

**SOURCE MATERIALS FOR PRIVACY & SECURITY FORUM SESSION ON
NEURAL, REPRODUCTIVE, AND OTHER SENSITIVE HEALTH DATA
(November 13, 2025)**

- **Sensitive data in general**
 - FTC, [Location, health, and other sensitive information: FTC committed to fully enforcing the law against illegal use and sharing of highly sensitive data](#), Business Blog (July 11, 2022)
 - [Neural Data Privacy Regulation: What Laws Exist and What Is Anticipated? | Advisories | Arnold & Porter](#) (July 22, 2025)
- **What "consent" is needed for processing sensitive data? E.g.:**
 - [Colorado Privacy Act Rules](#), 4 C.C.R. 904-3, Rules 7.02-7.09;
 - [Cal. Code Regs. title 11, § 7027](#).
- **Location data**
 - FTC, [How “location, location, location” can lead to “enforcement, enforcement, enforcement”](#), Business Blog (Jan. 18, 2024)
 - [X-Mode Social, Inc.](#) (Apr. 11, 2024)
 - [Press release](#)
 - [InMarket Media, LLC](#) (May 1, 2024)
 - [Press release](#)
 - FTC, [Protecting consumers’ location data: Key takeaways from four recent cases](#), Business Blog (Dec. 4, 2024)
 - [In the Matter of Mobilewalla, Inc.](#) (Dec. 3, 2024)
 - [Press release](#)
 - [Concurring and Dissenting Statement](#) of Andrew N. Feguson
- **FTC Health Data Enforcement Actions**
 - **Monument:** <https://www.ftc.gov/news-events/news/press-releases/2024/04/alcohol-addiction-treatment-firm-will-be-banned-disclosing-health-data-advertising-settle-ftc>

- **Cerebral:** <https://www.ftc.gov/news-events/news/press-releases/2024/04/proposed-ftc-order-will-prohibit-telehealth-firm-cerebral-using-or-disclosing-sensitive-data>
- **Easy HealthCare:** <https://www.ftc.gov/news-events/news/press-releases/2023/05/ovulation-tracking-app-premom-will-be-barred-sharing-health-data-advertising-under-proposed-ftc>
- **BetterHelp:** <https://www.ftc.gov/news-events/news/press-releases/2023/03/ftc-ban-betterhelp-revealing-consumers-data-including-sensitive-mental-health-information-facebook>
- **GoodRx:** <https://www.ftc.gov/news-events/news/press-releases/2023/02/ftc-enforcement-action-bar-goodrx-sharing-consumers-sensitive-health-info-advertising>
- **FloHealth:** <https://www.ftc.gov/news-events/news/press-releases/2021/01/developer-popular-womens-fertility-tracking-app-settles-ftc-allegations-it-misled-consumers-about>
- **California Privacy Laws and Selected Enforcement Actions**
 - [California Consumer Privacy Act](#) (CCPA)
 - [California Consumer Privacy Act Regulations](#)
 - [California-Confidentiality-of-Medical-Information-Act.pdf](#)
 - **AB 2091** (2022): health entities and employers may not disclose medical information related to an individual seeking or obtaining an abortion in response to a "another state's laws that interfere with a person's rights under the Reproductive Privacy Act"
 - **SB 107** (2022): parallel rules for gender affirming care, applicable only to gender-affirming care
 - **AB 352** (2023): segregation of electronic health records regarding 'sensitive services' when to persons from another state
 - California Penal Code
 - **SB 345** (2023), [Cal. Penal Code § 13778.3\(f\)](#): Provider of an electronic communications service in or headquarters in California "served with a warrant issued by another state . . . shall not produce records when the corporation knows or should know that the warrant relates to an investigation into, or enforcement of, a prohibited violation" and requires

obtaining an affidavit

- [AB 1242](#) (2022), Cal. Penal Code [§ 1546.5\(c\)](#): separate rules for (1) ECS providers complying with legal process from another state that "relates to an investigation into or enforcement of a prohibited violation" and (2) all Cal. corporations that "knew or should have known" processes related to investigation or enforcement of a prohibited violation
- [Attorney General Becerra Announces Landmark Settlement Against Glow, Inc. – Fertility App Risked Exposing Millions of Women’s Personal and Medical Information | State of California - Department of Justice - Office of the Attorney General](#)
- [Attorney General Bonta Announces Largest CCPA Settlement to Date, Secures \\$1.55 Million from Healthline.com | State of California - Department of Justice - Office of the Attorney General](#)
- **Washington State** [My Health My Data Act](#)
 - [Beyond HIPAA and the State Consumer Privacy Laws: Washington State’s New “My Health, My Data Act” | Advisories | Arnold & Porter](#)
- **Administration actions concerning accessing sensitive data:**
 - [DOJ Civil Division June 2025 Enforcement Priorities Memo](#)
 - [DOJ July 2025 Press Release announcing subpoenas](#)
- **Example court filings and orders in cases fighting broad subpoenas:**
 - [Children’s Hospital of Philadelphia Motion to Quash](#)
 - [State Amicus Brief in CHOP case](#)
 - [Court Order in Queerdoc case](#)
 - [Court Order in Boston Children’s Hospital case](#)