



June 27, 2024

The Honorable Frank Pallone
Ranking Member
House Committee on Energy and Commerce

Dear Ranking Member Pallone and Committee Democrats:

On behalf of the undersigned organizations, we urge the retention of provisions in the American Privacy Rights Act (APRA) that **protect access to reproductive health care.**

***Dobbs v. Jackson* threatens access to care and privacy**

The disastrous *Dobbs* decision removed the constitutional right to abortion, triggering a cascade of anti-choice, anti-privacy policymaking, and criminalizing access to reproductive health care.¹ In red states across the country, regressive legislators have robbed patients of their reproductive rights - even subjecting third parties to legal jeopardy for "abortion facilitation."²

To prosecute women under newly enacted anti-abortion laws, experts expect states to exploit women's private data, including location data and app data related to their health and history of seeking care. Already, anti-abortion groups have exploited collected data to flood consumers seeking reproductive health care with anti-abortion misinformation.³

Thankfully, progressive policymakers in 22 states and the District of Columbia nationwide have adopted shield laws to protect health consumer privacy and access

¹ See Tracking Abortion Bans Across the Country

<https://www.nytimes.com/interactive/2024/us/abortion-laws-roe-v-wade.html>

² See Texas abortion law a "radical expansion" of who can sue whom, and an about-face for Republicans on civil lawsuits <https://www.texastribune.org/2021/09/03/texas-republican-abortion-civil-lawsuits/>

³ See Planned Parenthood,

<https://www.plannedparenthoodaction.org/planned-parenthood-advocacy-fund-massachusetts-inc/pressroom/icymi-cellphone-location-data-used-to-target-abortion-misinformation-to-visitors-at-600-reproductive-health-clinics-in-48-states>

to choice.⁴ However, without a true federal standard that protects reproductive health privacy, many consumers are vulnerable to right-wing law enforcement efforts seeking to prosecute women for seeking reproductive care based on their private health data.

APRA’s federal privacy standards are more critical than ever

We thank the sponsors of APRA for their work to create a federal privacy guarantee for consumers that extends to cover consumer data on personal reproductive health care choices.

In a post-*Dobbs* world, protecting access to online reproductive health resources means protecting the privacy of personal health data. To that end, we appreciate the carveout that APRA includes allowing companies to minimize data collection of “health information” even where law enforcement alleges “criminal activity.”

In many regressive states, online resources are crucial for accessing reproductive health care.

Data minimization is a core pillar of consumer privacy - covered entities should gather no more data than is essential to deliver services in the normal course of business. Consistent with that is the consumer right to request deletion of data. There are few areas where these rights are more essential than choice.

Since *Dobbs*, online mifepristone prescriptions have been a lifeline. In 2023, the first full year after the Supreme Court’s decision, many doctors turned to telemedicine to prescribe medication abortion to patients in need of abortion care. In fact, telemedicine abortions make up 19 percent of all abortions in the U.S., up from 4 percent in 2022, and are expected to continue to rise.⁵

Precisely because of the anti-privacy, anti-abortion laws discussed above, it is critical that patients seeking reproductive health be able to request deletion of their health information.

⁴ See State Policy Trends 2023: In the First Full Year Since Roe Fell, a Tumultuous Year for Abortion and Other Reproductive Health Care
<https://www.guttmacher.org/2023/12/state-policy-trends-2023-first-full-year-roe-fell-tumultuous-year-aborti-on-and-other>

⁵ See Society of Family Planning #WeCount Report
https://societyfp.org/wp-content/uploads/2024/02/SFPWeCountPublicReport_2.28.24.pdf

As congressional leadership in the House continues to negotiate changes to APRA, **we urge you to retain and strengthen these critical provisions** to protect data privacy and access to health care.

Sincerely,

Chamber of Progress
Woodhull Freedom Foundation