

Case Name and Citation:

Patel v. Facebook, Inc., 932 F. 3d 1264 (9th Cir. 2019)

Facts:

In this case, the plaintiffs accused Facebook of using their biometric data without consent, thus violating the Illinois Biometric Information Privacy Act (BIPA). The plaintiffs claimed that Facebook's Tag Suggestions feature scanned photos that were uploaded by the user and suggest the names of people in the photos to be tagged using facial recognition technology. They further argued that Facebook created and stored a unique algorithm based on their facial geometry and used that algorithm to suggest their names to be tagged in photos uploaded by other users; the claim is that Facebook did all of this without obtaining their consent or providing a written policy that disclosed the use of biometric data. The plaintiffs argued that Facebook's violation of BIPA was intentional and willful and that they suffered actual harm as a result. Through the collection and storage of their biometric data by Facebook without their consent, a material risk of harm was created to their privacy interests, which included identity theft, amongst other harms. Facebook argued that the plaintiffs had not suffered any actual harm and therefore lacked standing to bring a lawsuit. Additionally, Facebook claimed that the collection and storage of biometric data did not constitute harm under BIPA. The district court sided with Facebook's argument and dismissed the case for lack of standing. The plaintiff filed an appeal to the Ninth Circuit Court of Appeals.

Issue:

Whether the plaintiffs suffered concrete injury for purposes of Article III standing when Facebook violated the Illinois BIPA?

Ruling:

The Ninth Circuit Court of Appeals held that the plaintiffs had standing to sue Facebook for violating BIPA because they suffered a concrete injury and remanded the case to the district court for further proceedings.

Reasons:

In this case, the court found that the plaintiffs had suffered a concrete injury for Article III standing when Facebook violated the Illinois Biometric Information Privacy Act (BIPA). The court based its reasoning on the following factors. The court highlighted that BIPA was designed to safeguard individuals from biometric data's unique privacy risks. Biometric data is irreplaceable and permanent; therefore, collecting, using, and storing that data could put an individual's privacy interests at significant risk of harm. The Illinois legislature created a private right of action under BIPA so that individuals could sue for breaches of their biometric privacy rights. The court also found that Facebook's use of the plaintiffs' biometric data without their permission was a violation of their privacy interests. The plaintiffs had a reasonable expectation of privacy in their biometric data, and Facebook's unauthorized use created a genuine risk of identity theft or other dangers. The court noted that Facebook's use of the plaintiffs' biometric data had made a unique digital identifier that could be exploited for malicious purposes. Finally, the court rejected Facebook's assertion that the plaintiffs had not experienced any real harm and lacked standing to sue. The court held that the violation of BIPA was a concrete injury for Article III standing and not just a procedural breach of the statute. The invasion of the plaintiffs' biometric privacy rights caused by Facebook's infringement of BIPA constituted harm, which Congress can regulate. The court concluded that Facebook violated BIPA, and the plaintiffs had standing to sue Facebook for infringing their biometric privacy rights. Facebook's unauthorized use of the plaintiffs' biometric data had the potential to cause significant harm to their privacy interests. This decision had no dissenting opinions because it was unanimous, with all three judges on the panel agreeing with the outcome.

Opinion:

I fully agree with the court's ruling in the Patel v Facebook case and would produce the same ruling. Protecting an individual's biometric data rights is crucial, especially with the current technological advancements that would allow another individual to use such data for malicious purposes. The court's decision was fair and justifiable. It held Facebook accountable for its actions and recognized the importance of ensuring that even large companies like Facebook are held to the same standards as others. It is crucial to make sure that individuals are able to have standing to sue a company if that company is in violation of BIPA because it is their biometric

Assignment 11: Brief a Case

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data at risk. In today's age, data privacy is ever increasingly important; in this case, the ruling sends a strong message that companies must respect and protect their users' privacy and that individuals have the right to seek justice when their privacy is violated.