



ILLINOIS CHAMBER  
OF COMMERCE

**SUPPORT Legislation to Streamline Employers' Use of Biometric  
Technology for Internal Employment Purposes**  
SB 3053 (Cunningham) & HB 5103 (Thapedi)

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**Summary**

**SB 3053**, sponsored by Sen. Cunningham, and **HB 5103**, sponsored by Rep. Thapedi would amend the state's biometric law to provide employers the ability to use biometric information for internal employment purposes, so long as the employer is **not** using the information for commercial purposes.

**Business Supports this bill for the following reasons:**

- The use of biometric data has become increasingly prevalent among employers trying to solidify pay practices and maximize inventory control or facility security.
- In 2008, Illinois enacted the Biometric Information Privacy Act (BIPA), a law that was designed to regulate the collection and storage of "biometric data."
- BIPA went largely unnoticed after its enactment, until a series of lawsuits were brought in against private entities that allegedly collected and used biometric data in violation of BIPA.
- With biometric technology becoming more commonplace in the workplace, BIPA has been used as a potentially lucrative new litigation mechanism.
- Dozens of employers have been caught off guard by the rash of class-action lawsuits recently filed in Illinois alleging violations of BIPA.
- The suits target many industries, including restaurants, hospitality, grocery stores, gas stations, nursing homes, logistics and building management companies.
- The surge in BIPA litigation results from employers' increased use of fingerprint scan technology, and the fact that BIPA is the only existing biometric privacy statute that creates a private right of action against employers for damages and attorneys' fees.
- Currently Illinois is one of only three state's that have a biometric statute. However, both **Texas and Washington statutes limit the scope to commercial purposes only.**
- This proposal would not gut the privacy protections under the Act for commercial purposes, nor does it remove the private right of action or damages that may be awarded.
- This proposal simply exempts employers from the Act for internal employment purposes (i.e. time keeping, human resources, fraud prevention, or security purposes.), as long as the employer is not selling or similarly profiting from the biometric identifiers.

We respectfully urge a **YES** vote.