



Understanding the Rights to Your Privacy and How They Can Be Violated

Every day, technology and personal information intersect more and more making it essential to understand your rights to privacy and how they might be at risk. One important piece of legislation that aims to protect these rights in Illinois is the Illinois Biometric Information Privacy Act (BIPA). This law, while sounding a bit complex, plays a crucial role in protecting our personal biometric data—like fingerprints, facial recognition, and iris scans—from misuse.

What is BIPA?

At its core, BIPA sets rules that companies must follow when they collect, use, and store biometric data from people in Illinois. Biometric data is unique to each individual; it's used in various ways, from unlocking smartphones with a fingerprint to clocking in at work with a facial scan. While these technologies are convenient, they also raise significant privacy concerns. BIPA is designed to address these concerns by ensuring companies handle this sensitive information responsibly.



How Does BIPA Protect You?

Consent is Key:

Before a company can collect or obtain your biometric data, they must first inform you in writing about what they're collecting, why they're collecting it, and how long they plan to keep it. Most importantly, they need your written consent.

Safeguarding Your Data:

Companies must use a reasonable standard of care, comparable to how they protect other confidential and sensitive information, to keep your biometric data safe.

Prohibition on Selling Data:

Your biometric data cannot be sold, leased, traded, or otherwise profited from. It's not a commodity.

Limited Disclosure:

There are strict rules about when and to whom your biometric data can be disclosed. Generally, without your consent, this information shouldn't be shared.

How Your Rights Could Be Violated



Without Proper Notice:

If a company collects your biometric data without telling you exactly what they're collecting, why, and for how long, your rights are being violated.



Lack of Consent:

Collecting, storing, or using your biometric data without obtaining your explicit consent is a direct violation of BIPA.



Inadequate Security:

If a company fails to protect your biometric data with a reasonable level of security, leaving it vulnerable to breaches, they're not complying with BIPA.



Unauthorized Sharing:

If your data is shared without your consent, or for reasons not specified when you gave consent, that's a violation.

What Can You Do?

If you believe a company has violated your rights under BIPA, you might have grounds for legal action. BIPA allows individuals to sue companies that fail to follow the law, potentially resulting in damages.

If you're in Illinois, knowing your rights under BIPA means you're better equipped to protect your personal biometric data from being misused or exploited.

Remember, in a world where your personal information is increasingly digitized, staying informed about your privacy rights is more important than ever. Contact us today to see if you qualify.

