

# The Illinois Biometric Information Privacy Act (BIPA)

The Illinois Biometric Information Privacy Act (BIPA) is the nation's most plaintiff-friendly law regulating the collection and use of biometric information such as face, retina and fingerprint scans.

## About

The Act has become increasingly popular with the plaintiffs' bar—and it's easy to see why: BIPA allows plaintiffs to recover potentially astronomical damages, from \$1,000 per negligent violation to \$5,000 per intentional or reckless violation, without alleging actual injury to an individual.

The list of companies sued under the Act has grown exponentially since the Illinois Supreme Court held in January 2019 that a plaintiff need not demonstrate actual injury or harm to be awarded damages. Plaintiff classes have sued companies spanning a range of industries, including manufacturers, payroll processors, software developers, and even convenience stores and gas stations. Essentially, any employer, HR-related entity, or consumer-facing company that does business in Illinois is a target.

Kelley Drye actively tracks cases and developments related to BIPA and provides practical compliance and litigation counsel to help companies mitigate business and liability risk and effectively use biometric information to secure their businesses, protect valuable data and manage employees. And, when necessary, our courtroom-tested litigators stand ready to defend our clients' interests when they face BIPA-related litigation and class actions.

## Related Services

- Consumer Class Action Defense
- Employment Litigation
- Litigation
- Privacy and Information Security