



Post-Roe Considerations for Digital Health and Other Companies Maintaining Personal & Health Information

- **Digital health platforms and other companies maintaining reproductive health-related personal and health information, including fertility trackers, period trackers, and other information concerning individuals' fertility or reproductive health, should consider potential implications on their operations and their use and disclosure of that information.**
 - **Assess the extent to which information you maintain may be sought as evidence of allegedly illegal abortion-related activity.**
 - **Evaluate the extent to which state privacy laws (e.g., HIPAA, consumer privacy laws) shield the gathering of information relevant to defending against claims of illegal actions/involvement.**
 - **Consider additional measures you may take to manage your information gathering, maintenance, and use to avoid liability and involvement in civil and criminal matters.**
 - **Review the content of your website terms and conditions and privacy policies in light of any changes in data collection and management.**
 - » Consider developing customer-facing materials explaining applicable protections for reproductive health data.

This document has been provided for informational purposes only and is not intended and should not be construed to constitute legal advice. Please consult your attorneys in connection with any fact-specific situation under federal law and the applicable state or local laws that may impose additional obligations on you and your company.

If you are a health care provider or life sciences organization with questions about how the decision affects your business, please contact Amy Dow at adow@ebglaw.com. If you are an employer with questions about your workplace policies or benefits offerings, please contact Susan Gross Sholinsky at sgross@ebglaw.com.