After Illinois Ruling, Trucking Companies Must Review Biometric Policies

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March 2, 2022

In a *Law360* Expert Analysis article, Alexander Baker, Matthew Giardina and Howard Goldberg discuss the Illinois Supreme Court's recent ruling that the Illinois Workers' Compensation Act does not bar civil claims under the Illinois Biometric Information Privacy Act. Companies with operations in Illinois that collect biometric information from employees must ensure compliance under the Privacy Act.

Excerpt: In *McDonald v. Symphony Bronzeville Park LLC*, decided by the Illinois Supreme Court on Feb. 3, the court ruled that the state's exclusivity provision in the Illinois Workers' Compensation Act does not bar civil claims under the Illinois Biometric Privacy Act. Illinois courts have found that workers' compensation is the exclusive remedy unless one of the following applies: (1) the injury was not accidental; (2) the injury did not arise from the employee's employment; (3) the injury was not sustained during the course of employment; or (4) the injury was not compensable under the act. This ruling will affect any company with operations in the state of Illinois that collects its employees' biometric data—including the Illinois trucking industry, which already has a number of claims related to this issue pending with the courts.

Read the full article.

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