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Privacy Law Recap 2024: Class Actions and Mass Arbitrations



Claims involving the alleged collection and use of consumer data continued to drive trends in privacy class actions and mass arbitrations in 2024.

### **Biometrics Litigation**

The [Illinois Biometric Information Privacy Act \(BIPA\)](#) continued to be a significant driver of class-action litigation. In 2024, a series of court opinions and legislative updates brought increased clarity regarding the scope and application of the statute.

In June, the U.S. Court of Appeals for the Ninth Circuit issued an [influential opinion](#) clarifying that “biometric identifiers” as defined by BIPA must identify—or at a minimum, be capable of identifying—an individual. *See Zellmer v. Meta Platforms, Inc.*, 104 F.4th 1117 (9th Cir. 2024). In *Zellmer*, the panel held that the alleged biometric data at issue—“face signatures,” or numerical representations of a face—were not covered by the statute because they could not be used to identify a person. While the plaintiff offered evidence that face signatures could be used to predict age and gender, the panel reasoned that those predictions do not constitute identification as required by BIPA.

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