

## Partner Sean Wieber Discusses Recent Biometric Class Suit with *Bloomberg Law*

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Kronos Inc. recently won dismissal of claims in a senior living facility employee's proposed class suit alleging it violated the Illinois Biometric Information Privacy Act (BIPA), the Northern District of Illinois ruled.

Plaintiff Aisha Namuwonge failed to state viable claims that Kronos ran afoul of the law's restrictions on disclosure and collection of biometric information, the U.S. District Court for the Northern District of Illinois said. But she may pursue claims that Kronos violated BIPA's data-retention policy requirements, Judge Sharon Coleman ruled on Nov 22.

Kronos also convinced the court to dismiss the plaintiffs' request for damages based on reckless or intentional violations. The ruling gives a boost to the defense bar because it limits the amount of money third-party vendors like Kronos would have to pay if a court found it had violated BIPA.

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Winston & Strawn Partner Sean Wieber said that the court gave leverage to defendants in settlements or mediation because it will "force the plaintiff to do more than just plead what the statute" says about reckless or intentional violations. The decision shifts the pendulum back to plaintiffs to show why they should be able to get "five times the damages."

Winston takes a cross-practice approach to addressing challenges posed by TCPA, BIPA, CCPA, and other pending state laws. Our team of privacy counselors and litigators help clients across industries understand and address their obligations under these laws while proactively taking steps to mitigate potential regulatory and class action exposure. This Regulated Personal Information team works closely together to offer clients a seamless approach across the counseling and litigation spectrums in the face of vague and ambiguous statutes and rapidly developing case law.

Visit Winston's [Regulated Personal Information](#) page to learn more about BIPA and Winston's practical approach to privacy laws.

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