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Facial Recognition and Legal Boundaries: The Clearview AI Case Study

Regulatory Oversight Podcast

SPEAKERS

[David J. Navetta](#) | [Stephen C. Piepgrass](#) | [Daniel Waltz](#) | [Lauren H. Geiser](#)

In this episode of the *Regulatory Oversight* podcast, Stephen Piepgrass welcomes David Navetta, Lauren Geiser, and Dan Waltz to discuss the \$51.75 million nationwide class settlement involving Clearview AI and its broader implications. The conversation focuses on Clearview AI's facial recognition software, which has sparked controversy due to its use of publicly available images to generate biometric data.

The discussion begins with an overview of the facial recognition software, followed by an analysis of alleged privacy law violations, particularly concerning the Biometric Information Privacy Act (BIPA). David provides insights into biometric data and its implications, while Dan explores BIPA, a unique Illinois law that regulates biometric data collection and offers a private right of action for violations. Lauren outlines the settlement's structure, highlighting the creative approach to negotiating its terms. The settlement faced objections from 22 state attorneys general (AGs) and the AG for the District of Columbia, mainly due to concerns over consumer monetary relief and the absence of injunctive relief.

The episode concludes with valuable insights into the importance of engaging with state AGs during settlement negotiations, setting precedents for creative settlements, and the necessity for companies to proactively manage their use of personal data to avoid similar legal challenges.

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