Biometric Litigation

As businesses increase their use of biometric identifiers – from voiceprints and face scans, to fingerprints and beyond – companies must stay ahead of regulatory and litigation risks. Biometric privacy laws have become more prevalent in recent years, leading to a steady increase in litigation surrounding biometric use. Combining our knowledge of the laws and regulations that govern biometrics with our experience litigating complex disputes, Katten successfully represents clients across industries in biometric litigation, including class actions.

Navigating regulations while identifying risks

From apparel companies seeking to offer consumers a way to try on clothing and accessories from the comfort of home, to technology corporations looking to create a more secure and customized experience for users, businesses continue to increase their use of biometric identifiers and information. In response to the privacy and security risks involved in the use, collection and storage of this data, several states have adopted privacy laws focused on the handling of biometric data.

As the use of biometric data becomes fraught with increasing regulatory and litigation risks, Katten attorneys help clients navigate through the patchwork of laws and regulations governing the use of biometric identifiers and information. We counsel clients across industries on complex legal and regulatory obligations of these laws and defend clients against litigation asserting violations of biometric-related regulations, including the Illinois Biometric Information Privacy Act (BIPA).

Sophisticated defense counsel backed by experience

Katten's team has handled the defense of multiple class action cases brought under BIPA and similar statutes, and it has a deep bench of experience in defending clients in cases involving similar statutory class actions. Katten's approach includes managing costs by leveraging an experienced team to gather all relevant information and seeking all appropriate avenues for an early disposition, if reasonably possible — with the ultimate goal of limiting the negative impact of litigation on our client's business operations.

Katten has a strong track record of successfully resolving cases by prevailing on dispositive motions or by defeating class certification. Depending on our clients' business objectives, we are also adept at leveraging favorable settlements.

Key Contacts



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Spotting legal and regulatory trends to anticipate client needs

We stay up-to-date on how courts are interpreting BIPA and similar statutes and are closely monitoring cases currently pending in appellate courts that could significantly change the legal landscape of biometric litigation. Katten attorneys also monitor biometric legislation pending in jurisdictions across the country, many of which are considering measures that would result in additional private rights of action for consumers. As some states, like Texas, begin enforcing their biometric laws through their attorneys general, Katten's team of litigators, including former prosecutors, are prepared to represent clients in government investigations and litigation.

Recognitions

Recognized or listed in the following:

- *Best Law Firms*
  - Commercial Litigation
    - National, 2012–2026
  - Charlotte, 2016–2026
    -
  - Chicago, 2022–2026
    - Dallas/Fort Worth, 2021–2026
  - New York, 2012–2026
    - Washington, DC, 2012–2026
  - Mass Tort Litigation/Class Actions – Defendants
    - National, 2016–2019
    - Los Angeles, 2014–2019
- *BTI Litigation Outlook*
  - Class Actions Honor Roll, 2018
- *Chambers USA*
  - Litigation: General Commercial
    - Illinois, 2006–2026