



PROTECT PRIVACY, PROTECT BIPA OPPOSE HB 559

The Illinois General Assembly unanimously passed the Biometric Information Privacy Act (“BIPA”) with the intention of enabling the use of biometric technologies, not to prevent it. The powerful law has worked for 13 years to protect the biometric information of Illinois residents.

Yet, BIPA is fighting mounting attacks in the state legislature. Among them is HB 559. While proponents suggest the measure offers only minor tweaks, **HB 559 effectively guts the entirety of BIPA.**

Here’s what HB 559 does and why it is harmful:



Removes a large set of biometric data from BIPA protections

By redefining biometric information, HB 559 removes needed protections for templates and mathematical sequences at the heart of most biometric technology. The change would exempt bad actors like Clearview AI and greenlight large scale, mass use of historically inaccurate and biased facial recognition technology.



Provides all companies a get-out-of-jail-free card for violations

The creation of a right to cure allows all private entities to violate BIPA knowing that they can avoid any liability under the law by “curing” violations during a 30-day period. Once biometric information is unlawfully collected without a person’s knowledge or consent, it is impossible to “cure” such violations. As such, this change strips consumers of meaningful protections for their most sensitive information.



Removes protections for union employees

BIPA already allows employers to condition employment upon an employee’s use of biometric technology, as long as they get their informed consent. That makes this change not only unnecessary, but also unfairly distinguishes between how valuable one’s biometric information is based on their employment status.



Fails to adequately punish bad behavior

HB 559 significantly limits the possible recovery for unlawful behavior and fails to recognize the harm done by intentional or reckless actions. This change also fails to sufficiently hold companies responsible for their bad behavior and severely diminishes the value of biometric information.

BIPA has served as an important safeguard for Illinois residents. At a time when other states are modeling legislation around BIPA and offering robust protections for biometric information by banning dangerous technology like facial recognition, Illinois cannot take a massive step back by passing HB 559. **Protect BIPA. Protect Privacy. Oppose HB 559.**



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