner

Michael M. Chang
Senior Counsel

John Ochoa
Partner

Prepared Litigation Strategy for Ransomware Attack Victim
Successfully Represented Education Client Against Data Privacy Claims

Firm News

Subscribe to Amundsen Davis's Litigation Nation Podcast for the latest legal updates!

Firm News

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, January 23, 2023

In the Media

John Ochoa Interviewed on Illinois' Reform of Biometrics Privacy Law
Media Mention, *Cook County Record*, May 21, 2024

John Ochoa Interviewed by *Cook County Record* on Genetic Information Privacy Act (GIPA)
Media Mention, *Cook County Record*, October 12, 2023

Alerts

Advancements in In-Cab Technology Leads to Privacy Concerns and Litigation
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, October 14, 2024

BIPA Reform on the Horizon: Illinois Legislature Passes Significant Legislation Eliminating Per-Scan Damages
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, May 17, 2024

Ready, Set, BIPA! Missouri Among States Considering Biometric Information Privacy Legislation
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, August 24, 2023

BIPA's Discretionary Damages in Practice: BNSF Gets Its Shot to Reduce a Historic \$228 Million Judgment
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, July 11, 2023

The Genetic Information Privacy Act Could Bring the Next Wave of Class Actions in Illinois
Article, *Amundsen Davis Class Action Alert*, March 15, 2023

Another Data Collection Tool Leads to Privacy Class Actions
Article, *Amundsen Davis Cybersecurity & Data Privacy Alert*, March 9, 2023

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BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments
Amundsen Davis Data Privacy & Security Alert, October 9, 2020

A National Biometric Privacy Law? Laws Protecting “Biometric” Identifiers Continue to Cut a Blazing Trail
Amundsen Davis Data Privacy & Security Alert, August 19, 2020

Biometric Data in the Days of Virtual Interaction and E-Learning
Amundsen Davis Data Privacy & Security Alert, April 7, 2020

Events

Is Your Company ‘Secretly’ Wiretapping Private Conversations? If You Have a Website or App, the Answer May Surprise You
Speaking Engagement, USLAW, Webcast, April 16, 2025

The Rise of the Genetic Information Privacy Act: What Businesses Need to Know to Avoid Litigation
Event, Amundsen Davis, Webcast, January 29, 2025

Illinois BIPA Law Developments & Liabilities: Why You and Your Business Should Care
Speaking Engagement, AssuredPartners, Webcast, June 28, 2023

How Not to Get Fired as a General Counsel
Speaking Engagement, The Osthoff Resort; Elkhart Lake, WI, May 18, 2023

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments
Event, Amundsen Davis, Webcast, October 29, 2020

Blog Posts

BIPA Reform on the Horizon: Illinois Legislature Passes Significant Legislation Eliminating Per-Scan Damages
Labor & Employment Law Update, May 17, 2024

It's Now Official --- A Union Worker's BIPA Claims are Subject to Federal Labor Law Preemption
Labor & Employment Law Update, March 27, 2023

The Hits Keep Coming: Illinois Supreme Court Finds Claims Accrue Upon Each Scan or Transmission Under BIPA
Labor & Employment Law Update, February 17, 2023

BIPA Strikes Again: \$228 Million Verdict Awarded in First BIPA Jury Trial
Labor & Employment Law Update, October 18, 2022