

The Illinois Biometric Information Privacy Act Continues To Garner Significant Attention

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In a prior *Fast Laner*, we addressed the Illinois Biometric Information Privacy Act (BIPA), a law that was enacted in 2008. BIPA addresses the collection, storage and use of “biometric information” of individuals, such as retina or iris scans, fingerprints, voiceprints and scans of hand and face geometry. For example, BIPA could potentially apply to employees of a private entity who scan their hand to clock in and out of work for time-keeping purposes, or who scan their fingerprint to gain access to the employer’s building. Private employers that use biometric information are required to develop and distribute a written policy that addresses various issues related to biometric information, such as the purpose for collecting the information, how it will be maintained and when it will be permanently destroyed. The law also requires covered employers to obtain written consent from employees before collecting, capturing or otherwise obtaining their biometric information. After years of little activity under BIPA, numerous lawsuits were filed under the law in 2017, many of which were class actions. That trend is expected to continue in 2018. Significant damages can be awarded under BIPA, as well as reasonable attorneys’ fees and costs. Employers should be cognizant of BIPA and comply with its requirements.

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