



Portfolio Media, Inc. | 230 Park Avenue, 7th Floor | New York, NY 10169 | www.law360.com  
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

# AI Scanned Truckers' Faces Without Consent, Suit Claims

By **Celeste Bott**

Law360 (September 18, 2023, 7:13 PM EDT) -- Six Illinois truck drivers accused the transportation company that employed them of violating their biometric privacy rights when it used driver-facing cameras to monitor them as they drove to reduce accident-related costs, according to a potential class action filed in Illinois federal court Friday.

Lead plaintiffs Junior Smith, Gregg Quagliano, Miguel Lupian, Martin Hidalgo, Todd Sampson and Jim Cavanaugh say that when they drove trucks for defendant Mobile Mini, they never consented or signed a written release approving the collection of their biometric facial data on the trucks' cameras.

That's a violation of the Illinois Biometric Information Privacy Act, they said, a state law that requires companies doing business in Illinois to secure written permission and make certain disclosures before collecting biometric data, such as scans of faces or fingerprints.

"During the five years preceding the filing of this lawsuit, defendant, Mobile Mini, employed hundreds of truck drivers, including plaintiffs, and required its truck drivers to scan their faces daily in biometric devices in order to perform their primary work duties — namely to operate company trucks," the drivers said.

Mobile Mini uses artificial intelligence technology developed by the San Diego-based tech company Lytx Inc., which is embedded in SF-300 DriveCams, according to the suit. The drivers claim the software does more than record images and video inside the truck cab — it "scans the driver's face geometry and harnesses those biometric data points by feeding them into sophisticated algorithms that identify the driver's actions."

The cameras, equipped with that technology, rely on facial detection to identify unsafe driving behavior, the suit says. Since 2015, Mobile Mini has installed the Lytx DriveCam in nearly all 600 of the vehicles it owns and operates, including the vehicles it operated in Illinois, according to the complaint.

As a condition of employment at Mobile Mini, the drivers say, they were filmed in their employer's trucks and had their facial geometry captured and stored by Lytx, risking the exposure of their private information, without the informed consent BIPA requires.

"The act of scanning drivers' face geometry and storing those biometrics in a Lytx device, facility, or server, exposes drivers' sensitive personal data to privacy risks," they said. "For example, if a Lytx device, facility, or server becomes compromised through a data security breach, sensitive personal information based on the scans of these drivers' face geometry could be used to steal their identities or to track them."

They seek to represent all drivers currently or formerly employed by Mobile Mini who had their biometric identifiers captured within the last five years.

Representatives for the parties could not immediately be reached for comment Monday.

The drivers are represented by Jordan Richards of Jordan Richards PLLC.

Counsel information for Mobile Mini was not immediately available Monday.

The case is Smith et al. v. Mobile Mini Inc., case number 1:23-cv-13784, in the U.S. District Court for the Northern District of Illinois.

--Editing by Stephen Berg.

---

All Content © 2003-2023, Portfolio Media, Inc.