

Consumer Health Privacy Notices by the Numbers



NEW RESEARCH BY THE FUTURE OF PRIVACY FORUM (FPF)

shows that companies are split on how to best comply with new notice requirements under Washington's 'My Health, My Data' Act (MHMDA) and Nevada's health data privacy law (NV SB370).

Organizations may be subject to either or both of these requirements, as well as related mandates found in other U.S. privacy laws.

MHMDA and NV SB370 require entities to maintain a privacy policy for health data.

FPF has surveyed 185 company websites across various industries and sectors, focusing on entities providing health and wellness products and services. As this dataset shows, consumer health data notices or policies are inconsistent in both if and how they are displayed. There could be many reasons for this, including the challenges and complexities of persistent updates to privacy policies, lack of awareness of the laws and their scope, or ambiguity around the broad definitions of "health data" and who collects, processes, or uses it.



company websites across industries with a focus on health + wellness companies



stated that some form of health data (e.g., wellness, weight, sleep. etc.) was part of the collected data when consulting the general privacy notice or policy.* *Several policies explicitly stated no health



Few industry sectors (ex. retail, fitness, travel, etc.) were unified in the use of MHMDA or NV SB370 notices on websites, with most being evenly or nearly evenly split between websites with and websites without notices.

40% of websites surveyed had a **consumer**



consumer health privacy notices:

Of the websites with existing

of notices were linked in the

homepage footer, with two sites also linking notices from the consent or cookie banners

86% of health privacy

notices explicitly mention the **MHMDA**

Example: "Washington

My Health My Data

Act requires...'

of notices combined or

40%

bundled MHMDA and NV SB370 Example: MHMDA

"and similar laws"

15% had entirely

separate and explicit policies for the MHMDA and **NV SB370**

Residents..." and "For Nevada Residents...'

Ex. "For Washington

of companies headquartered in WA had notices

The average number of website clicks to find the notice was

indicating not all notices were prominently displayed on home pages per the MHMDA

FPF OBSERVATIONS

of globally headquartered companies had

notices

There were four distinct types of consumer health privacy notices



Language that combines MHMDA and NV SB370 into a single notice

Integrated language

that does not explicitly

mention state protections

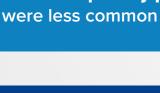
for consumer health data

Separate and distinct language for both MHMDA and NV SB370

Two types of structures for notice webpages emerged

Stand-alone webpages Sections in or as for notices were part of broader privacy policy





Similar to health data privacy laws like the MHMDA and

NV SB370, comprehensive state privacy laws with similar requirements were bundled or combined in one notice or policy.

Example: "For residents of Colorado, Connecticut, Utah, and Virginia"

California state privacy laws typically

had a separate notice section or webpages in privacy policies.

ABOUT THE DATA

created through a tally system of 'yes' or 'no.'

This data sample, collected April 12–17, 2024, is a highly diverse range of organizations with an emphasis on companies with a health focus or health component. Data were

- » Data limitations:
 - The data is limited to websites accessed via desktop. App interfaces were not included. • All websites were accessed from locations outside Washington State and Nevada.

DATA CREATORS

Jordan Wrigley • Data and Policy Analyst for FPF Health & Wellness Niharika Vattikonda • Research Assistant for FPF Health & Wellness **Angela Guo •** Intern for FPF Health & Wellness