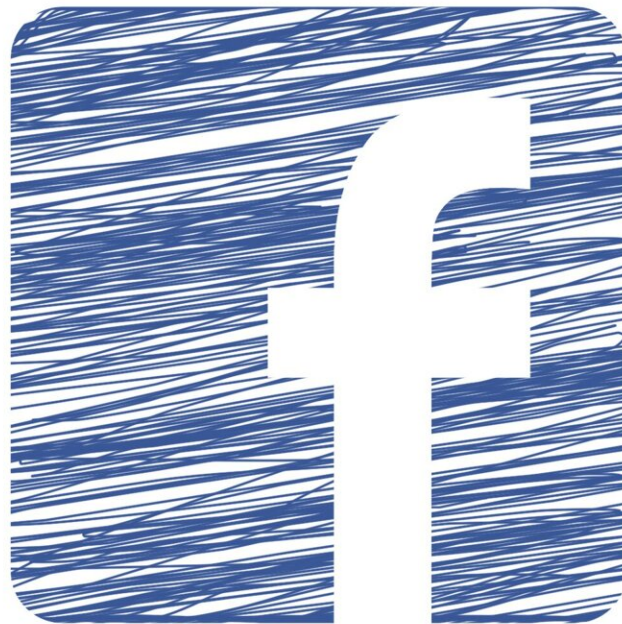


# Nearly 1.6 million Illinois Facebook users could get checks soon after appeals court upholds \$650 million settlement

March 18 2022, by Robert Channick

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More than a year after a landmark \$650 million Facebook privacy settlement was approved, checks for \$397 each may finally be arriving for nearly 1.6 million Illinois users of the social media platform.

The U.S. Court of Appeals for the 9th Circuit in Hawaii issued a ruling Thursday upholding the class-action [settlement](#) over Facebook's alleged violations of Illinois' biometric privacy law. Barring further appeal, the money will go to Illinois class members within 60 days, according to Chicago attorney Jay Edelson, who filed the lawsuit against Facebook nearly seven years ago.

"We're gratified that the 9th Circuit rejected the frivolous appeal by a couple of objectors," Edelson said Thursday. "We expect that their efforts to hold up the settlement are now over and Illinoisans will get the benefit of this historic settlement."

In February 2021, a California [federal judge](#) issued final approval of the \$650 million settlement, but the payout was delayed when an appeal was filed on behalf of two Illinois class members, Dawn Frankfother and Cathy Flanagan. The pair objected to the awarding of \$97.5 million in attorneys fees, as well as \$5,000 incentive awards to the named plaintiffs.

The appeals court heard [oral arguments](#) last month and ruled Thursday the [district court](#) "did not abuse its discretion" by granting the attorneys fees and incentive awards.

The Illinois Biometric Information Privacy Act is among the strictest such laws in the U.S., and has spawned a number of lawsuits. It requires companies to get permission before using technologies such as facial recognition to identify customers.

In April 2015, Edelson filed the lawsuit in Cook County Circuit Court on behalf of plaintiff Carlo Licata, alleging the social media giant's use of facial tagging features without consent was not allowed under Illinois privacy law. The case was moved to Chicago [federal court](#) and then California federal court, where it attained class-action status.

The settlement class included about 7 million Facebook users in Illinois for whom the social network created and stored a face template after June 7, 2011. To qualify, Facebook users had to live in the state for at least six months over the previous nine years. More than one in five eligible Illinois Facebook users filed a claim.

Estimates of the payouts to class members have ranged between \$350 and \$400 as the settlement took shape. Edelson said the final tally after expenses and fees will come in at \$397 for each class member.

In November, Facebook announced it would shut down its facial recognition system amid "growing concerns" over the widespread use of the technology. As a result, Facebook said it planned to delete more than a billion [facial recognition](#) templates it had stored, putting an end to the feature that automatically recognized if people's faces appear in memories, photos or videos.

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Citation: Nearly 1.6 million Illinois Facebook users could get checks soon after appeals court upholds \$650 million settlement (2022, March 18) retrieved 27 April 2024 from

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