

# 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

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

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

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

## PROFESSIONALS

Molly A. Arranz  
Partner

Michael M. Chang  
Associate

John Ochoa  
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Eric L. Samore  
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## Firm News

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

Firm News, February 10, 2023

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 by *Cook County Record* on Genetic Information Privacy Act (GIPA)

Media Mention, *Cook County Record*, October 12, 2023

## Alerts

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

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

Illinois BIPA Law Developments & Liabilities: Why You and Your Business Should Care

Speaking Engagement, AssuredPartners, Webcast, June 28, 2023

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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

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

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