

Illinois Supreme Court Implements 5-Year Statute of Limitations for Privacy Breaches

The Illinois Supreme Court has ruled that the state's biometric privacy law allows individuals to file a complaint of privacy violations within a five-year window from the date of the alleged violation. This ruling can potentially increase employers' exposure to liability under the statute. The court reversed an appellate decision that would have ended a case in which a former employee of Black Horse Carriers, a subsidiary of Penske Corp., alleged that the company had violated two sections of the state's Biometric Information Privacy Act. The employee claimed that the company had scanned his fingerprint to record his arrival and departure times from work.

Black Horse Carriers argued that the case should be governed by a one-year limitations period specified in a separate section of the state law. The company claimed that the former employee did not file his complaint promptly and that the case was invalid. The employee claimed that the five-year catch-all limitations period should apply to his claims.

Justice P. Scott Neville Jr. wrote the court's unanimous decision, stating that the allegations made by the former employee do not fall under the purview of the one-year limitations period. According to Neville, applying two different time limitations to different sections of the law would create confusion, inconvenience, and inconsistencies in administering justice for claims under the Biometric Information Privacy Act. He went on to say that the policy concerns of the state legislature are better served by applying a more extended limitations period.

The ruling by the Illinois Supreme Court is significant because it clarifies the limitations period for individuals seeking to file complaints under the Biometric Information Privacy Act. The five-year window gives individuals sufficient time to assert their rights and seek redress if they believe their privacy has been violated. It also provides employers with greater certainty about their exposure to liability and the period within which they must act to minimize their risk.

The Biometric Information Privacy Act is designed to protect the privacy of individuals by regulating the collection, storage, and use of biometric information, such as fingerprints, retina scans, and facial recognition. The law requires that companies obtain written consent from individuals before collecting their biometric information, and it sets out strict rules regarding the storage and use of this information.

The case between the former employee of Black Horse Carriers and the company is still ongoing. It will be interesting to see how it develops in light of the recent ruling by the Illinois Supreme Court. Regardless of the outcome, the ruling is likely to significantly impact the privacy rights of individuals in Illinois and the obligations of companies that collect and use biometric information.

In conclusion, the Illinois Supreme Court's ruling clarifies the limitations period for individuals seeking to file complaints under the Biometric Information Privacy Act. The five-year window gives individuals more time to assert their rights and seek redress if their privacy has been violated while providing companies with greater certainty about their liability exposure. The ruling is an important step forward in protecting individual privacy rights in Illinois. It is likely to significantly impact the collection and use of biometric information by companies in the state.

REFERENCES:

Illinois High Court Sets Five-Year Window for Privacy Violations