

## Talking Points

# My Body, My Data Act of 2023

### National Council of Jewish Women's (NCJW) Message

Our Jewish values compel us to support full access to safe and legal abortion care as basic health care. Yet the overturning of *Roe v. Wade* by the Supreme Court impacts our ability to access the health care we need and has profound implications for our health data privacy. The My Body, My Data Act of 2023 (HR 3420/S 1656), introduced by Representative Sara Jacobs (D-CA) and Senator Mazie Hirono (D-HI), would create a new national standard to protect personal reproductive health data. With ongoing attacks on reproductive health, rights, and justice, **Congress must pass the My Body, My Data Act of 2023 to strengthen digital privacy.**

- **Apps and websites increasingly store and disclose personal reproductive health data.** Location data, search histories, and reproductive health information collected by period trackers and other health apps are being weaponized against individuals seeking reproductive care. Police use digital data to prosecute abortions, which is particularly harmful in the wake of the *Dobbs v. Jackson Women's Health Organization* decision. Many online pharmacies and abortion pill providers employ a series of online trackers that follow users across the internet and share sensitive data with other third parties.
- **Few federal protections prevent third parties from using personal reproductive health information.** Personal health apps, period trackers, and social media posts do not fall under HIPAA oversight; individuals are only entitled to privacy protections listed in the application's terms of service. Therefore, apps and websites retain the right to share data without the consumer's consent if it is listed in their privacy policies. The Federal Trade Commission can only intervene in "unfair or deceptive acts or practices in or affecting commerce."
- **The My Body, My Data Act of 2023 would protect personal reproductive health data.** The bill would limit the information that can be collected, retained, used, or disclosed to only what is needed to deliver a product or service; protect personal data collected by apps, cell phones, and search engines that are not currently covered under HIPAA; bolster consumer protections, allowing individuals to access, correct, or delete their personal data; direct the Federal Trade Commission to enforce the law and develop rules to implement the statute; and create a private right of action to allow individuals to hold regulated entities accountable for violations.