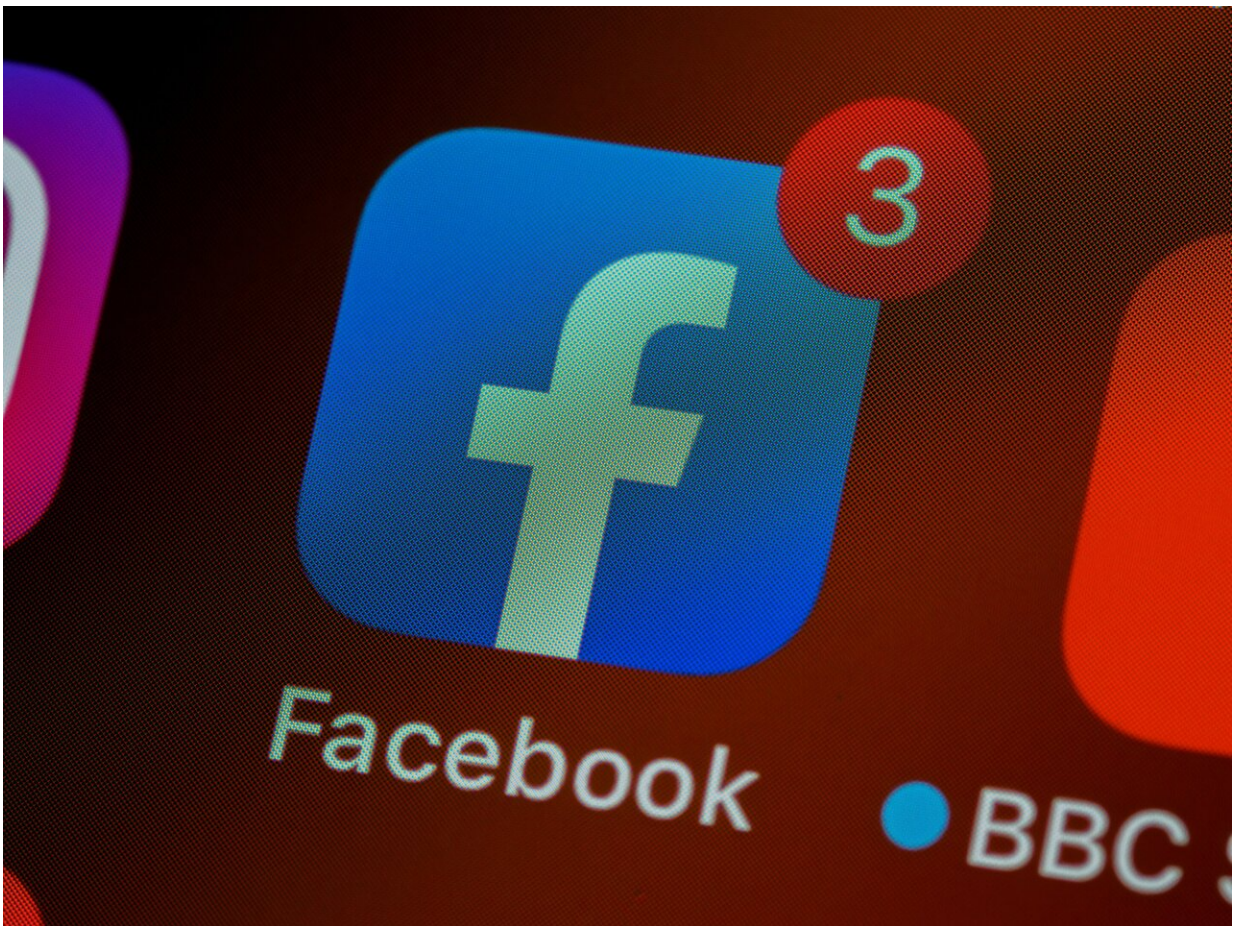


Illinois Facebook users to get 'third and final' check from record \$650 million biometric privacy settlement

October 23 2023, by Robert Channick, Chicago Tribune



Credit: Unsplash/CC0 Public Domain

The \$650 million Facebook biometric privacy settlement is proving to be the class-action lawsuit that keeps on giving for Illinois social media users.

A "third and final" payment of \$7.20 was issued this week, the icing on the cake for more than 1 million Illinois Facebook users participating in the record settlement. Previously, a \$30.61 payment was sent out in February, following an initial \$397 check last year.

Those who successfully process all three payments will have received about \$435 each in the groundbreaking privacy settlement.

The 8½-year legal odyssey has been more than just a windfall for Illinois Facebook users. The case has led to challenges of privacy practices at companies nationwide.

In April 2015, Chicago attorney Jay 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 federal court in Chicago 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. More than one in five eligible Illinois Facebook users filed a claim by the November 2020 deadline.

A California federal judge issued final approval of the \$650 million settlement in February 2021, but the payout was delayed by more than a year during an unsuccessful appeal filed on behalf of two Illinois class members, who objected to the \$97.5 million in attorneys fees, as well as \$5,000 incentive awards to the named plaintiffs.

In May 2022, the settlement fund distributed nearly \$550 million—the total after legal expenses—to 1.38 million Illinois Facebook users who filed valid claims. The \$397 payments were made by check and electronic transfer.

But nearly 110,000 claimants never cashed the first check, leaving \$43 million in undistributed proceeds. The second check for \$30.61 and this week's \$7.20 payment ostensibly complete the distribution.

There was still about \$8.4 million left in the settlement fund after more than 275,000 claimants didn't process the second payment, according to court filings. The third payment is going to 1,002,582 settlement class members who cashed the second check.

On its website, the Facebook settlement administrator said the third and final payment went out beginning Tuesday, and it will take about two weeks to finish mailing the checks and processing the electronic payments. Those expecting the third check who don't receive it are being asked to wait until early December before making an inquiry.

Any money remaining in the [settlement](#) account after the third [payment](#) will be donated to the American Civil Liberties Union of Illinois, according to court filings.

The Illinois Biometric Information Privacy Act, passed in 2008, is considered the strictest in the U.S. and requires companies to get permission before using technologies such as facial recognition and fingerprint scans to identify customers or employees.

In February, the Illinois Supreme Court opened the door to significantly higher damages in a case involving a Chicago White Castle manager when it ruled that biometric privacy claims accrue every time information is gathered without consent. Under the law, plaintiffs can be

awarded \$1,000 for negligent violations and \$5,000 for intentional violations.

Last month, a Chicago [federal judge](#) ruled Samsung must pay more than \$4 million in filing fees to begin a mass arbitration case brought by 50,000 petitioners alleging their Galaxy devices violated the Illinois law by using facial recognition technology without consent.

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Citation: Illinois Facebook users to get 'third and final' check from record \$650 million biometric privacy settlement (2023, October 23) retrieved 11 May 2024 from <https://techxplore.com/news/2023-10-illinois-facebook-users-million-biometric.html>

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