

## BIPA Claims Preempted Under LMRA Due to Collective-Bargaining Agreements

**Publish by Illinois Institute for Continuing Legal Education (IICLE)**

December 2021

Article highlights a recent the Seventh Circuit Court of Appeals decision to uphold the dismissal of a lawsuit that alleged a violation of the Illinois Biometric Information Privacy Act (BIPA). The Seventh Circuit refused to revive the lawsuit on the premise that the claims, which concerned the interpretation of labor contracts, were preempted by the Labor Management Relations Act (LMRA). The court found that precedent dictated that the dispute was preempted because the dispute implicated collective-bargaining agreements between the company and the union that represented its employees.

The article indicates the decision serves as another example of Illinois courts clarifying which claims can be brought under BIPA. Given that BIPA is a recent statute that is expansive in nature, parsing out its meaning and applying it to various types of cases can be difficult. This case helps delineate the bounds of BIPA as it relates to other federal laws, like the LMRA and Railway Labor Act (RLA).

["BIPA Claims Preempted Under LMRA Due to Collective-Bargaining Agreements," Civil Litigation FLASHPOINTS, December 2021](#)

---

### CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



**Bora Niede**

+1.312.902.5497

[bora.niede@katten.com](mailto:bora.niede@katten.com)

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2025 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at [katten.com/disclaimer](https://katten.com/disclaimer).