

Data Privacy Legislation

What are Data Privacy bills?

Every time a person opens a period tracking app, searches for reproductive health information online, or carries their phone near a clinic, they leave a digital trail. In a post-*Dobbs* world, that trail can be used against you. Data brokers, who are largely unregulated companies operating in a \$200 billion industry, can collect and sell your data to virtually anyone willing to pay, often without your knowledge or consent.^{[1][2]} These two federal bills aim to provide necessary protections:

- **My Body, My Data Act (H.R. 3916, S. 2029)**, introduced by Rep. Sara Jacobs (D-CA) in the House of Representatives and by Sen. Mazie Hirono (D-HI) and Sen. Ron Wyden (D-OR). This bill aims to create a national standard to protect personal reproductive and sexual health data.^[3]
- **Health and Location Data Protection Act (forthcoming)** introduced by Sen. Elizabeth Warren (D-MA) in the Senate and Rep. Mary Gay Scanlon (D-PA) in the House of Representatives. The bill aims to ban data brokers from selling or transferring Americans' health and location data entirely.^[4]

Together, these bills close the gaps our current laws have left open: one protects your data at the source; the other bans the market built on selling it.

Why do we need Data Privacy bills?

When the Supreme Court overturned *Roe v. Wade* in 2022, it didn't just strip away the right to abortion; it opened the opportunity to use our digital health data for surveillance. In the first year after *Dobbs*, at least 210 pregnant people faced criminal charges related to pregnancy, abortion, or pregnancy loss.^[5] Law enforcement moved quickly to use the tools already at their disposal and these include your data.

Law enforcement has already used geolocation records to track clinic visits and Facebook messages to investigate abortions.^{[6][7]} Through data brokers, law enforcement can purchase personal data without a warrant. They can also use keyword warrants to target people who searched specific terms online and geofence warrants to target anyone whose phone was near a clinic, regardless of whether they sought care.^[8]

Ultimately, law enforcement can essentially bypass the court system entirely and simply purchase your data and use it against you. Instances of this have looked like: in Nebraska, private Facebook messages were used to convict a mother and her teenage daughter for a medication abortion;^[8] in Idaho, police used phone geolocation data to track a clinic visit across state lines;^[9] in Texas, text messages became evidence in civil litigation against friends who helped someone access abortion care.^[10]

HIPAA^[11] protects data held by your doctor. It does not protect your period tracking app, your search history, your location data, or your text messages. That gap is what these bills are designed to close.

What do these bills do?

My Body, My Data Act would: ^[12]

- Limit data collection. Companies could only collect reproductive and sexual health data strictly necessary to provide a requested service, not to profit from it.
- Give you the right to delete your data. Any person could request that a company delete their reproductive health data, and companies would be required to honor that request.
- Require clear, readable privacy agreements. Enforce these protections. The FTC and state attorneys general would have the authority to act against companies that violate the law.

Health and Location Data Protection Act would: ^[13]

- Ban data brokers from selling your health and location data.
- Close the data broker loophole. Law enforcement would no longer be able to bypass court oversight by simply purchasing your data.
- Empower people to fight back. The FTC, state attorneys general, and injured individuals could all sue to enforce the law.
- Fund enforcement. The bill provides \$1 billion to the FTC over 10 years to carry out this work

Why URGE Supports Data Privacy Bills

These bills are directly tied to URGE's Young People's Reproductive Justice Policy Agenda: *Accessing Abortion Without Barriers*, and *Creating Safe and Healthy Communities*, which demands we end the discriminatory criminalization that digital surveillance makes significantly worse.

The communities we organize with are disproportionately at risk: Black and brown women, people with low-incomes, immigrants, and LGBTQ+ young people are more likely to be surveilled and criminalized through their health and location data.^[14] Our communities deserve to seek healthcare, research their options, and make decisions about their bodies without their phone becoming a tool of the state.

[1] Health and Location Data Protection Act One-Pager. Sen. Elizabeth Warren. [Health and Location Data Protection Act](#) - [Senator Elizabeth Warren \(warren.senate.gov\)](#)

[2] Data Privacy & Reproductive Freedom: How Digital Surveillance Increases the Risk of Pregnancy Criminalization Post-Dobbs. National Partnership for Women & Families. October 2024. [Data Privacy & Reproductive Freedom](#) - [National Partnership for Women & Families \(nationalpartnership.org\)](#)

[3] Rep. Sara Jacobs Reintroduces My Body, My Data Act in Congress. Physicians for Reproductive Health. June 11, 2025. [Rep. Sara Jacobs Reintroduces My Body, My Data Act](#) - [Physicians for Reproductive Health \(prh.org\)](#)

[4] Health and Location Data Protection Act One-Pager. Sen. Elizabeth Warren. [Health and Location Data Protection Act](#) - [Senator Elizabeth Warren \(warren.senate.gov\)](#)

[5] Data Privacy & Reproductive Freedom: How Digital Surveillance Increases the Risk of Pregnancy Criminalization Post-Dobbs. National Partnership for Women & Families. October 2024. [Data Privacy & Reproductive Freedom](#) - [National Partnership for Women & Families \(nationalpartnership.org\)](#)

[6] Digital Surveillance Supercharges Abortion Criminalization. National Partnership for Women & Families. September 2024. [Digital Surveillance Supercharges Abortion Criminalization](#) - [National Partnership for Women & Families \(nationalpartnership.org\)](#)

[7] Stopping the Abuse of Tech in Surveilling and Criminalizing Abortion. Center for American Progress. January 2025. [Stopping the Abuse of Tech in Surveilling and Criminalizing Abortion](#) - [Center for American Progress \(americanprogress.org\)](#)

[8] Associated Press, "Nebraska Woman Who Helped Burn, Conceal Daughter's Abortion Gets 2-Year Prison Sentence," CNN, September 23, 2023. [Nebraska Woman Who Helped Burn, Conceal Daughter's Abortion Gets 2-Year Prison Sentence](#),

[9] National Partnership for Women & Families, "Digital Surveillance Supercharges Abortion Criminalization: Closing the Data Broker Loophole Is Urgent," September 9, 2024. [Digital Surveillance Supercharges Abortion Criminalization: Closing the Data Broker Loophole Is Urgent](#)

[10] Caitlin Seeley George, "Court Cases Targeting Abortion Highlight Digital Privacy Concerns," PBS NewsHour, August 7, 2023. ["Court Cases Targeting Abortion Highlight Digital Privacy Concerns"](#)

Digital Surveillance Supercharges Abortion Criminalization. National Partnership for Women & Families. September 2024. [Digital Surveillance Supercharges Abortion Criminalization](#) - [National Partnership for Women & Families \(nationalpartnership.org\)](#)

[11] Health Insurance Portability and Accountability Act

[12] Rep. Sara Jacobs Reintroduces My Body, My Data Act in Congress. Physicians for Reproductive Health. June 11, 2025. [Rep. Sara Jacobs Reintroduces My Body, My Data Act](#) - [Physicians for Reproductive Health \(prh.org\)](#)

[13] Health and Location Data Protection Act One-Pager. Sen. Elizabeth Warren. [Health and Location Data Protection Act](#) - [Senator Elizabeth Warren \(warren.senate.gov\)](#)

[14] Data Privacy & Reproductive Freedom. National Partnership for Women & Families. October 2024. [Data Privacy & Reproductive Freedom](#) - [National Partnership for Women & Families \(nationalpartnership.org\)](#)