



Meta Pays \$1.4 Billion Over Texas Biometric Law Violations

Lexology Pro

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Judge Brad Morin in the 71st Judicial District Court of Harrison County, Texas approved the \$1.4 billion settlement today. The finalised settlement ends a two-year battle the Texas Attorney General's Office [launched](#) in February 2022.

The law enforcer had argued that Meta shared [user and non-user](#) biometric identifiers with third parties without consent through its photo-based tag suggestions feature. Texas also alleged that Meta didn't destroy those datasets within a reasonable timeframe and violated the Texas Deceptive Trade Practices Act and the Capture or Use of Biometric Identifier Act (CUBI), the state's biometric law.

The 2022 action was the first lawsuit alleging a violation of CUBI, which has no private right of action.

Under CUBI, which was passed in 2009, entities must inform Texas residents before capturing their fingerprints, voiceprints, face geometry or other biometric identifiers and obtain their consent. Entities that capture Texans' biometric data for commercial purposes must obtain consent to sell or share it and must destroy it no later than a year after collecting it. Violators are subject to a \$25,000 penalty per each violation from the state attorney general's office.

According to the finalised settlement, Meta didn't admit any liability or wrongdoing. The company did not respond to a request for comment.

In a [press release](#), Texas Attorney General Ken Paxton said the deal is the largest settlement from a single state data privacy action. He noted today's settlement "dwarf[ed]" the [\\$391.5 million settlement](#) obtained by 40 state attorney general offices in 2022 from Google over location tracking.

While \$1.4 billion may be the largest settlement obtained by a single state, Meta is no stranger to 9-figure settlements. In 2019, the Federal Trade Commission announced Meta agreed to pay [\\$5 billion](#) over alleged data privacy mishandling tied to the Cambridge Analytica scandal. The social media giant is currently [fighting](#) the FTC's [attempt to modify](#) that order.

The Texas Attorney General's Office is also still locked in [litigation](#) with Google over CUBI claims that Google Photos, Google Voice and Google Pixel collect Texans' voiceprints and face geometry without consent. According to docket filings in the Google case, a hearing is set to be held on 31 July in Midland County, Texas court regarding discovery and other matters.

Counsel to the Texas Attorney General's Office

McKool Smith

Partners Robert Manley, Eric Hansen, Lewis LeClair and Samuel Baxter in Dallas, John Briody, Radu Lelutiu, and Rick Halper in New York, Jennifer Truelove and Kevin Burgess in Marshall, Texas and

Charles Fowler in Austin, Texas are assisted by Asena Baran, Caroline Burks, Michael Catapano, Joseph Micheli, Taylor Perez, Carra Rentie and Lauren Simenauer

Keller Postman

Partner Zina Bash in Austin, Texas

Counsel to Meta

Gibson Dunn & Crutcher

Partners Collin Cox and Gregg Costa in Houston and Andrew Legrand, Robert Walters and Trey Cox and counsel Erin Choi in Dallas are assisted by Benjamin Betner and Megan Hulce

Kellogg Hansen Todd Figel & Frederick Partner K. Chris Todd in Dallas

Gillam & Smith Partner Andrew Gorham in Tyler, Texas