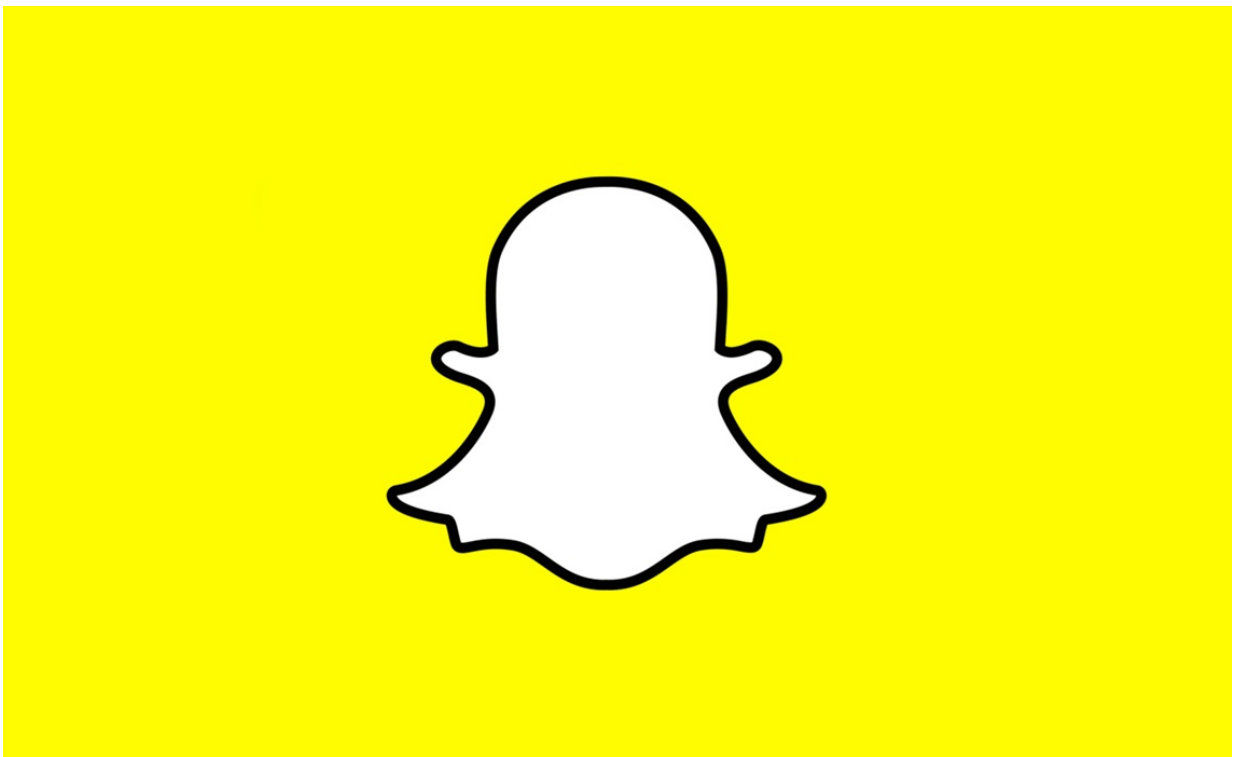


Snapchat parent reaches \$35 million biometric privacy class-action settlement in Illinois

August 23 2022, by Talia Soglin



Illinois residents who use Snapchat may be eligible for payouts of between \$58 and \$117 in a class-action privacy settlement reached this month by the app's parent company, Snap Inc.

The lawsuit alleges lenses and filters on Snapchat collect and store users' biometric information without their informed consent in violation of Illinois's biometric privacy law, which is among the strictest in the U.S.

Illinois residents who have used lenses or filters on Snapchat since Nov. 17, 2015 may be eligible for a cut of the \$35 million settlement.

Attorneys estimate 3.8 million people may be eligible; residents must submit a claim form by Nov. 5 to receive their payout if the settlement is approved, according to [court documents](#).

The settlement was filed in the 18th Judicial Circuit Court in DuPage County and received preliminary approval from a judge Aug. 8. The lawsuit was originally filed in downstate Williamson County in November 2020 before proceeding to settlement talks this year. A final approval hearing in the case is scheduled for mid-November.

Snap did not admit wrongdoing in the settlement. In a statement, the company said it "continues to vehemently deny" its technology violates Illinois law and that it rolled out an in-app consent notice in the state earlier this year "out of an abundance of caution."

"Lenses do not collect biometric data that can be used to identify a specific person, or engage in facial identification," Snap said. "For example, Lenses can be used to identify an eye or a nose as being part of a face, but cannot identify an eye or a nose as belonging to any specific person."

Snap said the data used to power lenses is never sent to the company's servers and does not leave users' mobile devices.

An attorney for the plaintiffs could not be reached.

The Illinois Biometric Information Privacy Act, passed in 2008, requires

prior notification and consent before a private entity can collect and save [biometric data](#). The law, which is unusual in part because it allows private citizens to sue companies, has led to hundreds of lawsuits across the state and the U.S.

In May, a [federal lawsuit](#) was filed against Snap over its use of augmented reality filters. On Monday, the judge in that case granted Snap a stay in that case until the Illinois Supreme Court issues a decision on another biometric privacy case involving White Castle.

This spring, some Illinois Facebook users received checks for nearly \$400 after Facebook settled a \$650 million class-action lawsuit over its facial tagging feature. And in April, Google reached a \$100 million [settlement](#) after a lawsuit alleged the company's face-grouping tool, which sorts similar faces on Google Photos, also ran afoul of the law.

A final approval hearing in the Google case is scheduled for late September. The deadline for class members to submit claim forms is Sept. 24. Attorneys estimate that each class member—Illinois residents who have appeared in an image on Google Photos within the last seven years—will be eligible for a payout of between \$200 and \$400.

In May, Meta removed some augmented reality features—such as avatars and filters—from Facebook and Instagram in Illinois. At the time, a company spokesperson maintained the technology was not [facial recognition](#), saying it had removed the features "to prevent meritless and distracting litigation." The [company](#) said it planned to reintroduce the features on an opt-in basis.

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