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Beware of Collecting Fingerprints

What are biometrics and why should you be wary of collecting biometric information? Biometrics technology collects information that can identify a person based on certain characteristics, such as fingerprints, voice identification, and facial recognition. As biometrics are becoming easier to collect and utilize, they are becoming more commonplace in our everyday activities, such as being able to open your phone with your fingerprint. Companies have been moving to utilize biometric data, such as fingerprints, with their employees for everyday activities like signing in and out to work. Identification through biometrics can be great for both individuals, because of quicker access to technology, and for companies, because it is harder for individuals to falsify information and/or gain access to different information.

All that being said, businesses in Illinois should exercise extreme caution before making a decision to collect biometric information. As a result of the ease of collecting this information and the complex privacy issues of retaining this information, Illinois passed the Illinois Biometric Privacy Act ("BIPA"). BIPA imposes strict restrictions and requirements on businesses that collect biometric information, including the requirement that businesses must receive written

consent from individuals before obtaining their biometric data and the companies' policies for usage and retention.

All businesses should note that Illinois law does **NOT** require individuals to show they suffered any harm, other than a violation of the law, in order to bring a suit against the business. A business that even affords an option for their employees to utilize fingerprint scanning, but does not require it, could be subject to an employee claim, even if that employee never utilized the fingerprint scanning tool.

It is imperative that all businesses have proper waivers in place prior to utilizing biometric technology in the workplace.