



On December 29, 2018, Google won summary judgment in *Rivera v. Google*, a privacy class action alleging violations of the Illinois Biometric Information Privacy Act (BIPA).

The case involved "face grouping," a feature that enables Google Photos to automatically sort and group the photographs in a user's private account based on visual similarities between the images of faces in the photos. The court held that any alleged collection of "biometric information" or "biometric identifiers" stemming from this feature did not cause an injury-in-fact sufficient to confer Article III standing. The *Rivera v. Google* decision demonstrates that, even in the context of claims arising out of privacy statutes, like Illinois' BIPA, a defendant can prevail on a challenge to subject matter jurisdiction if it can demonstrate that the alleged violation did not result in any concrete injury to the plaintiffs. Some states impose similar requirements to bringing suit in

state court. As states continue to enact privacy legislation, corporations that collect private information can mitigate risk by considering and enhancing their available Article III defenses, including by documenting how they protect potential plaintiffs' information from disclosure. [Click here for a summary of the decision.](#)

## **Authors**



### **Nicola Menaldo**

Partner

[NMenaldo@perkinscoie.com](mailto:NMenaldo@perkinscoie.com) [206.359.8000](tel:206.359.8000)



### **Susan Fahringer**

Partner

[SFahringer@perkinscoie.com](mailto:SFahringer@perkinscoie.com) [206.359.8687](tel:206.359.8687)



### **Erin K. Earl**

Partner

[EEarl@perkinscoie.com](mailto:EEarl@perkinscoie.com) [206.359.8510](tel:206.359.8510)



## [Ryan Spear](#)

Partner

[RSpear@perkinscoie.com](mailto:RSpear@perkinscoie.com) [206.359.3039](tel:206.359.3039)



## [Sunita Bali](#)

Partner

[SBali@perkinscoie.com](mailto:SBali@perkinscoie.com) [415.344.7065](tel:415.344.7065)



## [Debra R. Bernard](#)

Of Counsel

[DBernard@perkinscoie.com](mailto:DBernard@perkinscoie.com) [312.324.8559](tel:312.324.8559)

### **Explore more in**

[Consumer Protection](#)

Blog series

## **Consumer Protection Review**

Consumer Protection Review helps businesses that market and sell to consumers navigate federal and state legal issues related to advertising, privacy, promotions, products liability, government investigations, unfair competition, class actions and general consumer protection. [Subscribe ?](#)

[View the blog](#)