

Privacy + Security Forum

Session:

AgeTech: Promises, Pitfalls,
and the Future of Aging



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AgeTech: Promises, Pitfalls, and the Future of Aging

Session Agenda

- **Consumers** – What privacy/security/autonomy issues should consumers consider re: AgeTech products
 - Older adult perspective
 - Caregiver perspective
- **Businesses** –
 - Legal risks/liability theories/compliance requirements
 - Design and ethical issues
- **Governments** – Public policy and law enforcement

Consumer Perspectives

Slido –

Question: If you're **an older adult** considering the purchase of an AgeTech product to help you, you'll, of course, look at what the product offers and what it costs.

*What **other** issues should you consider?*

Responses and Discussion

Consumer Perspectives

Question: If you're **a caregiver for an older adult** considering the purchase of an AgeTech product to help you manage their care, you'll, of course, look at what the product offers and what it costs.

*What **other** issues should you consider?*

Responses and discussion

FPF Consumer Survey of Older Adults and Caregivers

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Study Design & Methodology: Unpacking AgeTech Attitudes

Study Overview: In March 2026, the Future of Privacy Forum (FPF) Education and Innovation Foundation conducted a quantitative survey to evaluate technology adoption patterns, privacy attitudes, and barriers to AgeTech adoption.

Sample Demographics: The study included a nationally representative sample of 1,000 older adults (age 55+) and 1,005 caregivers of older adults.

Hypothetical Product Evaluation: Respondents were randomly assigned to evaluate two of four hypothetical AgeTech concepts:

- AffectionConnection: AI companion platform with caregiver look-in cameras.
- Power Pill: Smart medication dispenser with caregiver alerts.
- FinWisdom: AI financial management and fraud detection.
- Pocket Pal: Expense and prescription savings app utilizing location data.

Analysis Methods: The data underwent rigorous chi-square testing, OLS regression modeling with app fixed effects, and behavioral economics analysis to identify adoption predictors.

Key Findings – "Tech Embeddedness" and the Generational Shift

- **Device Ownership Drives Adoption:** The single strongest predictor of AgeTech acceptance is the number of connected devices owned. Adoption of agetech is more likely when an individual owns multiple connected devices (like Fitbits, Ring doorbells, and Alexas) beyond the baseline smartphone, laptop, and TV.
- **The "Tech-Engaged" Caregiver:** Caregivers who assist their older adults with tech tasks most frequently are actually significantly more open to adopting AgeTech.
- **The Generational Cohort Effect:** The *largest drop in AgeTech acceptance* does not happen at the oldest ages, but between the *55-59 and 60-64 age groups*. This suggests a distinct generational cohort effect, where those who were fully embedded in digital tools prior to retirement remain more accepting.

Key Findings – The Asymmetry of Control and Surveillance

- **The Shared Access Disconnect:** Digital autonomy is highly blurred in caregiving. While 65% of caregivers report holding at least some of their older adult's account credentials (with 33% holding most or all of them), only 22% of older adults report having handed over personal information to a helper to set up an app.
- **Monitor vs. Monitored Asymmetry:** Caregivers rated all apps higher than older adults without exception. The largest gap was for the AI companion app with a look-in camera. Caregivers view this feature as a helpful check-in tool; older adults experience it as highly invasive.
- **Need Driven Privacy Trade-offs:** Non-white older adults showed significantly higher acceptance of the financial AI app FinWisdom. This likely reflects a greater unmet need for financial oversight and fewer alternative support structures in communities disproportionately targeted by scams.

Connecting the Findings to the Legislative & Privacy Landscape

- **Unprecedented Legal Sophistication:** Qualitative responses revealed a surprising level of privacy law awareness among older adult consumers. Many specifically noted that their state lacks comprehensive privacy laws, or recognized that direct-to-consumer (DTC) apps likely fall outside of HIPAA protections
- **The DTC Regulatory Gray Area:** Because these apps operate outside of HIPAA, they are governed by a patchwork of state-level consumer health privacy laws. State-level regulatory frameworks—such as Washington's My Health My Data Act, which extends HIPAA-like protections to non-covered entities—are becoming the new compliance battleground for AgeTech developers.

Connecting the Findings to the Legislative & Privacy Landscape

- **Feature Design Creates Legal Risk:** The research shows that feature design dictates acceptance more than the product category. Highly invasive designs, like caregiver-controlled cameras, create substantial risks under two-party consent wiretapping laws and bystander privacy violations.
- **The Need for New Consent Models:** The tension over shared digital control may encourage agetech industry to innovate on collaborative consent models. Apps may need to separate core service functionality from secondary AI model training and give older adults easily reversible control over what their caregivers can access or consent to on their behalf.

