

Resources

The Illinois Biometric Information Privacy Act: Litigation Risks and Best Practices for Employers and Others

March 7, 2018

Please join Dykema for a discussion on Illinois' law on biometric privacy, the Biometric Information Privacy Act (BIPA). This state law imposes several requirements related to the handling of certain biometric information and identifiers, such as fingerprints and retinal and facial scans – and provides a private right of action and statutory damages for violations. While BIPA has been in effect since 2008, it has only recently begun to yield a wave of litigation, as technological advances – and litigants – have caught up with the law. In the past year, numerous class actions and other lawsuits have alleged BIPA violations by Illinois employers.

BIPA's reach is not limited to the employment context; it applies to any "private entity," which includes "any individual, partnership, corporation, limited liability company, association, or other group, however organized." Therefore, any person or company that may collect or use biometric information should be aware of BIPA's requirements, the risks of violating – or being charged with violating – those requirements, and ways to mitigate those risks. This may be of particular relevance to businesses such as financial technology (fintech) companies and financial institutions; social media platforms and app providers; and membership clubs that use fingerprints or other scans to identify members.

Our discussion will include:

- An overview of the history, scope and requirements of BIPA
- BIPA's enforcement provisions, including potential penalties and statutory damages
- BIPA's relevance in the employment context, including its application to timekeeping and security technology
- BIPA's relevance to specific business sectors, including fintech companies and financial institutions
- Lessons learned from past and current BIPA litigation trends and clues to future trends in BIPA litigation
- How various class action defenses might be used in BIPA actions
- Best practices for developing BIPA compliance policies, procedures, and training
- What the future might hold for BIPA itself

Wednesday, March 7, 2018

1:00 p.m. – 2:00 p.m. EST

Speakers: **Abad Lopez**, Member, Chicago; **Mark Silverman**, Attorney, Chicago; **Rosa Tumialán**, Member, Chicago

Moderator: **Elizabeth Khalil**, Member, Chicago

Click here to register

CLE accreditation is anticipated for California, Illinois and Texas. We provide Uniform Certificates of Attendance and jurisdiction-specific information for those licensed in other jurisdictions. Please contact Sarah Minjoe at sminjoe@dykema.com with questions.

Attorneys

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The Illinois Biometric Information Privacy Act: Litigation Risks and Best Practices for Employers and Others (Cont.)

Rosa M. Tumialán

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