

Google to pay \$100 million class-action settlement in Illinois biometric privacy lawsuit

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Illinois residents who have appeared in a photograph on the Google Photos app within the last seven years may be eligible for a cut of a \$100 million class-action privacy settlement reached by Google this month.

The lawsuit alleges Google's face grouping tool, which sorts faces in the Google Photos app by similarity, runs afoul of Illinois' biometric privacy law. The law requires companies to get user consent for the use of such

technologies.

The settlement was filed in Cook County Circuit Court April 14, and Judge Anna M. Loftus issued an order granting preliminary approval of the agreement Monday.

Google did not admit wrongdoing as part of the settlement, which resolves a group of lawsuits filed by five named plaintiffs. The first [lawsuit](#) was filed in the U.S. District Court for the Northern District of Illinois in March 2016. Two plaintiffs filed suit in state court in 2019 after a judge found they lacked standing to pursue their claims in [federal court](#), and additional plaintiffs later filed their own lawsuits.

If a final order is approved in the case, Illinois residents who appeared in a [photograph](#) in Google Photos between May 1, 2015, and the date of the settlement's preliminary approval would be eligible to take part in the deal. While the amount of the payments will depend on how many people file claims, attorneys estimate each class member will receive between \$200 and \$400, according to the agreement.

Loftus ordered notification of the settlement be sent to class members via email or U.S. mail no later than May 27.

"We're pleased to resolve this matter relating to specific laws in Illinois, and we remain committed to building easy-to-use controls for our users," Google spokesperson José Castañeda said in a statement Tuesday.

Castañeda said Google Photos users in Illinois would be prompted to provide opt-in consent to face grouping in the coming weeks. Those changes will also be gradually rolled out across the U.S., he said. Users can choose to turn face grouping off, in which case face groups will be deleted from their accounts.

Each of the five named plaintiffs in the case is eligible to receive a \$5,000 payment, and attorneys will be able to apply for up to \$40 million in fees plus costs and expenses, to be paid out of the settlement fund, according to the agreement.

Attorneys for the plaintiffs were not immediately available for comment Tuesday evening.

The Illinois Biometric Information Privacy Act, passed in 2008, is among the strictest such laws in the U.S. Last year, Facebook received approval for a landmark \$650 million class-action settlement in an Illinois biometric privacy case over its facial tagging feature, but the payouts were delayed more than a year after two objectors appealed the award of attorneys' fees in the case.

In March, the U.S. Court of Appeals for the 9th Circuit upheld the February 2021 class-action settlement and attorney fee award, freeing up payments for the 1.6 million Illinois Facebook users who filed claims. Those who did should expect to see checks of almost \$400 in the mail starting next month.

A final approval hearing for the Google [settlement](#) is scheduled for September.

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