Business Perspectives and Concerns

Slido

Question: If you're a business developing an AgeTech product (or an investor in such), what legal risks, compliance requirements, and design issues should you consider?

Responses and Discussion

Business perspectives and concerns

- Which laws apply?
 - Threshold question – does HIPAA apply?
 - State comprehensive privacy laws – opt-in's for sensitive data
 - State health privacy laws
 - FTC Act and state consumer protection laws
 - Federal and state wiretapping laws if streaming or recording is involved
 - Cybersecurity laws
 - AI laws –
 - Children's privacy laws, perhaps? Will children be granted rights through the product?

Business perspectives and concerns

- Legal concerns, design issues, and risk areas
 - Threshold challenge - contract formation issues
 - Who is the user legally?
 - Who is buying the product and agreeing to the clickwrap Terms?
 - Who is installing it?
 - If the user is the Older Adult, is it legally possible to bind Caregivers and if so, how? And vice versa?
 - Can the contract bind other third parties (other family, friends, staff, bystanders)? If not bound, then are crucial contract and privacy terms efficacious?

Threshold Business Challenge

Tough contract formation issues – who is the User and who is bound by the Terms?

Linking Caregivers to your account:

In connection with your use of the Services you may give a family member, friend, healthcare aide, or other trusted individual (“Caregiver”) access to your . . . account . . . A Caregiver must be at least 18 years old and otherwise competent to contract on their own behalf. **A Caregiver’s use of the Services for the benefit of another is likewise covered by these Terms, and a Caregiver’s use of the Services shall constitute an agreement to these Terms . . .** A Caregiver may be added through your account or the account of a current Caregiver, or may become a Caregiver by completing the initial setup of the [product] as a Caregiver.

In order for a Caregiver to gain access to your . . . account, the Caregiver must download the App and link to your account **or must be the individual who sets up the [product]** assigned to you and your account. A Caregiver will be able to manage your use of the Services and may be able to view all data about you . . . (based on their permissions). . . For example, a Caregiver can . . . view other personal information you provide . . . **or cancel or suspend your . . . account.** Any Caregiver must and does agree to use the Services in their respective role in accordance with these Terms, **and any references to “you” or “your” shall also include a Caregiver,** to the extent applicable. . . **You can revoke** a Caregiver’s access at any time We may offer you the ability from time to time to grant a Caregiver the role and permissions of “Admin Caregiver.” **An Admin Caregiver has the same informational access and administrative privileges with respect to your . . . account as you, and may take any action that you can take . . .** including . . . canceling Services and terminating your access to your . . . account. **We suggest that you only grant Admin Caregiver permissions to a trusted representative.**

Business – General Liability Concerns

If User identity is legally unclear, what's at stake for general business liability?

Crucial contract terms:

- Payment and auto-renewal terms
- **Limitation of liability (often \$100 or 12 mo's fees)**
- Mandatory arbitration
- Waiver of jury trial and class actions
- IP terms
- Company's termination rights
- Age and geography restrictions (e.g., no use by children; no ex-US use)

Business – Privacy Liability Concerns

If User identity is legally unclear, what's at stake for privacy liability?

Privacy consents:

- Consent to data collection and use
- Consent to text and other comms
- Opt-in's for sensitive data (state privacy laws)
- Cookies and tracking technologies
- Disclosure of data to affiliates, service providers, “business partners”, advertisers, discretionary law enforcement requests, business successors
- Biometrics consent
- Consent to audio/video streaming and recording (wiretapping laws)
- Parental consent to minor's use of product
- In-app/in-product consents – new caregivers, new users, new data sharing, etc.

Areas of Potential Business Liability

- **Product liability**
 - Are you selling a product subject to product liability law, or a service subject to a negligence standard?
 - Will disclaimers, limited warranties, and liability caps in Terms suffice?
- **Consumer protection laws – FTC and state**
 - **Unreasonableness violations**
 - Inadequate security/fraud exposure
 - Internal knowledge of security flaws/safety risks
 - Detrimental reliance by vulnerable population on addictive tech
 - Dark patterns – deliberate friction for cancelling services, *price salience degradation* for in-app purchases, other harmful design practices
 - **Misrepresentations**
- **Wiretapping violations**
- **AI laws**
- **Children’s privacy laws (if kids use product)**
- **Privacy laws (especially problematic if user identity confusion)**

Governmental interests re: AgeTech

- Policymaker angles
 - *Are new laws, regulations, and/or guidance needed to ameliorate foreseeable harms?*
 - *How to balance potential restrictions without overburdening innovation for badly needed new products?*
- Law enforcement angles
 - *What harmful practices are occurring today that are actionable under today's laws?*
 - *Bad facts*

Stay in touch: Continue the conversation with us

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