

Biometric Privacy Compliance & Litigation Group

A team of experienced counselors, litigators and strategists with a deep knowledge of the issues underlying biometric privacy compliance and litigation

As biometric technology has become more advanced and affordable, businesses have begun implementing systems that rely on biometric technology that collects biometric data (such as retina or iris scans, fingerprints, voiceprints, and scans of hand or face geometry) from users of the technology. Concurrently, a number of states have enacted or proposed legislation that regulates the collection, storage and destruction of biometric data. Many businesses around the country who have been using biometric technology, such as biometric time clocks or using bioaccess to secure areas, have been caught off guard by these statutory requirements and are taking steps to comply with them. Others are considering their first forays into the use of biometric technology and are taking proactive measures to make sure they are in compliance from the beginning.

Seyfarth is a clear leader in the biometric privacy space. We have partnered with our clients to proactively address this issues raised by biometric privacy laws, defend against claims related to biometric privacy, as well as assist our clients with counseling and compliance efforts nationwide. We were one of the first firms nationwide to defend an employer in a lawsuit asserting violations under the Illinois Biometric Information Privacy Act ("BIPA"), and we consistently maintain a robust docket of biometric privacy class action cases. Our team has the capability to work alongside clients in the context of:



Counseling & Compliance: We regularly counsel clients on the unique considerations and requirements imposed by state biometric privacy laws. Specifically, we work with our clients to proactively manage and minimize the risk of potential biometric privacy violations and assist them in crafting workplace policies and procedures that will comply with legislative requirements related to the collection and storage of biometric data.



Class Action Litigation: By way of our extensive experience litigating biometric privacy cases and class action defense expertise, our attorneys have collectively obtained a comprehensive understanding of the details and procedural nuances specific to this type of class action case. We have developed numerous strategies designed to both defeat biometric privacy class actions and significantly reduce potential exposure for our clients. A distinct factor of our biometric privacy practice is our pro-active, creative, and practical approach to class action litigation. We successfully litigate the defense of class actions through our knowledge of procedural rules, evidentiary standards, and substantive law. By leveraging our collective knowledge and experience through a team-based approach and state-of-the-art technology, we are able to minimize exposure in these types of lawsuits and work efficiently towards successful resolution for our clients.



Legislative Landscape: In collaboration with our Government Relations and Policy Group, we maintain an active interest in all proposed legislation with the potential to impact businesses, including biometric privacy. Given the growing interest in providing individuals protection against having their biometric data compromised, we understand the importance of keeping our clients apprised of the latest legislative updates and have represented pro-business groups to advance the interests of employers in the area of biometric privacy.



"Seyfarth Shaw" refers to Seyfarth Shaw LLP. Our London office operates as Seyfarth Shaw (UK) LLP, an affiliate of Seyfarth Shaw LLP. Seyfarth Shaw (UK) LLP is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with registered number 556927. Legal services provided by our Australian practice are provided by the Australian legal practitioner partners and employees of Seyfarth Shaw Australia, an Australian partnership. Our Hong Kong office "Seyfarth Shaw," a registered foreign law firm, is a Hong Kong sole proprietorship and is legally distinct and independent from Seyfarth Shaw LLP, an Illinois limited liability partnership, and its other offices.