Ninth Circuit Holds Violation of Illinois Biometric Information Privacy Act Conveys Article III Standing in Class Action

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Porzio Class Action Update

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On August 9, 2019, a Ninth Circuit Court of Appeals panel affirmed a California district court's order permitting a class action against Facebook for allegedly using facial-recognition technology without users' written consent or a data retention policy in violation of Illinois' Biometric Information Privacy Act ("BIPA"). This is the first federal court of appeals decision recognizing Article III standing under BIPA, which will encourage more of these cases and may affect other data privacy litigation.

The BIPA requires companies to disclose...