



ILLINOIS COURT RULINGS ADDRESS RETROACTIVE APPLICATION OF BIPA AMENDMENT

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A recent federal court ruling in Illinois has sparked significant debate regarding the retroactive application of the August 2024 amendments to the Illinois Biometric Information Privacy Act (BIPA). In a landmark decision, U.S. District Judge Elaine E. Bucklo ruled that the amendment, which limits damages for multiple biometric data collections to a single recovery for each allegedly aggrieved plaintiff, applies retroactively. This decision resulted in the dismissal of a lawsuit against Central Transport LLC, as the amended law reduced potential damages below the federal jurisdictional threshold. Judge Bucklo emphasized that the legislature's clarification aligns with BIPA's original intent while addressing ambiguities highlighted by the Illinois Supreme Court in *Cothron v. White Castle*.

However, plaintiffs in related BIPA cases are pushing back, citing conflicting rulings from Illinois state courts that have deemed the amendment to only apply prospectively. These state decisions have held that the legislature did not explicitly indicate retroactive intent, leaving pre-amendment claims unaffected. The debate underscores a pivotal moment for BIPA litigation, with implications for both employers and employees involved in disputes over biometric-data practices. We continue to monitor developments closely, as further judicial and legislative clarifications may reshape the scope of BIPA-related liabilities.

Hillard M. Sterling

Shareholder

312.962.8082 | hsterling@ralaw.com

Barry Y. Freeman

Shareholder

312.741.0786 | bfreeman@ralaw.com

