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ARTICLE

Financial Industry Must Beware Rising BIPA Litigation Tide

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Noting that the Illinois Biometric Information Privacy Act (BIPA) has become one of the fastest growing class action litigation trends in the United States, the article explores how BIPA's exemption for financial firms and their affiliates has been challenged in multiple cases, with some courts beginning to limit its application. Financial institutions have largely found cover from BIPA litigation through the Gramm-Leach-Bliley Act of 1999 (GLBA), but are now expected to prove applicability when charged with a BIPA action. BIPA litigation is also inspiring similar actions in California related to the California Consumer Privacy Act (CCPA) and California's Invasion of Privacy Act (CIPA).

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CONTACTS

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



Charles A. DeVore
+1.312.902.5478
charles.devore@katten.com

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