

Facebook's Facial Recognition 'Face-Rape' Feature Gets a Class Action Lawsuit From Users



by **Thomas Robertson**



Before Zuckerberg's two days of grilling by D.C. lawmakers had even faded from the headlines, the company was back in the spotlight on Monday with a federal judge's ruling to allow a class action lawsuit against Facebook over a facial recognition feature.

And the damages could be in the billions.

From [Conservative Tribune](#):

According to Reuters, U.S. District Judge James Donato ruled on Monday that a suit against Facebook could proceed under class action status for users in Illinois who sued the company in 2015 alleging Facebook was violating a state law by collecting “biometric information.”

That opens the way for individual users to sue as a group, substantially increasing the potential penalties the company might have to face.

The suit stems from the popular practice of “tagging” photos.

“Facebook has for years encouraged users to tag people in photographs they upload in their personal posts and the social network stores the collected information. The company has used a program it calls DeepFace to match other photos of a person. Alphabet Inc.’s cloud-based Google Photos service uses similar technology and Google faces a lawsuit in Chicago like the one against Facebook in San Francisco federal court.”

In his ruling, Donato wrote that “Facebook seems to believe that a class action is not (warranted) because statutory damages could amount to billions of dollars.”

However, he wrote “substantial damages are not a reason to decline Class certification because it is within the Court’s discretion to reduce a liquidated damages award with due process at a later stage of the proceedings.”

And the damages could be substantial indeed. The Illinois law in question, the Biometric Information Privacy Act of 2008, allows for damages up to \$5,000 for each time a person’s image is used without consent.

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